

APP 12

Application Number: 12/01594/FUL

Other

Removal of condition 3 (obscure glass) attached to permission 12/00910/FUL

AT 122 Kirkstall Place, Oldbrook, Milton Keynes

FOR Mr Derek Rowley

Target: 30th October 2012

Ward: Campbell Park

Parish: Campbell Park Parish Council

Report Author/Case Officer: Mathew Wilde

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1.0 INTRODUCTION

(A brief explanation of what the application is about)

1.1 The Site

The application property is a detached dwelling located on Kirkstall Place in Oldbrook. Details of the location of the site and its relationship to surrounding properties can be seen in the plans attached to this report.

1.2 The Proposal

The application seeks to remove condition 3 of planning permission 12/00910/FUL which requires the provision of obscure glazing on the South East elevation of the permitted conservatory. If the application is permitted the obscure glazing could be replaced with clear glazing. Details of the proposal as described above can be seen in the plans appended to this report.

The applicant has proposed to raise the height of the boundary fence to 2 metres to screen the view towards the neighbouring property at 124 Kirkstall Place as an alternative to the obscure glazing required by the condition. The plans also show water features being created adjacent to the raised fence, however, these are not considered to comprise development requiring planning permission. Details of the proposal as described above can be seen in the plans appended to this report.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

National Planning Policy Framework March 2012:

- Section 7: Requiring Good Design

2.2 Local Policy

Core Strategy

Emerging Policy CS 13: Ensuring High Quality, Well Designed Places”.

Adopted Milton Keynes Local Plan 2001-2011

D1: Impact of Proposals on Locality

D2: Design of Buildings

Supplementary Planning Guidance

None relevant.

3.0 MAIN ISSUES

(The issues which have the greatest bearing on the decision)

3.1 The main issues are:

- Impact on Character and Appearance of Area.
- Impact on Neighbouring Properties.

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

4.1 It is recommended that planning permission be granted subject to the conditions set out at the end of this report.

5.0 CONSIDERATIONS

(An explanation of the main issues that have lead to the officer Recommendation)

5.1 The proposed clear glazed windows on the conservatory would be to the rear of the application dwelling and therefore would not be visible in the wider street scene. As a result it is considered that there is little harm to the character and appearance of the area.

5.2 The conservatory is glazed on all sides and would therefore have an outlook. The conservatory would sit adjacent the shared boundary with No. 124 which is set further back in relation to Number 122 Kirkstall Place. Objections have been raised about impact on neighbouring amenity in terms of privacy/overlooking.

5.3 The conservatory on the rear of number 122 Kirkstall Place is adjacent to the side passage of 124 Kirkstall Place. There is a slight change of topography between the two properties; 122 Kirkstall Place being slightly higher than 122 Kirkstall Place. The doors on the side of 124 Kirkstall Place consist of one wooden door with no glazing, and a kitchen door with obscure glazing only on the top quarter of the door, the rest is solid UPVC.

5.4 It is considered that overall the removal of condition 3 obscure and the provision of an increased boundary fence in lieu of obscure glazing would deliver the same level of mitigation of overlooking as secured by the obscure glazing. A condition is, however, required to ensure that the fencing is provided and retained.

5.5 The increased height of the boundary fence will cause some impact on number 124 Kirkstall Place due to the increased height of fencing along the boundary, however, this impact is not considered to be detrimental enough to justify refusal of the application and as such should be accepted.

