

## Report of the Chief Executive

**18/00234/ENF  
CONSTRUCTION OF DETACHED BUNGALOW WITH SIX  
UNAUTHORISED VELUX WINDOWS ADDED IN REAR ELEVATION  
176 MOORGREEN, NEWTHORPE, NOTTINGHAM NG16 2FE**1 Background

- 1.1 This matter was brought to the Council's attention in late July 2018. The site was originally granted outline planning permission in 2016 under reference 16/00532/OUT and subsequently a reserved matters application was considered and approved for the detached bungalow on 1 June 2017 under reference 17/00245/REM. The site lies within the Green Belt.
- 1.2 A compliance visit revealed that six Velux windows had been inserted into the roof within the rear elevation of the property. The visit also revealed some minor discrepancies with regard to the type and position of some of the approved windows and doors.
- 1.3 At the time of the visit, the property was not occupied and largely complete externally. It was also noted that a staircase with first floor landing had been installed. This was not shown on the approved floor plans.
- 1.4 Contact has been made with the applicant's agent in an attempt to resolve these issues. It is considered that the addition of the Velux windows and staircase is materially different to that approved and constitutes more than a non-material amendment and therefore a full, revised application was requested for consideration.
- 1.5 The agent contends that the insertion of the Velux windows should be dealt with as a non-material amendment. However in the opinion of officers this would not be appropriate as in essence, a first floor element has been added to the dwelling. To date a full revised application has not been forthcoming for consideration and the dwelling as built is not in accordance with the approved plans, and is therefore unauthorised.

2 Appraisal

- 2.1 The grant of outline permission was based on very special circumstances. The applicant's health issues required that they downsize to a smaller property within the same area. It was considered that a bungalow set back within the plot would not result in any significant reduction in openness in comparison to a more prominent detached dwelling. The outline permission did not stipulate that the building could only be of single-storey.
- 2.2 The rear (north) elevation of the property looks out onto paddocks. There are no neighbouring properties which the windows could overlook in this direction and therefore no detrimental impact on privacy.

- 2.3 A condition was placed on the reserved matters consent which removed rights of permitted development under Classes A and B of the Town and Country Planning (General Permitted Development) Order 2015. The addition of Velux windows would fall under Class C however, because they were inserted at the time of construction and prior to completion or occupation of the property, rights of permitted development would not apply in this instance.
- 2.4 Since the bungalow has not been built in accordance with the approved plans it is unauthorised and subject to potential enforcement action. In deciding what action to take the 'fallback position' needs to be considered, which is the work the applicants could do without needing any further planning permission. They could undertake the necessary work to bring the building in accordance with the approved plans, occupy it and then re-insert the Velux windows. Internal changes do not amount to development requiring planning permission. Advice in the NPPG is that enforcement action should not be taken unless there are sound land use planning grounds for doing so.
- 2.5 It is finely balanced as to whether there are sound planning grounds for taking enforcement action. Although the breaches of planning control do not increase the size of the bungalow they do introduce visible additional development with the Velux windows in the new roof slope. As was the case when the application was originally considered, the officer opinion is that the personal circumstances of the applicant are not considered to be very special circumstances that necessitate any changes to the approved plans. The relatively minor changes that could be undertaken without needing planning permission do potentially amount to very special circumstances which may be sufficient to clearly outweigh the harm by reason of inappropriate development.
- 2.6 Having regard to Policy E8 of the Broxtowe Local Plan (2004) and Policy 8 of the Part 2 Local Plan (2017-2018) it is considered that an application to retain the bungalow including the Velux windows would be inappropriate development within the green belt. This needs to be balanced against the fallback position of the works the applicants could undertake as described in paragraph 2.4 and this should be tested as part of an amended planning application. A new application is needed as, since the building as constructed is unauthorised, the permitted development restrictions would not apply.

### **Recommendation**

**The Committee is asked to RESOLVE that no enforcement action be taken for a period of two months to allow for the submission of an amended planning application and if no application be forthcoming that a further report be brought to Committee to enable the appropriate action to be taken.**

### **Background papers**

Nil