OFFICER REPORT

Case No: 24/02124/S73 Removal/Variation of Conditions

Proposal: Variation of Condition 2 (Plans) for 23/02437/HHFUL to alter the screening to make it safe and to comply with building regulations (retrospective).

Location: 43 The Highway Great Staughton St Neots

Applicant: Mrs Sarah Cooper

Grid Ref: 513203 264582

DESCRIPTION OF SITE AND APPLICATION

The property is a detached two storey Victorian brick house located in a residential area of the Great Staughton Conservation Area. The application site is close to several listed building, including the neighbouring property to the west (no.47-49) several buildings north-west of the property and two further east, which are not visible from the property.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

The application seeks to vary the condition 2 of 23/02437/HHFUL to alter the screening to make it safe and to comply with building regulations. It is noted that the changes have already been made and that the application is retrospective.

The original application (23/02437/HHFUL) was for the removal of the existing conservatory and replacing existing utility roof with a balcony.

NATIONAL GUIDANCE

The National Planning Policy Framework (12th December 2024) (NPPF 2024) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2024 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'

The NPPF 2024 sets out the Government's planning policies for (amongst other things):
* delivering a sufficient supply of homes;
* building a strong, competitive economy;
* achieving well-designed places;
* conserving and enhancing the natural, built and historic environment.

Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website: https://www.gov.uk

PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)

LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP34: Heritage Assets and their Settings

Planning Practice Guidance is also relevant and a material consideration.

Huntingdonshire Design Guide Supplementary Planning Document (2017):
* Place Making Principles - Parts 3.7 Building Form and 3.8 Building Detailing

Local policies are viewable at https://www.huntingdonshire.gov.uk

PLANNING HISTORY

23/02437/HHFUL - Removal of existing conservatory and replacing existing utility roof with a balcony – permission granted 23.04.2024

CONSULTATIONS

Great Staughton Parish Council – no response received at the time of determination.

REPRESENTATIONS

Comments have been received from neighbours on either side of the property, with comments summarised below:

- Built construction represents a much larger and more imposing construction than the proposal.
- Substantial roof construction forms an extension to the property and not an outside space. This will allow increased use of the area in inclement weather that would not previously have been possible.
- There is an increase in noise levels in the area, which is exacerbated by the roof construction, creating a sound box which allows voices to projected outwards towards the neighbouring rear garden rather than dissipating in all directions if the roof did not exist.
- Object to the roof and glass screening that has been installed.
- Structure is an eyesore and is in clear sight from the neighbouring rear gardens.
- The side screens serve no use regarding the provision of privacy – what percentage violation of privacy would have resulted in the rejection of the ‘viewing gallery’?
- The construction is overbearing and out of character with a Victorian house in a conservation area.
- The applicant states the roof will provide shading, a non-permanent sun umbrella could be used.
- The glass screen to the front replaces the approved wooden slatted front screening that would have provided more privacy.
- Concern that further unapproved alterations will be made in the future if the current changes are not rectified. They show a blatant disregard for the neighbouring residencies.

Officer comment – the comments above are noted and addressed in the main body of the report below. Concerns raised regarding any future unapproved alterations, the Council cannot pre-empt any future unauthorised alterations and therefore must just assess what is part of this application.

SUMMARY OF ISSUES

The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved proposals.

It advises where these modifications are fundamental or substantial, a new planning application will be required. Where less substantial changes are proposed a non-material amendment application can be submitted, or a minor material amendment (S73 application) where there is a relevant condition that can be varied. There is no statutory definition within the PPG of a 'minor material amendment' but it states that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

The PPG advises that "Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged". As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

Whilst there is a presumption in favour of sustainable development, the National Planning Policy Framework defines sustainability as having three strands - social, economic and environmental. One of the NPPF's core principles is to achieve well-designed places and it is noted that "The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

The main issues to consider in the determination of this application are:
- o Design, Visual Amenity and impact on Heritage Assets
- o Residential amenity

*Design, Visual Amenity and impact on Heritage Assets

Policies LP11 and LP12 of the Huntingdonshire Local Plan to 2036 state that developments should respond positively to their context, draw inspiration from the key characteristics of its surroundings and contribute positively to the area's character and identity.

Policy LP34 states that a proposal within, affecting the setting of, or affecting views into or out of, a conservation area should preserve, and wherever possible enhance, features that contribute positively to the area’s character, appearance and setting as set out in character statements or other applicable documents.

