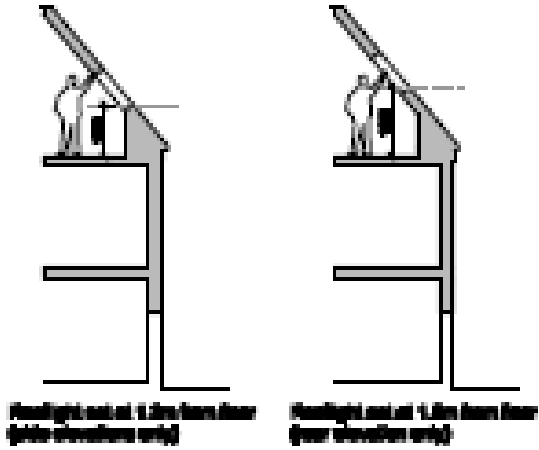




**4/01632/15/ROC - VARIATION OF CONDITION 5 (CILL HEIGHTS) ATTACHED TO  
PLANNING PERMISSION 4/00024/14/FUL (CONSTRUCTION OF FOUR SEMI-  
DETACHED HOUSES)  
LAND AT 15 AND R/O 14, STATION ROAD, TRING, HP23 5NG**



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**APPLICANT: BrayBeech Homes Ltd - Mr Booth**

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[Case Officer - Briony Curtain]

## **Summary**

The application is recommended for approval.

The application seeks consent to vary a condition attached to a previous permission; Condition 5 - the cill height of the roof lights to the side elevations. Whilst residents concerns are noted, given the Inspectors decision, and the conclusions outlined in her report, as well as Members debates and decisions at previous committees it is considered that a refusal could not be sustained.

Members concerns on the previous ROC application, (which sought to lower the cill height of all the approved roof lights) related solely to the potential overlooking of the properties to Treehanger Close to the rear. The current proposal has been amended accordingly to leave the rear facing roof lights of the approved dwellings at the previously approved cill height of 1.6m. It is now proposed to lower the cill height of the roof lights to the side elevations only.

Given the position of the new dwellings mid-way between the properties of Treehanger Close and those of Station Road, the lowered cill heights to the sides would not have a significant adverse impact on their residential amenities. The roof lights to the side roof slopes, would predominantly overlook each other. Any views to the treehanger close properties or those immediately in front to Station Road would be at an oblique angle and significantly further away than those possible from approved first floor windows which directly face the properties in question. Those to the west of the dwelling of Plot 1 would overlook the very rear most sections of the long gardens of the properties of Station Road, and given the separation distance and oblique angle would not cause harm. Those to the east elevation of the dwelling to Plot 6 would overlook the roof of the adjacent bungalow No. 7 Sycamore Drive.

With regard to mutual overlooking between the new units, any future resident would be purchasing the dwellings in full knowledge of the mutual overlooking and as such their residential amenities would not be compromised.

Some of the original conditions attached to the 2014 consent have been discharged. All outstanding ones must be replicated on this consent.

## **Site Description**

No's 14 and 15 Station Road comprise a pair of imposing two storey Edwardian semi-detached houses with a series of tall rear projections set on sites with very long rear gardens. A wide driveway already extends alongside the side of boundary between 15 and 17 Station Road (there is no No. 16) which opens up into a large hard-surfaced courtyard around the rear projections. The two large, flat rear gardens

are each enclosed by substantial brick walls (typically found around traditional kitchen gardens) but neither of these houses or walls are listed or locally listed.

To the rear of the site is a 1970's development comprising a row of semi-detached two storey houses with shallow pitched roofs within the cul-de-sac of Treehanger and built with reasonably long, level gardens.

To the side of No. 14 is a well-used and wide public footpath which provides a direct link through from Tring secondary School to Station Road.

On the other side of the site is No 17, itself a tall Edwardian house, formerly the servants' quarters to the attached house at No. 18. The side of this house is set closely behind the high brick wall which abuts the long driveway to No. 15.

The only other developments in the vicinity are two separate bungalows built behind No's 18 and 25 Station Road with individual long driveways onto Station Road.

## **Proposal**

In 2014 planning permission was granted at appeal for the construction of four semi-detached houses, (4/00024/14/FUL). The scheme was refused by Members, against Officers recommendation, at their meeting on 10th April 2014 but was subsequently allowed at appeal.

This current application seeks amendments to the approved scheme through section 73 of the Planning Act.

Condition 5, proposed that the cill heights of the roof lights to the side elevations only would be lowered from the conditioned height of 1.6m above floor level to 1.2m above floor level. The roof lights to the rear (facing Treehanger Close) would remain at 1.6m as already approved.

## **Referral to Committee**

The application is referred to the Development Control Committee as the original scheme and previous ROC applications were refused by Members.

## **Planning History**

4/00024/14/FU CONSTRUCTION OF FOUR SEMI-DETACHED HOUSES

L

Refused  
16/04/2014

4/01420/13/PR FOUR SEMI-DETACHED HOUSES

E

Unknown  
28/08/2013

## **Policies**

### **National Policy Guidance**

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

### **Adopted Core Strategy**

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design

### **Saved Policies of the Dacorum Borough Local Plan**

Policies 10, 13  
Appendices 3, 5

### **Supplementary Planning Guidance / Documents**

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area TCA16 Station Road  
Water Conservation & Sustainable Drainage (June 2005)

### **Advice Notes and Appraisals**

Sustainable Development Advice Note (March 2011)

### **Summary of Representations**

#### **Tring Town Council**

Awaiting comments

#### **Hertfordshire Highways**

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission. The highway authority does not wish to restrict the grant of planning permission pertaining to this ROC application.