6.0 CONDITIONS

(The conditions that need to be imposed on any planning permission for this development to ensure that the development is satisfactory. To meet legal requirements all conditions must be Necessary, Relevant, Enforceable, Precise and Reasonable)

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

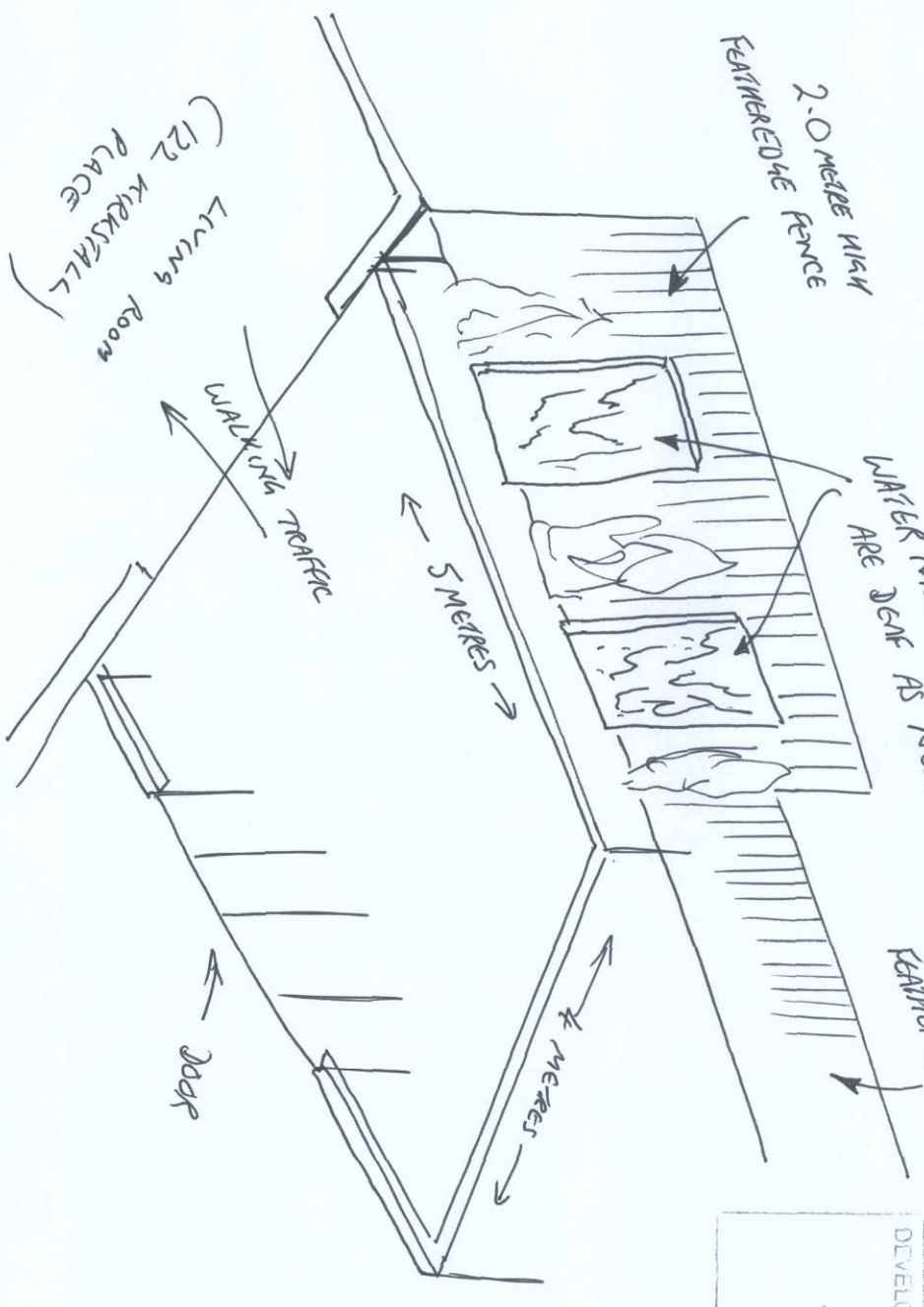
Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 51 of the Planning and Compulsory Purchase Act 2004. (D11)

2. Prior to the conservatory hereby permitted being brought into use the boundary fence between 122 and 124 Kirkstall Place shall have been raised to a height of 2m for a distance of 5m from the rear wall of the original dwelling in accordance with the details shown in the submitted application plans. Once provided the fence (or other solid boundary treatment of the same height and length) shall thereafter be retained.

