

---

PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 22 AUGUST 2017

---

Present: Councillors Denness (Chair), Savage (Vice-Chair), Barnes-Andrews, Murphy, Wilkinson and Fitzhenry

Apologies: Councillors Claisse and Hecks

23. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

It was noted that following receipt of the temporary resignation of Councillor Hecks from the Panel, the Service Director Legal and Governance acting under delegated powers, had appointed Councillor Fitzhenry to replace Councillor Hecks for the purposes of this meeting. In addition the Panel noted the apologies of Councillor Claisse.

24. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

**RESOLVED:** that the minutes for the Panel meeting on 1<sup>st</sup> August 2017 be approved and signed as a correct record.

25. **PLANNING APPLICATION - 17/00730/FUL - 10 CECIL ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Erection of 2 x three bed semi-detached dwellings with associated bin/cycle storage following demolition of existing bungalow.

Councillor Lewzey (ward councillor objecting) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the addition of a condition for cycle storage as set out below.

The Panel considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

**RESOLVED** that the Panel:

- (i) Delegated to the Service Lead – Planning, Infrastructure and Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 or S.111 Legal Agreement to secure:
  - a. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- (ii) That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
- (iii) In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Planning, Infrastructure & Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 111 or Section 106 Legal Agreement, unless an extension of time agreement has been entered into.

### **ADDITIONAL CONDITION**

#### CYCLE STORAGE FACILITIES

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

REASON: To encourage cycling as an alternative form of transport.

## 26. **PLANNING APPLICATION - 17/00770/FUL - 48 MERRIDALE ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Erection of a single storey rear extension, hip to gable roof alterations including front and rear dormers to facilitate loft conversion.

Jeffery Mills (local resident objecting), Kim Blunt (agent) and Councillor Houghton (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel discussed the buildings classification as a C3 dwelling and noted that the property was afforded all of the benefits of having legal classification as a dwelling house. It was noted that the dwelling was intended for up to six people living together as a single household and receiving care in a supported housing scheme for people with mental health problems. The presenting officer reported the receipt of additional correspondence that detailed that the property would have a carer on site in the day and at night time. In addition the officer reported the need for a materials condition.

It was noted that the properties classification class meant that the property did have permitted development rights. The Panel discussed the proposed developments potential effect on the amenities of its neighbours. The Panel considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was lost.

A further motion to refuse to grant conditional planning permission for the reasons set out below was then proposed by Councillor Savage and seconded by Councillor Fitzhenry.

RECORDED VOTE to refuse planning permission

FOR: Councillors Fitzhenry, Murphy, Savage and Wilkinson

ABSTAINED: Councillors Denness and Barnes-Andrews,

**RESOLVED** to refuse planning permission for the reasons set out below:

### **REASON FOR REFUSAL**

Impact on residential amenity

The scale and massing of the proposed extensions in terms of the raising in height of the gabled roof pitch and enlarging the current ground floor rear extension would be to the detriment of the amenity of the neighbouring occupiers.

In particular, the lounge area of 46 Merridale Road heavily relies on the natural lighting from the side window directly facing towards the proposed roof extension. The window has a gap of 1.6m to the vertical wall of the gabled roof. The lounge would experience a significantly greater loss of natural light from the additional massing and increased height of the roof extension as the sun path travels from east to west during the day and overshadows the window to the north east.

The deepening of the current ground floor extension, by a further 3.8m to an overall depth of 7.5m (with an eaves and ridge height of 2.64 and 3.51m), would unduly enclose the outlook enjoyed from the most useable garden area of 50 Merridale Road. This is due to a combination of its close proximity as viewed from the common boundary and overall depth of 7.5m beyond the rear wall of the neighbouring property.

The depth of the rear extension is significantly greater than the 4m projection allowed for a rear extension under class A of permitted development. The allowance under permitted development, where planning permission is not required, sets an established and recognised benchmark which the government typically does not consider a householder extension to be a harmful size. In this instance, the size of the roof extension (exceeds permitted development allowance under class B being taller than the existing ridge) and the rear extension above the permitted development tolerance is considered to harm the amenity of the neighbouring occupiers.

As such, the proposal would prove contrary to saved policy SDP1(i) of the Local Plan Review (Amended 2015) as supported by the guidance set out in paragraph 2.2.1-2.2.2 of the Residential Design Guide (September 2006).

27. **PLANNING APPLICATION - 17/00771/FUL - 62 MERRIDALE ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Erection of a single storey rear extension, hip to gable roof alterations including front and rear dormers to facilitate loft conversion.

Jeffrey Mills (local resident objecting), was present and with the consent of the Chair addressed the meeting. In addition Kim Blunt (agent), and Councillor Houghton (ward councillor objecting) were present and choose not to address the Panel when the opportunity was presented to them by the Chair.

The Panel noted the buildings classification as a C3b dwelling because the dwelling was intended was intended for up to six people living together as a single household and receiving care in a supported housing scheme for people with mental health problems. The presenting officer reported the receipt of additional correspondence that detailed that the property would have a carer on site in the day and at night time. In addition the officer reported the need for a materials condition.

It was noted that the properties classification class meant that the property did have permitted development rights. The Panel discussed the proposed developments potential effect on the amenities of its neighbours. The Panel considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was lost.

A further motion to refuse to grant conditional planning approval for the reasons set out below was then proposed by Councillor Denness and seconded by Councillor Fitzhenry was carried unanimously.

**RESOLVED** to refuse planning permission for the reasons set out below:

**REASONS FOR REFUSAL**

**IMPACT ON RESIDENTIAL AMENITY**

The scale and massing of the proposed extensions in terms of the raising in height of the gabled roof pitch and enlarging the current ground floor rear extension would be to the detriment of the amenity of the neighbouring occupiers.

In particular, the lounge/dining area of 60 Merridale Road heavily relies on the natural lighting from the side window directly facing towards the proposed roof extension. The window has a gap of 1.6m to the vertical wall of the extended gabled roof. The room would experience a significantly loss of natural light from the additional massing and increased height of the roof at the eaves as the sun path travels from east to west during the day and overshadows the window to the north east.

As such, the proposal would prove contrary to saved policy SDP1(i), SDP7 and SDP9 of the Local Plan Review (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015), as supported by the guidance set out in paragraph 2.2.1-2.2.2 of the Residential Design Guide (September 2006).

28. **PLANNING APPLICATION - 17/00772/FUL - 54 MERRIDALE ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Erection of a single storey rear extension, hip to gable roof alterations including front and rear dormers to facilitate loft conversion.

Jeffrey Mills (local resident objecting), was present and with the consent of the Chair addressed the meeting. In addition Kim Blunt (agent), and Councillor Houghton (ward councillor objecting) were present and choose not to address the Panel when the opportunity was presented to them by the Chair.

The report set out the buildings classification as a C3b dwelling, because the dwelling was intended for up to six people living together as a single household and receiving care in a supported housing scheme for people with mental health problems. The presenting officer reported the receipt of additional correspondence that detailed that the property would have a carer on site in the day and at night time. In addition the officer reported the need for a materials condition.

It was noted that the properties classification class meant that the property did have permitted development rights. The Panel discussed the proposed developments potential effect on the amenities of its neighbours. The Panel considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission  
FOR: Councillors Denness, Barnes-Andrews,  
Fitzhenry, Murphy and Savage  
ABSTAINED: Councillor Wilkinson

**RESOLVED** that the Panel approved conditional planning approval subject to the conditions set out within the report and the amended condition set out below:

**ADDITIONAL CONDITION**

**Materials to match (Performance Condition)**

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the extensions hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

**REASON:** To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.