

ITEM NUMBER: 5d

21/04265/ROC	Variation of Condition 2 (Approved Plans) attached to planning permission 4/00726/17/FUL (Two three bed detached dwellings)	
Site Address:	Land to the rear of 76-78 Belswains Lane, Hemel Hempstead	
Applicant/Agent	Mr Wingrove	
Case Officer:	Robert Freeman	
Parish/Ward:	Hemel Hempstead	Apsley and Corner Hall
Referral to Committee:	The application is referred to the Development Management Committee in accordance with Section 2.3.2 (1) of the Constitution and at the request of Councillor Peter. The proposal would result in changes to a scheme previously refused planning permission by the Development Management Committee.	

1. RECOMMENDATION – That planning permission is GRANTED

2. SUMMARY

- 2.1 The proposed residential use of the site is considered to be acceptable in accordance with Policies CS1 and CS4 of the Core Strategy. The resulting dwellings are considered to be satisfactory in terms of their design, bulk, scale, site coverage and height and would not result in any significant harm to the character and appearance of the area in accordance with Policies CS10, CS11 and CS12 of the Core Strategy. Adequate arrangements for off-street parking are available within the curtilage of each property in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

3. BACKGROUND

- 3.1 Planning permission was granted for the construction of two x three bedroom dwellings under planning permission 4/00726/17FUL by the Development Management Committee at the meeting of the 17th August 2017.

- 3.2 A proposal to vary this planning permission (4/02726/18/ROC) was refused by the Development Management Committee on the 10th January 2019 contrary to the officer recommendation. This application was refused for the following reason:

“The proposed two units by reason of their bulk and mass would result in overdevelopment, eroding the spacious character of the area. This would also result in the proposal failing to achieve sufficient separation distances to neighbouring residents. As a result, the proposed dwellings would appear cramped within its plot and would fail to maintain or enhance the quality and character of the surrounding area and fail to secure good standards of amenity for existing and future occupiers of land and buildings. The development is, therefore, contrary to Saved Appendix 3 of the Dacorum Local Plan (2004) and Policies CS11 and CS12 of the Core Strategy (2013), the National Planning Policy Framework (2018)”

A subsequent planning appeal (APP/A1910/W/19/3221620) was granted on the 11th June 2019.

- 3.3 The applicants commenced construction of development in May 2021 in breach of conditions 3 (Contamination) and 5 (Landscaping) attached to appeal decision APP/A1910/W/19/3221620. These dwellings under construction were also not being constructed in accordance with the approved plans for either 4/00726/17/FUL or 4/02726/18/ROC.

- 3.4 The site has been subject to enforcement investigations (E/21/00181/BOC and E/21/00343/NAP).
- 3.5 Conditions 3 and 5 (iv), (v), (vi) and (vii) only were approved under application 21/02321/DRC in August 2021. This approval did not extend to landscaping details reserved by condition 5, points (i), (ii), (iii) and (viii) identifying root protection areas of retained trees on or adjacent to the site, areas for protective fencing and type, and finished levels and contours will need to be fully shown on any future landscape plan.

4. PROPOSALS

- 4.1 The current application seeks permission for the retention of two x three bedroom dwellings under construction at the site. Each of the proposed dwellings would be provided with two parking spaces.
- 4.2 The main difference between the approved scheme and the current proposals are the inclusion of two storey side extensions to each unit toward the common boundaries with 74 Belswains Lane and 1-2 Belswains Cottages.

5. REPRESENTATIONS

Consultation responses

- 5.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

- 5.2 These are reproduced in full at Appendix B.

