

DELEGATED

AGENDA NO 5
PLANNING COMMITTEE

8MAY 2013

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

13/0575/VARY

Summerhill, High Lane, Maltby

Application to vary condition No. 2 (Approved Plans) of planning approval

10/1536/FUL - Alterations and extensions to dwelling including sunroom to side and attached garage to allow removal of chimney detail, replacement of sunroom roof with tiled pitched roof and replacement of external wall with pitched roof

Expiry Date 2 May 2013

UPDATE REPORT

SUMMARY

This report updates the report for agenda item 5.

Correspondence has been received from Mr and Mrs McBride relating to the content of the Agent's letter (Appendix 9) which makes specific reference to comments made about Mrs McBride's representations relating to the height of the garage. The content of the letter and in particular the reference to Mrs McBride's comments as an accusation of misleading anyone were referred to the Council's Principal Planning Solicitor who considered that the letter from the agent did not give rise to any defamation issues.

Mrs McBride's comments referred to discrepancies in the submitted plans in relation to the finished floor levels in respect of the garage, being inconsistent between plans and shown as being higher than that approved. This has been rectified and all plans submitted for 13/0575/VARY are now consistent. There has been no accusation from Mrs McBride that the applicant or agent were attempting to mislead anyone. The ridge height of the roof of the garage has not changed, and is not proposed to be changed, from that approved in 2010.

Further correspondence has taken place in relation to concerns raised by neighbours that future changes could take place at the property. Specific concerns relate to the potential that further windows could be installed or the flat roof area could be used as a balcony/seating area without requiring the prior approval of the Local Planning Authority.

Following further correspondence with Prism Planning an additional planning condition is considered reasonable to address those concerns raised by neighbours to ensure that residential amenity is protected.

The proposed wording of the condition is as follows:

8. The development hereby permitted shall only be carried out in complete accordance with the approved plans and no additional fenestration or doors shall be installed in the extensions during the life of the extensions and the altered flat roof area hereby approved adjacent to bedrooms 3 and 4 and above the snug as shown on

the drawings hereby approved shall not be used as a balcony or sitting out area or similar amenity area.

Reason To define the consent and in the interests of the amenities of neighbouring residents.

CONCLUSION

The recommendation of the main report remains unchanged, which is that the application be approved with conditions along with the additional condition 8 as set out above.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mrs Helen Heward Telephone No 01642 526063**

WARD AND WARD COUNCILLORS

**Ward InglebyBarwick East
Ward Councillor Councillor Jean Kirby**

**Ward InglebyBarwick East
Ward Councillor Councillor K C Faulks**

**Ward InglebyBarwick East
Ward Councillor Councillor Gillian Corr**

IMPLICATIONS

Financial Implications: N/a

Legal Implications: As report

Environmental Implications: As report

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications: The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework