

planning conditions regarding the windows and roof panels, it is understood that there are major concerns over the roof height. This is a very elevated site and the roof height is crucial.

WARD MEMBER(S)

The initial comments of the Ward Member(s) are –

Councillor George: He supports enforcement action. ‘The latest transgression is a blatant case of give an inch and he takes a mile. There is no doubt that he has contravened his planning permission.’

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

CURRENT SITUATION

The Authority has received representation from four local residents who have raised objections to:-

- An alleged history of non-compliance
- The provision of the third storey
- He manipulates the ‘system’ to his advantage
- Operating a business and use of a building for storage
- The use of ‘stables’ as ancillary residential use
- New dwelling severely prejudices their present and future enjoyment of their property
- Loss of faith in the planning system

PLANNING POLICIES

Devon Country Structure Plan (2001-2016)

Policy CO3 – Areas of Outstanding Natural Beauty

Policy C06 – Quality of New Development

East Devon Local Plan (1995-2011)

Policy S3 – Development within Built-up Area Boundaries

Policy S4 – Countryside Protection

Policy D1 – Design and Local Distinctiveness

Policy EN1 – Development in Areas of Outstanding Natural Beauty

Supplementary Planning Guidance

CONSIDERATIONS AND ASSESSMENT

This report relates to departures from the approved scheme incorporating the insertion of 2 bedroom windows at first floor level in the south west elevation and the provision of additional accommodation in the roof space including the insertion of six rooflight.

The Local Planning Authority needs to consider whether these departures are significant enough to warrant enforcement action being taken. It is not considered that the height of the roof has been materially altered from the approved scheme. There is no adverse impact on the appearance of the dwelling through the insertion of additional windows and rooflights.

The main issue for consideration is therefore whether the additional windows/rooflights cause an unreasonable loss of privacy for nearby residents through overlooking.

The dwelling to the south west (Quarry Drift) is approximately 42 metres from the new dwelling and is well screened by vegetation. The first floor windows are secondary windows for a bedroom and with the ample separation and vegetation, would not result in an unreasonable level of additional overlooking.

Four of the six rooflights are high level and only allow views of the sky. The remaining two on the south east are lower but have a separation distance of approximately 42 metres with the neighbouring dwelling to the south. This is ample separation to ensure that the neighbour's privacy is not unreasonably harmed.

It should also be noted that the insertion of the windows and rooflights would be permitted development at the stage when the building is reasonably capable of occupation. This stage has almost been reached and accordingly these works would not require permission in a few weeks time, albeit they are a departure from the approved scheme. Comment has also been made that the residential accommodation has gone up into the roof space. Again, subject to no changes in the plane of the roof, these works would not need planning permission.

In view of the above comments, it would not be expedient for the Local Planning Authority to pursue enforcement action to have the windows and rooflights removed. There were no conditions on the grant of planning permission preventing the insertion of new windows or roof lights on completion of the building as originally approved.

CONCLUSIONS

The concerns raised have been carefully considered but for the reasons set out above it would not be expedient in the public interest to pursue enforcement action.

HUMAN RIGHTS ACT

Article 8 of the European Convention of Human Rights confirms that everyone has the right to respect for the private life and their home. Interference with this right by a Council is only authorised where the law allows and where the Council considers that action is necessary in a democratic society for, inter alia, the protection of the rights and freedoms of others. Furthermore, any action taken by the Council has to be proportionate in the sense that the Council does not require more than is reasonable or necessary to address the harm caused by the issue.

RECOMMENDATION

That no further action is taken.

List of Background Papers

Application file, consultations and policy documents referred to in the report.