6. CONSIDERATIONS

Planning Procedure

- 6.1 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Such applications cannot be made to extend the time limit within which a development can commence nor can they be used to change the description of a development. These applications are commonly used to make Minor Material Alterations to a planning permission however they can also be utilised to regularise development that has not been undertaken in accordance with the approved plans providing that the local planning authority is satisfied that the proposals do not result in a scale and/or nature of development which is not substantially different from the one which has been approved.
- 6.2 The proposals still involve the construction of two dwellings upon the application site, which although larger than approved would still contain three bedrooms. As such I can find no objection to the use of an application under Section 73 in this instance. This would be consistent with the consideration of planning application 4/02726/18/ROC by the Planning Inspectorate. That scheme resulted in changes to both the size, orientation and positioning of development upon the application site and is material to the consideration of this proposal.
- 6.3 The Section 73 application has been subject to the same public consultation as would be undertaken with a fresh full application for planning permission to develop the site and its determination will result in the issue of a new Decision Notice with any relevant planning

conditions. No party to the consideration of this case would be prejudiced as a result of this procedure.

Policy and Principle

- 6.4 The site already benefits from two planning permissions for residential development on the site (4/00726/17/FUL or 4/02726/18/ROC) and is located in an area where in accordance with Policies CS1, CS2 and CS4 of the Core Strategy appropriate residential development would be encouraged. The proposals are therefore acceptable in principle with the key considerations in this case relating to the impact upon the character and appearance of the area, impact on residential amenity and access and parking.

Layout and Design

- 6.5 The proposed dwellings are considered to be acceptable in terms of their layout, site coverage, design, bulk, scale and height and do not result in any significant harm to the overall character and appearance of the area in accordance with Policies CS11 and CS12 of the Core Strategy. The main changes to the scheme are a reduction in the spacing between these residential units and between the properties and the side boundaries of the application site. Plot 1 is now located approximately 1m from the common boundary with 74 Belswains Lane, whilst Plot 2 is within 6m of the boundary of the site and the public footpath to the front of 1 and 2 Belswains Cottages. This decrease in separation distance would not be appreciated from the narrow glimpses into the site from the wider public realm and is not considered to be demonstrably harmful to the overall appearance of the area.

Impact on Residential Amenity

- 6.6 A high level of amenity would still be provided for each of the proposed residential units in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011. The rear garden to plot 2 would be approximately 0.3m below standard in terms of garden depth however both gardens would be significantly larger in width (14.8-16.4) and would provide a commensurate level of outdoor amenity space. The outdoor amenity spaces are broadly consistent with the approved site layout. The properties would remain located at between 22-23m from the main rear walls of properties in Belswains Lane and Ebbens Road and this relationship which has been considered acceptable by the Planning Inspectorate.

Impact on Neighbouring Properties

- 6.7 The proposed dwellings would have no significant impact on the amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 6.8 Although the proposed dwelling to plot 1 would now be located within 1m of the side boundary of 74 Belswains Lane, it remains a significant distance from the rear elevation of this property. The proposed unit would be approximately 24m from the main rear wall of the property and some 15.6m from the main wall to its rear extension. The property may have oblique views towards this dwelling as a result of its extension however these would not significantly compromise the privacy of this unit
- 6.9 The extension of plot 2 would not result in any material increased overlooking to the properties on Ebbens Road. As the Inspectorate notes "potential for additional overlooking would be minimised by tall trees along the boundary" which "whilst diminished during autumn and winter.....would nonetheless remain obscured by the network of tree branches" The distance between the properties remains consistent with previous approvals

as does the coverage of trees in this location and the potential for overlooking to Ebbens Road.

- 6.10 The distance between the flank elevation to plot 2 and the front elevations to 2 Belswains Cottages has been reduced from 13m to 11.5m through successive planning applications and in the case of this submission would be further reduced to around 9.5-10m. The separation distances set out in the Local Plan do not relate to the side-front relationships that exists in this case. The outlook of 2 Belswains Cottages is dominated by a row of tall leylandii trees along the site boundary and these limit the views into the site throughout the year. As a result, the dwellings upon the application site would be neither visually intrusive nor result in any loss of privacy thereto. There would be no significant impact on light to properties at Belswains Cottages given the north westerly orientation of their front elevations and tree coverage.