Reason: To preserve the amenity and privacy of the adjoining residential occupiers.

**ELEVATION FACING EAST SIDE
SHOWING TYPICAL RESPONSE**

TO VIEW AT EASTSIDE FROM MY CONSERVATORY,
WATER FALL FOR OUR FAMILY'S DISABILITY FOR TRANQUILITY,
ARE DONE AS NEED SOME THINGS TO



DEVELOPMENT CONTROL
- 4 SEP 2012
RECEIVED

ELEVATION FACING EAST SIDE

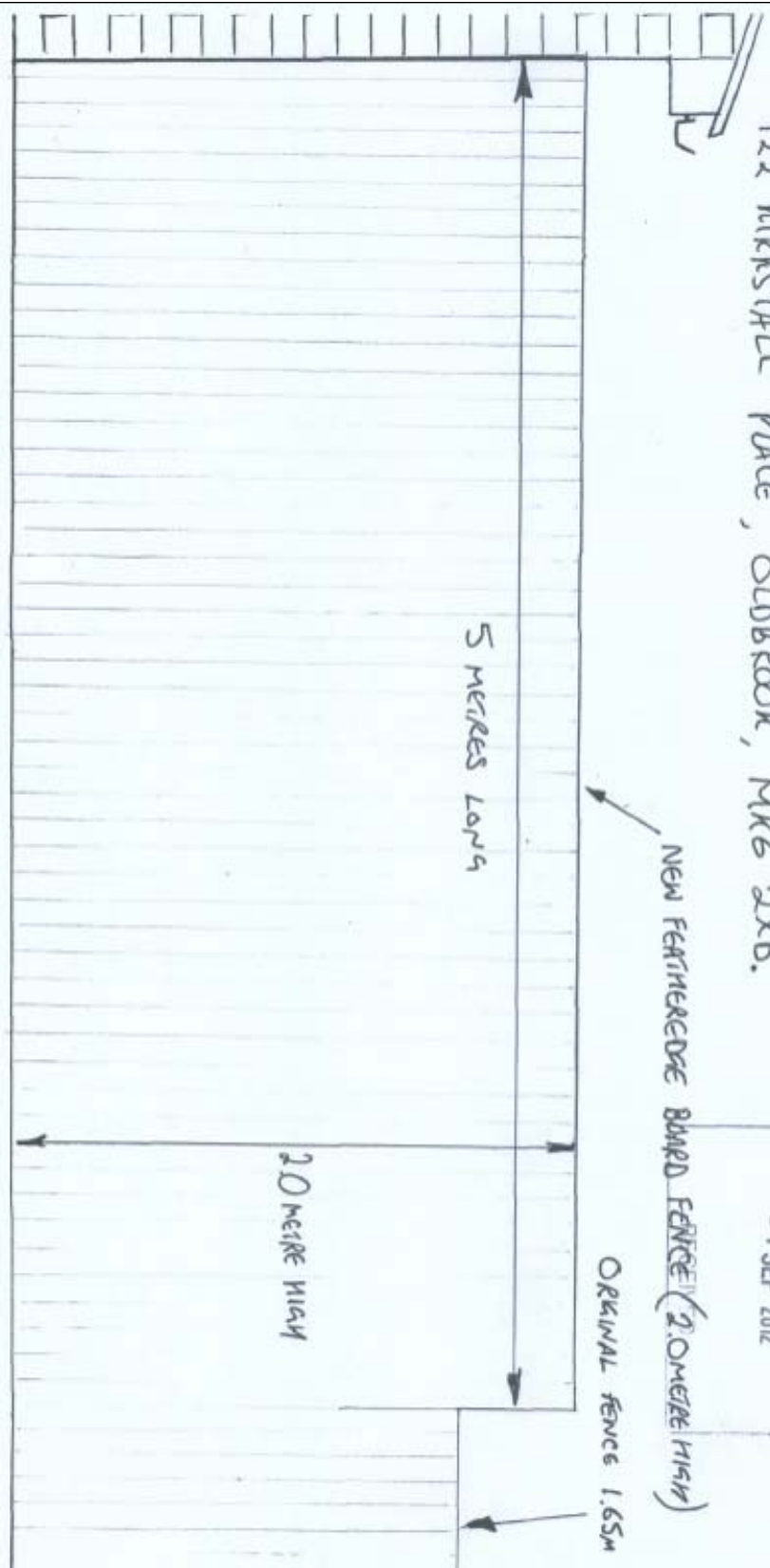
SHOWING TYPICAL PROPOSED FENCE DETAILS AT

122 KIRKSTALL PLACE, OLDBROOK, MK6 2XB.

Scale: 1:20

DEVELOPMENT CONTROL

- 4 SEP 2012



NEW FENCE (2.0 METRE HIGH)

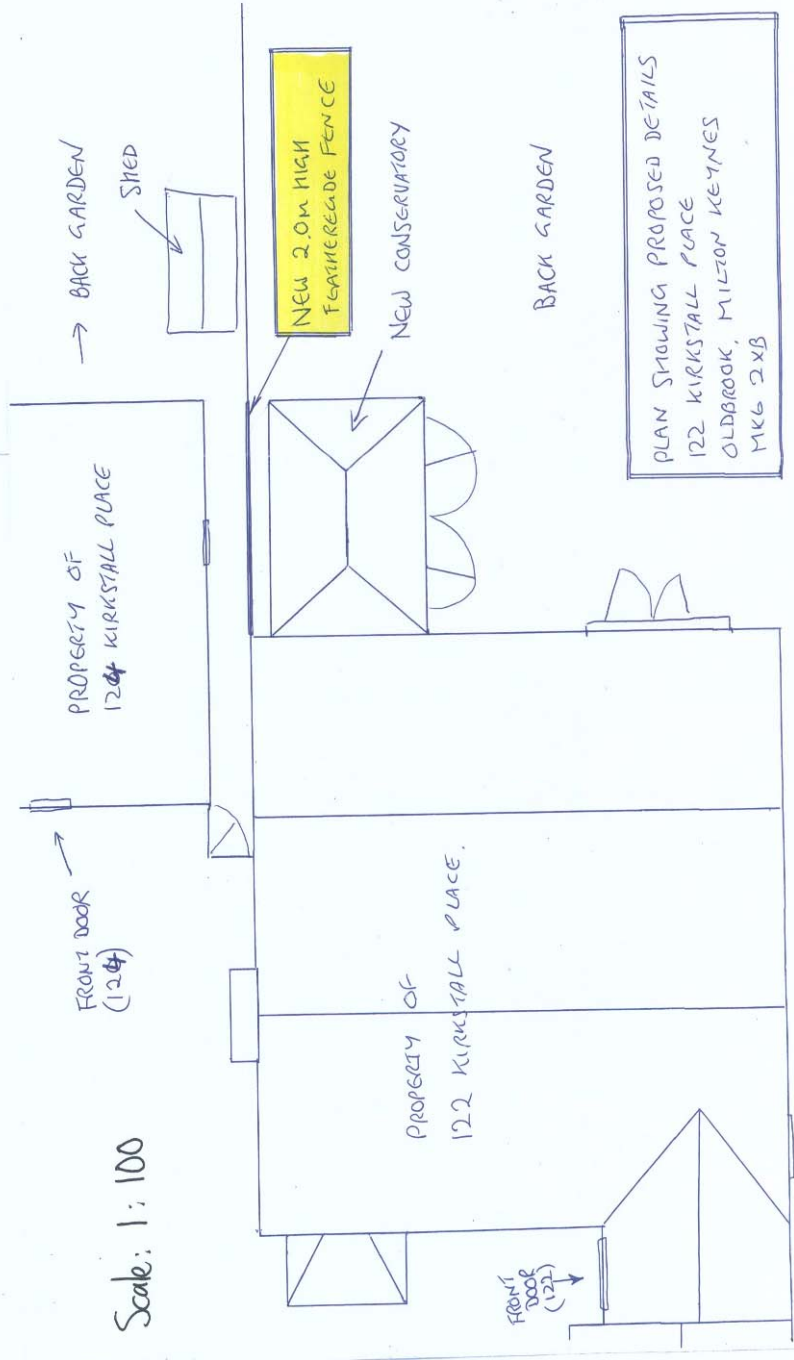
ORIGINAL FENCE 1.65M

5 metres long

2.0 metre high

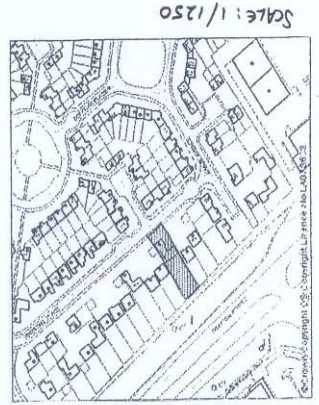
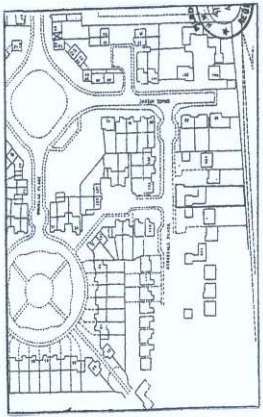
PLANING SHOWING PROPOSED DETAILS