Section 66 of the Planning (LBCA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (LBCA) Act 1990 (as amended) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Para. 212 of the NPPF set out that ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is

irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Para. 213 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification…'.

Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.

The Council will consider the significance of a designated heritage asset and where there is less than substantial harm, this will be weighed against the public benefits of the proposal. Where there is deemed to be substantial harm, then the proposal would need to achieve substantial public benefits to outweigh that harm.

Planning permission is sought for the addition of a horizontal batons to the side screens, to provide a more stable structure. The front screening has been reduced by bringing the roof tiles further up and completed using a 150mm piece of glass to bring the balcony height up to 1.1m to comply with building regulations, rather than the previously approved vertical wooden baton screen.

The neighbour comments have been noted and carefully considered.

This S73 application just concerns the above changes. The introduction of a balcony in this position has already been approved under planning application reference 23/02437/HHFUL.

It is acknowledged that the addition of the roof onto the balcony adds to the visual impact of the balcony. Given that the side screens were previously approved and deemed acceptable in order to mitigate residential amenity impact, the addition of a roof on top of the screens is not considered to be a significant addition to the massing of the structure. In addition, the proposal is to the rear of the property and there are limited wider views from within the Conservation Area and therefore it is considered that the roof would not result in a harmful visual impact.

The use of the wooden side and overhead screening is considered to be of an appropriate material, that is not of a strong visual contrast with the existing buff brick. The increased use of roof tiling leading to the balcony is considered to be an improvement and helps mitigates the visual impact of this part of the development even further. This results in a reduced area of front screening, 15 centimetres high, with the clear glazing considered to be unobtrusive and appropriate in this setting.

Officers have given special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Due to the nature of the amendments to the original permission (23/02437/HHFUL), impacting a rear balcony area, the changes would not result in a significant increase in massing with the additional increase in roof tiling helping to mitigate the impact. It is considered that harm will not be caused to this designated heritage asset because the development would be of limited visibility to the Great Staughton Conservation Area and as such would have a neutral effect.

The proposal, therefore, accords with Sections 66 and 72 of the Planning (LBCA) Act 1990, paragraphs 202-221 of the NPPF (2024), and Policies LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036 (2019)

*Residential Amenity

Policy LP14 of the Local Plan to 2036 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.

The proposal concerns changes to the original design of the balcony screening, introducing horizontal batons to secure both sides of the structure, with a small glass screen to the front. As noted in the original application the balcony introduces a view that is primarily over the rear element of the neighbouring property's rear garden and not over the main rear amenity area, such as the patio area directly adjacent to the rear elevation of the neighbouring property. The addition of a roof structure, with open batons is not considered to add an unacceptable impact to the residential amenity of the neighbouring properties. The neighbour comment regarding an increase of noise due to the enclosed nature of the balcony has been noted and addressed by the applicant, stating that the balcony has not yet been in use and therefore it is accepted that noise to date is likely to have been due to the construction works. In addition, it is noted that the batons are of an open structure which will allow noise to dissipate evenly in all directions. Notwithstanding this the property is within residential use within a residential area.

Therefore, given the nature of the changes to the approved design, it is considered that there will not be a significant detrimental impact upon the residential amenity of the neighbouring properties to warrant a refusal of the application.

Therefore, overall, the development is considered acceptable in terms of overshadowing, overlooking, loss of privacy, loss of light and would not have a significant impact upon residential amenity. The proposal, therefore, accords with LP14 of Huntingdonshire's Local Plan to 2036 (2019) in this regard.

*Conclusion
The proposed development is considered to be compliant with the relevant national and local policy as it:
* Is of an appropriate scale and design;
* Would not have a harmful impact upon the designated heritage asset;
* Would not have a significantly detrimental impact upon the amenity of neighbours.

There are no other material planning considerations which have a significant bearing on the determination of this application.

The proposed amendment to vary condition 2 is considered to be relatively minor in relation to the wider site and will not fundamentally change the character of the development as approved.

It is therefore recommended that planning permission be granted. All conditions imposed under parent permission 23/02437/HHFUL will be repeated, where relevant and amended to compliance conditions where the conditions have been discharged, as per advice in the PPG.

Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

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CONTACT OFFICER:
Enquiries about this report to **Olivia Manton**