Impact on Trees

- 6.11 Although there are a number of trees around the perimeter of the site and to neighbouring land, none of these appear to be subject to a Tree Preservation Order and as such their protection under planning legislation is limited. It is evident that works have already been undertaken at the application site without adequate tree protection measures having been provided and that the proposed dwellings would extend within the root protection area (RPA) of trees within the garden of 74 Belswains Lane. This includes the RPA of a Cherry tree (now deceased) of low amenity value and a Blue Spruce/Pine tree with moderate/low amenity value. The loss or damage to these trees is unlikely to be merit the refusal of this planning application and would not outweigh the benefits of new housing on the site.

Access and Parking

- 6.12 The proposed dwellings would utilise an access between the properties of 76 and 78 Belswains Lane in accordance with the original planning permission for development on this site. Subject to the safeguarding of visibility splays at the entrance to the site, this should provide a safe and convenient form of access onto the wider highway network in accordance with Policies CS8 and CS12 of the Core Strategy.
- 6.13 The proposals would still result in the construction of 2 x 3 bed dwellings upon the site and these would each be provided with two parking spaces. This is considered to be appropriate in accordance with the Car Parking Standards SPD (2020) and is consistent with the original approval for development at the site. It has been requested that the applicant set two spaces serving plot 2 further into the site and towards the common boundary with Belswains Cottages to ensure that there is sufficient space to the front of parking areas to allow for manoeuvring into a forward gear and to allow the circulation of larger vehicles within the site. The submission of this plan has been conditioned. The plan should also demonstrate that EV charging points have been provided in accordance with the Car Parking Standards SPD (2020)

Sustainable Construction

- 6.14 There have been no details provided with this application to demonstrate how the dwellings under construction may comply or otherwise with the requirements under Policies CS29, CS31 and CS32 of the Core Strategy. It is difficult to apply Sustainability objectives retrospectively and there would be limited measures that might be introduced at a late stage. It is acknowledged that the buildings are being constructed in accordance with the current Building Regulations which should result in a high performing building fabric. Nevertheless, it is still considered that the dwellings should not be occupied until the applicant has submitted details of the sustainable construction techniques employed during

construction to be approved by the local planning authority. This is subject to a planning condition below.

Developer Contributions and Infrastructure

- 6.15 All developments are expected to contribute towards the cost of on-site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The properties would be liable for the payment of the Community Infrastructure Levy (CIL) in accordance with the adopted Charging Schedule. This is considered sufficient to address the needs arising from Policy CS35 of the Core Strategy.

Neighbours Comments

- 6.16 The comments of neighbouring parties have been addressed above with the exception of the following matters

Bats

- 6.17 There is little evidence to suggest that the development would have a detrimental impact upon any bats in the locality and no suggestion from the County Ecologist that measures should be provided to address concerns with the implications of development.

Future Use

- 6.18 This application is for the construction of two dwellings on the site and should be judged upon its own merits.

Conditions

- 6.19 The Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under Section 73 should repeat the relevant conditions from the original planning permission unless they have already been discharged.
- 6.20 Development has already commenced at the site and as such there is no reason to limit the time during which the application may be implemented. Likewise I find no reason to reapply condition 3 attached to appeal decision as a satisfactory Phase 1 Contamination report was submitted under reference 21/02321/DRC in relation to the site. The approved landscaping scheme does not however appear to be capable of implementation following the grant of this permission and as such a new landscaping scheme will need to be provided to ensure a satisfactory appearance to the development.

7. RECOMMENDATION.

- 7.1 That planning permission be GRANTED subject to the following conditions:

Conditions):

- 1. The development hereby permitted shall be carried out in accordance with the following approved plans/documents**

**76BLHH-601
76BLHH-602
76BLHH-603
76BLHH-604**

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

2. **The development hereby permitted shall be constructed in accordance with the materials specified on the plans hereby approved.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013.)