 122 KIRKSTALL PLACE, MK6 2XB.

Scale: 1:100



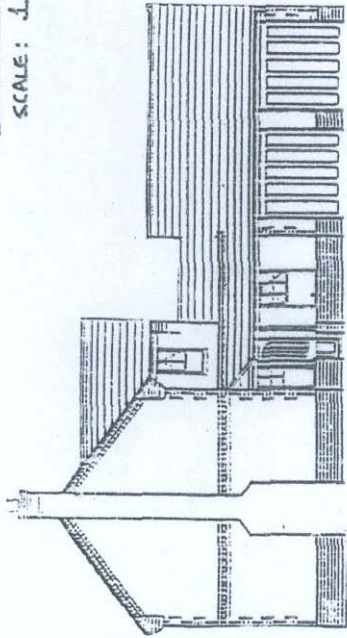
PLAN SHOWING PROPOSED DETAILS
 122 KIRKSTALL PLACE
 OLDBROOK, MILTON KEYNES
 MK6 2XB

DEVELOPMENT CONTROL
 - 4 SEP 2012
 RECEIVED

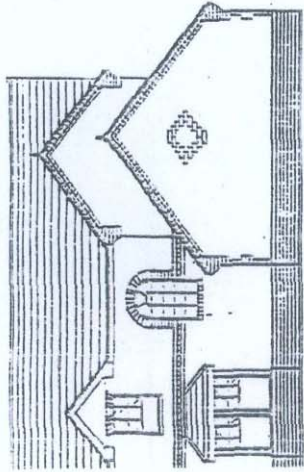


EXISTING PLANS

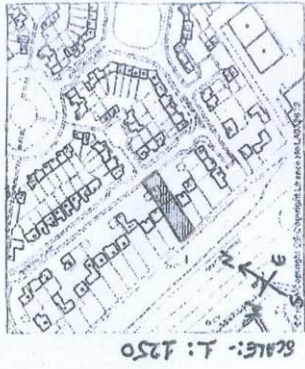
SCALE: 1/4" = 1'-0"