#### **Response to Neighbour Notification / Site Notice / Newspaper Advertisement**

17 Station Road

We wish to strongly object to the variation being requested by the developers on this project.

As the Council will be aware, the original application for these buildings was rejected by Dacorum District Council on account of their mass and bulk, which was deemed to be inappropriate for the area. This decision to reject was overturned on appeal to

The Planning Inspectorate Appeal report APP/A1910/A/14/2221190. Whilst granting the appeal, however, the Inspector was very specific in her conditions 'in the interests of the character and appearance of the area'. In paragraph 25.5 she specifically prohibits the insertion of windows to safeguard the privacy of occupiers of neighbouring dwellings'. Having appealed an original rejection, the developer seeks to overturn two key conditions of this appeal that were intended to protect neighbouring properties.

#### No. 7 Treehanger Close

I object strongly to the variation to the planning permission regarding the windows on the houses at the end of our garden. We will be over looked and this will invade our privacy. We are now overlooked by the houses on Mortimer Hill, Tring, which are now being built. Would it not be possible for these windows to face the houses on Station Road, which has sold the land for these houses to be built. Please consider what I am asking. It seems that this company will not give up with these applications.

### **Considerations**

The main considerations in the determination of this ROC application are the visual impact of the lowered roof lights and their impact on the residential amenities of adjacent dwellings.

#### **Condition 5 - cill heights**

With regard to the cill heights of the roof lights, in her report (para 25) the Inspector concluded that 'the withdrawal of permitted development rights, especially in respect of the insertion of windows, is also considered necessary to safeguard the privacy of occupiers of neighbouring dwellings, as are conditions in respect of the rooflights and side windows'. She imposed a condition stating ' All the rooflights hereby approved shall have a cill height of not less than 1.6m above the internal floor level of the second floor'. The condition was imposed to safeguard the privacy of neighbouring dwellings.

It is now proposed to amend the height of the side roof lights only. In response to Members previous debate and discussions, those to the rear, facing Treehanger Close would remain as approved at 1.6m. Despite residents objections there would be no significant privacy or overlooking implications. The lowering of the roof lights to the side roof slopes may afford very limited views back / forward to the properties of Treehanger Close / Station Road but these very limited views and would importantly be at an oblique angle and significantly further away than the approved first floor windows which would afford direct (not oblique) views. A refusal could not be sustained.

The lowering of the cill height of the side roof lights would permit views between the new dwellings, however future residents would be purchasing the units fully in the knowledge of this and therefore their residential amenities would not be compromised.

With regard to visual amenity, the lowered roof lights would not significantly alter the

overall appearance of the dwellings or their roof form. Despite appearing at a different height to those to the rear, given the separation distance, the sets of roof lights would not, from most public vantage points be visible together.

## **Other Issues**

Some of the conditions of the original application have now been discharged and as such these do not appear in the list of suggested conditions. The addendum shall provide an update regarding the need for any further conditions which are deemed necessary in relation to this application. All outstanding conditions must be replicated on this approval.

**RECOMMENDATION** – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:**

**Location Plan 1:1250**

**H 03 13 Site Survey**

BBH 002 01 Rev D - Proposed Site Plan and Street Scene Elevation

BBH 002 02 Rev D - Proposed plans and Elevations

BBH 002 03 Rev D - Proposed Longitudinal Sections Through The Site

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings and statements.**

Reason: To ensure a satisfactory appearance to the development and to comply with Policy CS12 of the Core strategy.

- 4 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 5 **All of the roof lights to the rear roof slopes hereby approved shall have a cill height of not less than 1.6m above the internal floor level of the second floor.**

**All of the roof lights to the side roof slopes hereby approved shall have a cill height of not less than 1.2m above the internal floor level of the second floor.**

Reason: To safeguard the privacy of the occupiers of neighbouring dwellings.

- 6 **Notwithstanding condition 2, prior to the first occupation of the dwellings to Plots 1 and 4 the first floor windows to their side elevations shall be of a top hung fan light opening only and fitted with obscured glass and retained in that condition thereafter.**

Reason: To safeguard the residential amenities of adjacent dwellings.

- 7 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out;**

**Schedule 2 Part 1 Classes A, B, C, D, and E**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and to accord with Policy CS12 of the Core Strategy 2006-2031.

- 8 **Prior to the first occupation of the dwellings hereby permitted the areas shown on drawing No. BBH/002/01 Rev D for the parking of vehicles, and for vehicles to manoeuvre so that they may enter and leave the site in a forward gear, shall be laid out and those areas shall not thereafter be used for any purpose other than the parking and manoeuvring of vehicles.**

Reason: In the interests of highway safety and to accord with Policy CS12 of the Core Strategy 2006-2031..

- 9 **The refuse storage area as shown on Drawing No BBH/002/01 Rev D shall be used for collection purposes only.**

Reason: In the interests of highway safety and the residential amenity of adjacent properties.

Article 31

Planning permission/advertisement consent/listed building consent has been granted for this proposal. The Council acted pro-actively through positive



engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.