3. **The development, hereby approved, shall not be occupied until details of the access circulation and parking arrangements shall have been submitted and approved in writing by the local planning authority. These plans should show the provision of adequate visibility splays to the site entrance, the provision of two parking spaces per unit, the location and type of EV charging infrastructure and appropriate circulations space within the site to enter and exit the site in a forward gear. These parking arrangements shall be provided and shall thereafter retained in accordance with the approved drawings.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4. **The development hereby permitted shall not commence until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.**

Reason: To ensure that any contamination of the site is remediated in accordance with Policy CS32 of the Core Strategy and is fit for residential use.

5. **The development hereby approved shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- **all external hard surfaces within the site;**
- **other surfacing materials;**
- **means of enclosure;**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and**
- **minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.)**

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5; years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy

- 6. The development hereby approved shall not be occupied until details of the sustainable construction measures incorporated within the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out fully in accordance with the approved details.**

Reason: To ensure that appropriate sustainable construction measures are incorporated in the design of the proposals in accordance with Policy CS29 of the Core Strategy. .

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire County Council – Highways	<p>The proposal is for the variation of condition 2 (approved plans) attached to planning permission 4/00726/17/FUL (Two three bed detached dwellings) on Land to the rear of 76-78 Belswains Lane, Hemel Hempstead.</p> <p>The changes are to the size of the proposed dwellings. The change of size does not greatly impact the highways consideration for the site. Therefore, I would like to draw your attention to our original response (ref: 4/00726/17/FUL) in relation to the site as a whole.</p>
Hertfordshire County Council – Growth and Infrastructure	<p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.</p> <p>Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p> <p>PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.</p> <p>I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit.</p>
Affinity Water	No comment

Crime Prevention Officer	I have no comments regarding this variation of condition 2.
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APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
2 Belswains Cottages	<p>We strongly object to the proposed plans for the following reasons:</p> <ol style="list-style-type: none"> 1. Not a variation of condition. The proposed plan is for 2 houses 12.4m x 7.9m which is nearly double the size of the houses in the original application (4/00726/17/FUL). That is a major change, not a variation of condition. 2. The plans are inaccurate. The plans show red lines to indicate "approved dwelling being constructed", when in fact the developer has already built the foundations to match the proposed plans rather than the currently approved plans (4/02726/18/ROC 24 Dec 2018). 3. There is not enough space for the proposed dwellings. The proposed plans show Plot 1 is 5.8m from the fence. The foundations the developer has already built are within 3.5m of the fence. 4. Plot 1 will result in loss of light to Belswains Cottages. The developer submitted a 25 degree line diagram with his previous application (4_02726_18_ROC-25_degree_line-581661.pdf) that showed that the development had to be 10m away from Belswains Cottages to ensure there was no loss of light. The fence is 3.5m from Belswains Cottages, so the development has to be 6.5m from the fence. The proposed plan shows the development 5.8m from the fence and the developer has already built to within 3.5m of the fence. 5. The increased size and additional windows will affect the privacy and outlook of neighbouring properties on all sides. 6. The increased size of the properties would allow them to be subdivided in future to create 4 properties. This would result in more traffic in and out of the development. In previous applications it was determined that the access to the site would only be suitable for 2 retirement dwellings because of the poor visibility when exiting the site.
74 Belswains Lane	<ol style="list-style-type: none"> 1. There have been 15 planning applications to develop the rear of 76/78 Belswains Lane and 3 appeals. The applicants have continued to challenge the planning process and this new variation is another example of attempts to over develop the site. 2. The new variation increases the size of the dwelling footprints by some 80% compared with the original planning (August 2017) The previous variations (approved on appeal) increased the footprint by 40% but was initially refused by the Development Management Committee because "the two units by reason of their bulk and mass

would result in overdevelopment, eroding the spacious character of the area. This would also fail to achieve sufficient separation distances to neighbouring residents. As a result, the proposed dwellings would appear cramped within the plot and would fail to maintain or enhance the quality and character of the surrounding area and would fail to secure good standards of amenity for existing and future occupiers of land and building. The development is contrary to Saved Appendix 3 of the Dacorum Local Plan (2004) and Policies CS11 and CS12 of the Core Strategy (2013)” This new variation should be refused for the same reasons.