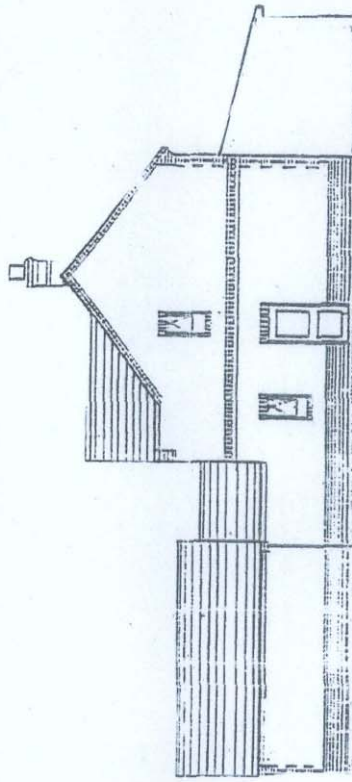
FRONT ELEVATION



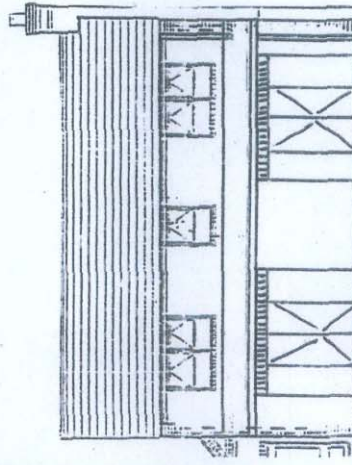
SIDE ELEVATION



SCALE: 1/4" = 1'-0"



REAR ELEVATION

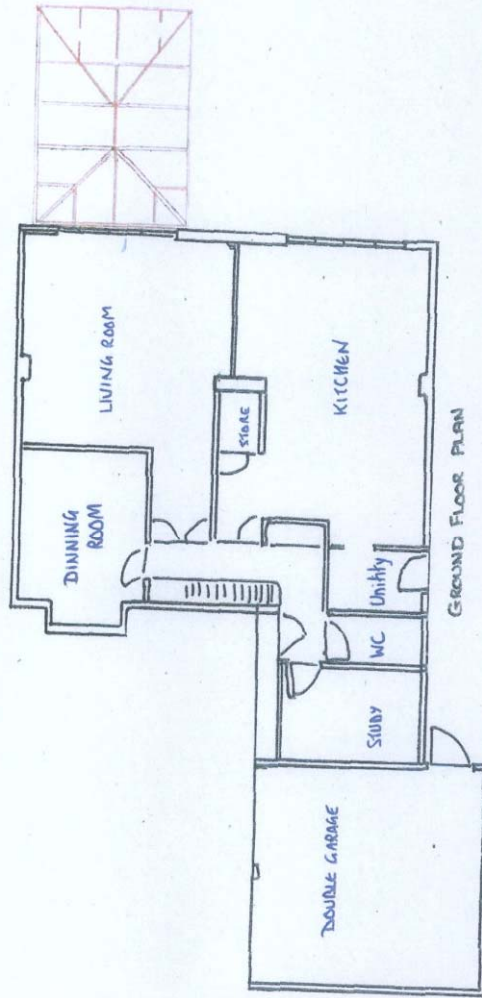
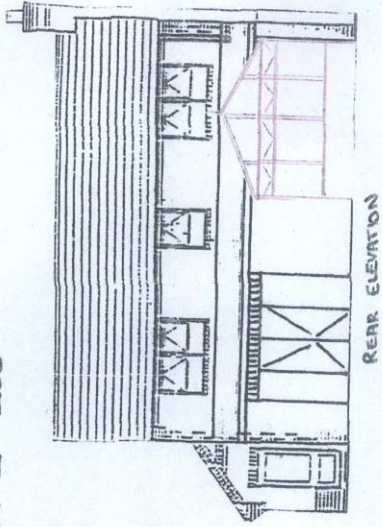
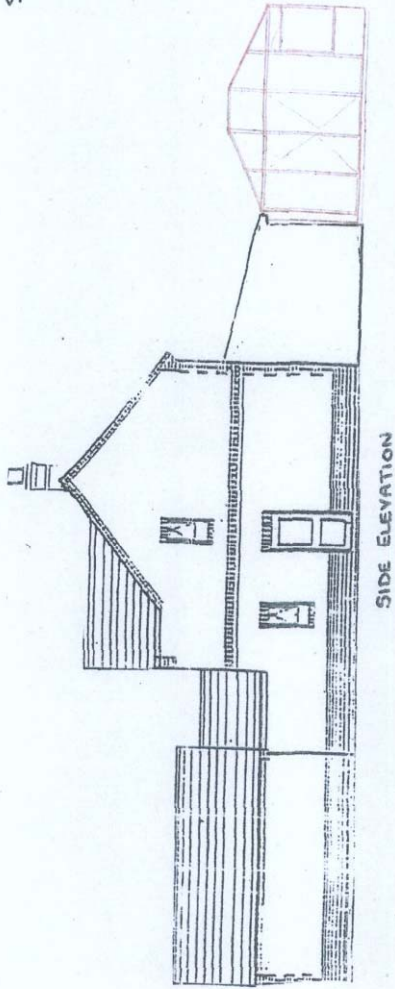


