

**PLANNING COMMITTEE - 18 DECEMBER 2002**

**Report of the Chief Planning Officer**

**MISCELLANEOUS ITEM**

**43/2000/064 ERECTION OF 21 DWELLINGS AND GARAGES TOGETHER WITH CONSTRUCTION OF ESTATE ROAD, SEWERS AND PUBLIC OPEN SPACE, PLOTS 235 – 255, PART PHASE 3, LAND OFF SWAINS LANE, WELLINGTON**

The above reserved matters application was considered by the Committee on 23rd August, 2000 and following the conclusion of a Section 106 Agreement was approved on 2nd March, 2001. Five of the proposed dwellings (plots 238 - 242) were part of the social housing provision for the overall site as required by the Section 106 Agreement concluded for the outline planning permission (ref. 43/1994/112). On 5th August, 2002 a minor amendment was approved amending the fenestration details on the front elevations of the proposed dwellings on plots 238-242.

During October 2002, it was brought to our attention that the dwellings on plots 238 - 242 were being built closer to the western boundary of the site than proposed on the approved plan. An amended plan was submitted indicating the position of the dwellings as being built. The amendment repositions the dwellings on plots 238 - 242 by reducing the distance between the rear of the proposed dwellings and the rear boundary from 10 m to 9.1 m at plot 238 to 9.5 m to 8.2 m at plot 242. The applicant's agent indicates that the repositioning was due to the existing turning head not being in the position shown on the original developer's plans.

Wellington Town Council and adjacent residents have been notified of the amended plans. The Town Council has no objection.

Three letters of objection have been received from the occupiers of adjacent dwellings making the following points:-

1. Objectors' properties are higher than the new buildings and therefore three of the houses have a direct view of their entire garden, side door access and rear windows, totally excluding any privacy previously enjoyed
2. Have been advised by local estate agents that the value of their property will be affected considerably.
3. Find it totally unbelievable that the Council has permitted the houses to be built on such a small site and to be built in the wrong position.
4. The approved plans indicate a bedroom window and an obscure glazed window on the rear first floor of each of the dwellings. In practice, two bedroom windows have been inserted.

5. Dismay that the plots now encroach upon rear view further and garden no longer adjoins other rear gardens only.

An amended plan has also been received indicating the revised window arrangements.

The minimum window to window distance on the approved plans between the new dwellings and the objector's property was 18.8 m. As a result of the amended position of the new dwellings, this is reduced to 17.5 m, a 6.9% reduction. In a suburban location such as this development and particularly in view of the requirements of PPG3, which positively encourage higher densities for housing developments, I consider this distance to be acceptable.

### **RECOMMENDATION**

The revised position and fenestration of the dwellings on plots 238 - 242 be APPROVED as a minor amendment.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

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