3. This variation has a similar footprint to 4/03037/16/FUL (January 2017) which was refused by the case officer because “visibility splays of 2.4m x 43m could not be provided, because the impact to trees within the gardens of neighbouring land was unacceptable and that the mass and bulk across the site was significantly harmful to the spacious character of the area. The proposals were considered detrimental to residents outlook, privacy and daylight serving neighbouring properties at 1 and 2 Belswains Cottages and Nos 203-211 Ebbens Road” This earlier proposal included garages so the volume of the proposals is much greater. Precedence has already been set for a refusal of dwellings of this size proposed and the proposals should be refused accordingly.

4. The Trees and Woodlands officer was concerned about building a dwelling near our boundary due to the proximity of our blue spruce tree and hazelnut trees and uncertainties still arise in regards to the welfare of future occupants due to severe overshadowing and loss of light cast on the dwelling and its rear amenity space as a result of trees. This in turn could lead to pressure to prune these trees in the future. The proposals would therefore adversely affect the landscape character of the site and surrounding area by harming adjacent trees contrary to Policy CS12 of the Core Strategy and Saved Policies 99, 100 and 101 of the Local Plan (2004)

5. An almost identical application was submitted in November 2018 (4/02726/18/ROC) which was subsequently withdrawn. Was this rejected by planning before formal review by reason of overdevelopment?

6. The applicant represents Wingrove Construction. “With over 25 years experience in the building industry you can rely on Wingrove Construction to provide an impeccable, honest, reliable and professional service” So why has the foundations to this scheme already been built to the dimensions stated in the new variation (a retrospective application) and why has the applicant built a garage behind the substation that is not shown on any of the approved plans?. Why is the submitted plan not accurate in respect to foundations already constructed? Clearly the close proximity of the dwelling behind 78 Belswains Lane to Belswains Cottage does not comply with guidance on the right to light. A detailed survey of the site is required.

7. Given the applicants experience, why has he commenced on site in breach of conditions 3 and part of condition 5? These require that:

	<p>“Except in relation to the site access lane, no trenching, digging or construction of foundations or other construction works shall be undertaken and no equipment, machinery or materials shall be brought onto the site for the purpose of development hereby permitted”</p> <p>This resulted in a temporary stop notice being issued in relation to the site. We should expect as a minimum that sections of oversized foundations, damaged ground and replanted trees should be repaired or provided. The garage must also be demolished and the foundations removed to allow the poplar tree to grow new roots.</p> <p>8. The report to the Development Management Committee of the 10th January 2019 included a statement from the tree officer that “To ensure the RPA of other trees aren’t compacted it would be best to fence them off using weldmesh panels following the yellow line I’ve drawn. Construction activity, apart from the fencing work, shouldn’t occur between the line and the boundaries of the site. A similar plan could be conditioned. The foundations already extend into this area and the applicant has removed 300mm of topsoil across the area adjacent to our boundary. The blue spruce tree in our garden now looks “shocked” – branches have died and there is no new growth this year. I also believe that foundation work has caused the adjacent Cherry tree to die (a few months after foundation works) Furthermore the unapproved garage is in the RPA and the foundation has compromised the 20m poplar tree on the boundary of the substation. The whole garage has been excavated to a depth of 0.5m and poplar roots have been exposed.</p> <p>9. The proposed dwelling to the rear of 76 Belswains Lane is just 15.5m from our lounge. The occupants of the new property will have a full view through our lounge area which is a privacy issue.</p> <p>10. The turning circle within the site has been removed in the new variation and consequently cars will need to reverse onto Belswains Lane. The applicants do not control the sight lines adjacent the substation.</p> <p>11. The two large dwellings will be visually intrusive (bulk) and relatively close to our property. At least 80% of the green space would be covered by buildings resulting in a clear overdevelopment of the site.</p> <p>12. The new footings in-situ have been constructed with a central party wall so I believe that at a later date the applicant will seek retrospective planning permission for 4 semi-detached properties. These properties are constructed with gable ends so will most likely be constructed as three storey dwellings utilising the roof space. We could clearly end up with more development on the site increasing the danger to Belswains Lane at a point where there have been numerous accidents and a fatality.</p>
203A Ebbens Road	This is attempted increase by stealth. Given the significant dimensions of the proposed enlargement, it is disingenuous to identify the nature

