

Development Management

LH Box 5, City Planning, Nottingham City Council, Loxley House, Station Street, Nottingham, NG2 3NG



Nottingham
City Council

For help completing this form please call us on 0115 8764447 or email planning@nottinghamcity.gov.uk

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

Applicant Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

**** REDACTED ****

Secondary number

Fax number

Email address

**** REDACTED ****

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

In addition to the existing approved Domestic loft conversion, an orangery/ conservatory is proposed to be built on the back of the house between rear wall and garage wall. The front bay window to be replaced with square bay window and brick wall below, under canopy.

Reference number

21/02020/PFUL3 (PP-10204833)

Date of decision (date must be pre-application submission)

19/11/2021

Please state the condition number(s) to which this application relates

Condition number(s)

3. Notwithstanding the details shown on the approved plan, the window at the top of the orangery shall be of none other than obscure glazing and non-opening and shall remain as such for the lifetime of the development.

Has the development already started?

Yes

No

If Yes, please state when the development was started (date must be pre-application submission)

22/11/2021

Has the development been completed?

Yes

No

If Yes, please state when the development was completed (date must be pre-application submission)

22/05/2022

Condition(s) - Variation/Removal

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

We wish the second part of the condition (non openable windows) to be changed as it prevents us from opening windows, complying with building regulations, and it prevents us our rights of cross ventilation and imposes serious health risks such as black mould if the room isn't properly ventilated. We are unable to open the windows during the hot summer months.

To comply with building regulations, any new habitable room requires adequate ventilation for general health reasons. The type of ventilation required is called 'Purge' and this is achieved by opening a window. The opening should have a typical area of at least 1/20th of the floor area of the room served. By design and functionality, this is the only place for our windows to be located. To comply with the latest regulations Part O (Overheating mitigation strategies), measures such as openable windows should be provided to prevent overheating problems.

The drawings that were originally sent should have stated the windows to be openable however was mistakenly missed out and submitted in error. The correct drawings have been attached below. Refer to drawing: Home_NG6_7AY - Sheet - B-004 - SECTION & DETAIL DRAWINGS - REV A

In addition to the above:

- The windows are currently built at high level (above head space) as per the drawings and are top hung.
- The windows are obscure glazed and neither ourselves nor our neighbours are able to see in or out of the orangery. (Pictures were provided to Martin Pool (Area planning manager).
- The windows are fitted with restrictors and only open into our air space within our boundary line as per the drawings.
- The windows would generally be open during the warmer summer months and will generally remain shut during the colder winter months.

As you can see this has a minimal effect and and little to no impact on the amenity of our neighbours. The windows do not open beyond the boundary line, they are obscure glazed, and they are top hung above headspace and have restrictors in place.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

Please could you amend the condition to include for the windows to be openable for the reasons stated above.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- Yes
 No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
 The applicant
 Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- Yes
 No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

**** REDACTED ****

First Name

**** REDACTED ****

Surname

**** REDACTED ****

Reference

21/2020/PFUL3- 2 Borman Close

Date (must be pre-application submission)

07/07/2023

Details of the pre-application advice received

An email correspondence from Martin Poole (Area Planning Manager).

From: Martin Poole Martin.Poole@nottinghamcity.gov.uk

Sent: 07 July 2023 12:02

To: nabeel naushahi nabeel_naushahi@hotmail.co.uk

Subject: RE: Planning permission 21/2020/PFUL3- 2 Borman Close

Hi Nabeel

As you might be aware, we have recently received further communication regarding these windows and, having reviewed my correspondence, I have realised that I did not respond to your email below, and I sincerely apologise for this. However, I think it would be desirable for all concerned if this matter is brought to a clear and formal conclusion.

I am conscious that as things stand, the planning condition remains in place and can be enforced. I do however appreciate the need for ventilation, the high level of the windows and the restrictions that are in place to limit the window opening,.

As noted previously, I consider that the condition can only be formally amended by an application for planning permission to vary the condition and would recommend that you submit such an application at your earliest convenience. Whilst I acknowledge the reasons for the windows being as they are, a formal application will allow for publicity and consultation to be carried out, and the need for the condition to be formally assessed in a transparent process.

In my opinion, the measures that you have put in place would appear to be acceptable to limit the impact on the amenity of your neighbours to an acceptable degree. However, I would state that this is my informal opinion, and is without prejudice to the outcome of a planning application.

I'd be grateful if you could get back to me to confirm how you wish to proceed.

I'd be happy to discuss.

Regards

Martin Poole
Area Planning Manager
Development Management
Nottingham City Council
Loxley House
Station Street
Nottingham
NG2 3NG
martin.poole@nottinghamcity.gov.uk
Tel: 0115 8764073

Website: www.nottinghamcity.gov.uk

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- Yes
 No

Is any of the land to which the application relates part of an Agricultural Holding?

- Yes
 No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

- The Applicant
 The Agent

Title

Mr

First Name

Nabeel

Surname

Naushahi

Declaration Date

19/01/2024

Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Nabeel Naushahi

Date

19/01/2024