SIDE ELEVATION

PROPOSED TO EXISTING ELEVATION
FRONT, REAR, SIDE, SIDE
172 KIRKSTALL PLACE, OGDEN
MICHIGAN

PROPOSED PLAN

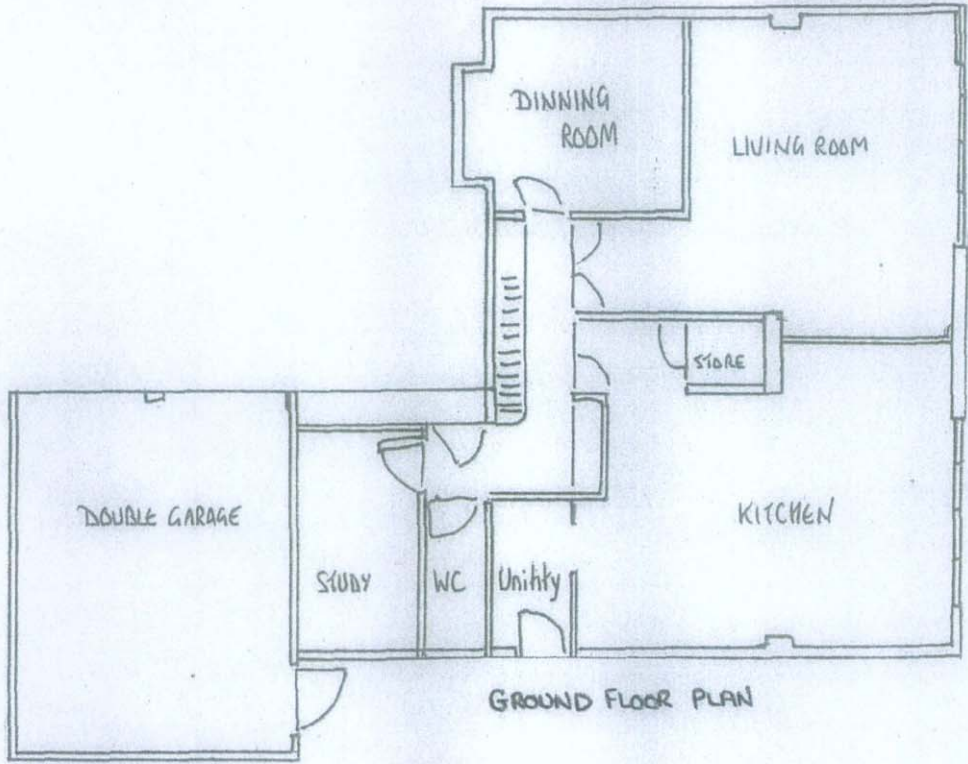
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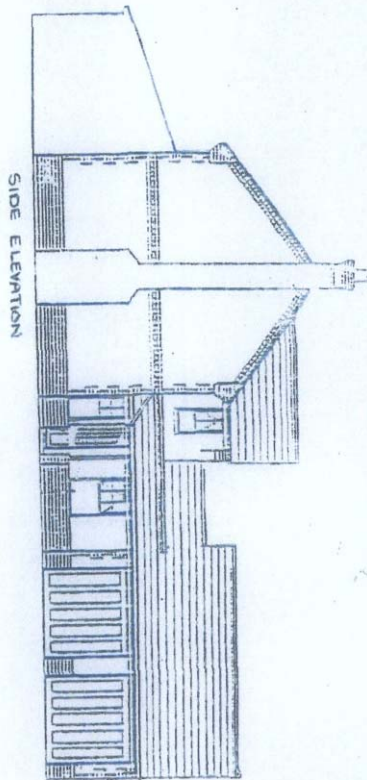