	<p>of the proposal as a "variation of condition".</p> <p>I would argue that a fresh application is required. Furthermore, the foundations for the larger properties have ALREADY been laid. An attempt to obscure activities on the site resulted in a large, ugly scaffolding with net construction being erected right up against my boundary fence almost two years ago.</p> <p>My reasons for objecting to the application:</p> <ol style="list-style-type: none"> 1. the closer proximity of plot 2 to my boundary 2. greater loss of privacy 3. increased loss of light <p>There is also the added concern that these two larger buildings will lend themselves to further division and increased occupancy in the future</p>
205 Ebbens Road	<p>Having viewed the proposed variation we object for the following reasons:-</p> <ol style="list-style-type: none"> 1. The existing approval, which was only given at appeal to the Planning Inspectorate, is for 2x 3 bedroom houses. Plot 1 was 6.7m x7.8m ,now the proposal is 12.375m x 7.875m. This is almost a doubling of size. Plot2 was 9.1m x 6.0m, new proposal 12.375m x7.875m again almost a doubling of size. This is an overdevelopment of the site. As an aside there has already been the construction of a garage on site on one Plot, which was not part of the original approval and is an indication that there maybe further over development. A bigger property will inevitably mean a loss of light to neighbouring properties. 2. The new proposal has additional windows to both front and rear aspects which will which will mean neighbouring homes are more overlooked and privacy will be reduced. 3. Why the need to increase size? One can only assume that this is about increasing the sale prices and therefore profit once sold, rather than having any regard to the effect on existing properties. 4. We have noticed that bats are active at night over the last two summers. They fly over the rear gardens of 201 to 207 Ebbens Road. We do not know where they are roosting but any increase in the proposed development may have an adverse effect on the local bat population
209 Ebbens Road	<p>This proposal is similar in ambition to 4/03037/16/FUL placed in December 2018, which was objected too by local residents and rejected by the Council on grounds of over development.</p> <p>As in 2018 this is not a small change to an approved plan... this is near doubling the size of the properties, and as such must surely require an entirely new application.</p> <p>The Scale of Development on the site has long been of concern for the neighbouring properties as the planned properties get larger and therefore inevitably closer to them.</p>

	<p>The amended plans shows Plot 2 elevations with "outline of approved dwelling being constructed".</p> <p>This is not the case as the footings that have been started appear to be for the proposed amended plan, not the approved plan. The dwelling on Plot 2 (outlined in green on the proposed site plan) is now twice as large as the approved plan. This warrants a new application, not a minor amendment. There has already been significant works carried out that do not comply with the approved plan, subject to a current Planning Enforcement case: E/21/00343/NAP</p> <p>For Plot 2 the change in orientation along with the replacement of the approved single frosted window with 6 windows and large bifold doors will result in loss of current privacy for adjacent properties on Ebbens Road. Similarly future occupants of the proposed property will also have little privacy given the proximity and higher elevation of Belswains Lane and Ebbens Road three storey properties.</p> <p>We were under the impression that plans were approved for construction of two retirement homes, this amended proposal is for large "executive" homes... not a property type that this area is short of following the Aspen Park development. The proposed inclusion of additional rooms and space means that the properties could easily be subdivided to create more households. There is insufficient parking or turning space around the properties for this to happen in the future.</p>