PROPOSED PLAN TO
A NEW CONSERVATORY
IN REAR EXTENSION AT
REAR GARDEN

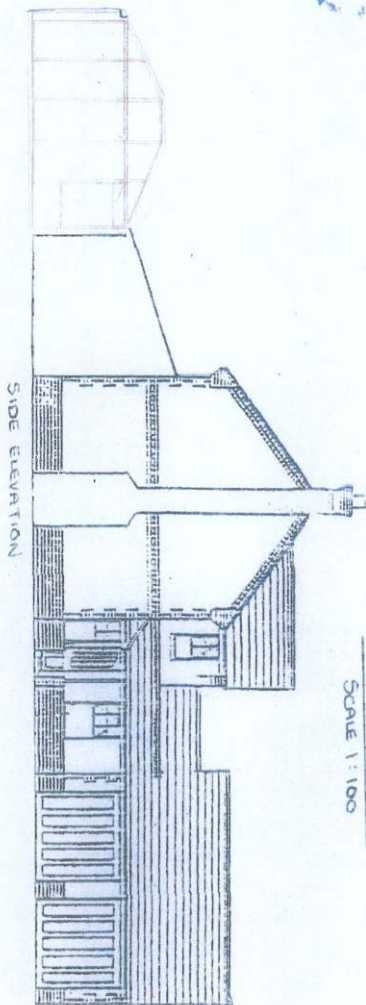
EXISTING PLAN

SCALE 1:100





EXISTING PLAN
SCALE 1:100



PROPOSED PLAN
SCALE 1:100

Appendix to 12/01594/FUL

A1.0 RELEVANT PLANNING HISTORY

(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)

A1.1 04/00018/FUL
SINGLE STOREY REAR EXTENSION
Permission granted 12.02.2004

12/00910/FUL
Erection of conservatory to rear
Permission granted 13.06.2012

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

A2.1 None.

A3.0 CONSULTATIONS AND REPRESENTATIONS

(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)

Comments

Officer Response

A3.1 Parish - Campbell Park

See paragraph 5.3 and 5.4

Objection:

“The Committee objected to the application and asked that the original condition for frosted/obscured glass to preserve the amenity and privacy of the adjoining residential property should not be relaxed as it contravenes Milton Keynes Council Policy D1iii.”

Local Residents

See paragraph 5.3 and 5.4

The occupiers of the following properties were notified of the application:

124 Kirkstall Place Oldbrook Milton Keynes

120 Kirkstall Place Oldbrook Milton Keynes

124 Objected to the application:

- Potential to see into conservatory from second floor window on 124 Kirkstall Place
- Boundary recently been increased in height- subject to party wall act
- Limited space between boundary fence and conservatory- potential risk of flood and noise generated by water feature
- Loss of privacy