Development Management – Delegated Officer Report

Application Number: AWDM/1816/16 Recommendation – APPROVE

Site: 105 Old Fort Road, Shoreham-By-Sea

Proposal: Removal of condition 4 of ADC/435/09 which required obscured-glazing to the lower half of the western first floor rear window (Retrospective)

Date of site visit: 10.01.2017

Neighbours checked: Y

Additional neighbour notifications: N

Site, Surroundings and Proposals

The application relates to what was originally a detached hip-roofed bungalow located on the north side of Old Fort Road on Shoreham Beach adjacent to the junction with Winterton Way. Consent was sought under reference ADC/435/09 to extend and remodel the dwelling as a contemporary flat roofed, two-storey, five-bedroom house. The consent has since been implemented.

Condition 4 of the original consent stated:

"The lower half of the western first floor rear window shall at all times be glazed with obscure glass."

Reason: To prevent overlooking and to comply with policy AH7 of the Adur District Local Plan. "

It is not clear from the case officer's report as to the justification for this condition. The submitted plans are labelled as 'lower section of the window in question to be in etched glass.' The report states, "The applicant proposes to obscurely glaze the lower half of the north facing window in the west side rear bedroom of the extension as this window would have an oblique angled view of the rear garden of no. 5 Winterton Way."

The report gives no reference to distances between the site and no. 5. There are however references to the directly adjacent dwellings and the fact that due to the existing circumstances and the proposal in question that there would be no loss of privacy.

Consent is sought here to remove condition 4 and remove the requirement to have the lower part of the window obscurely glazed. The application is retrospective and arose from an enforcement complaint, AWEN/0228/16. Since this time it appears that some form of mirror glazing or film has been applied to the windows.

Consultations: none

Representations: Email representation from no. 5 Winterton Way objecting on grounds of loss of privacy to rear garden, kitchen and mirrored glazing being used. Why six years later should it be changed to clear glass. Seriously compromising privacy.

Relevant Planning Policies

Saved Local Plan policies (ADC 1996): AG1, AH7
Development Control Standard No.3 'Extensions and Alterations to Dwellings'
Submission Adur Local Plan 2016 Policy 15
National Planning Policy Framework (CLG 2012)
National Planning Practice Guidance

Planning Assessment

The main issue here is the impact of the clearly glazed rear bedroom window upon the residential amenities of the occupiers of the adjacent dwellings. The main issue for consideration here being loss of privacy.

Residential Amenity

The original officer's report discusses the impact of the proposal on the residential amenities of the occupiers of the adjacent dwelling. There is reference to views over no. 5 as stated above. Yet the conclusion is that there would be no unacceptable loss of privacy.

When visiting the site at this current time the window in question appears to be fitted with mirrored glazing or film. The proposal here is to remove the condition, therefore there would be no requirement to remove this film or clear glazing could be used. The removal of this condition would purely remove the requirement for obscure glazing. It should be noted here that the objector highlighted concerns with regards to the 'mirror' glazing as there is the option to look out of the window without being seen. Consideration has been given to this and initially it was requested that the applicant remove such glazing/film. Yet in the light of the discussion and justification set out below, due to the distance between the window in question and no. 5 it is considered such a requirement would be unreasonable.

As stated in the previous report the aforementioned window does have oblique views over the rear of no. 5 Winterton Way. Yet this is not the property directly adjacent, these views are at a distance in excess of 22 metres. The Council's Development Control Standards for new development state that new development can be built 'back to back' where windows serving habitable rooms can be face to face provided there is a minimum distance of 22metres. Therefore this can be used as a guide to interpret what is a reasonable and acceptable distance with regards to overlooking. In built up environments such as this it is not considered unusual to have overlooking at such a distance. Therefore this relationship, combined with the lack of detailed justification for the need to attach the condition to the original consent, is not considered to be significantly detrimental to warrant a refusal in this case.

Condition 4 can be removed and the requirement for obscure glazing can no longer be enforced.

Recommendation

APPROVE

Subject to conditions: -

2. This permission relates to amended plans nos 0904/01, 0915/01, 0916/00 and 0917/00 received on 14th December 2009 and not to the plans originally submitted. Apart from where drawing no. 0908/A/0915 refers to the lower section of the rear bedroom window being in etched glass as this is no longer a requirement.

   Reason: - For avoidance of doubt and in the interests of proper planning.

5. Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification) no windows or other openings (other than as hereby approved) shall be formed in the walls of the first floor extension without the prior permission of the Local Planning Authority on an application in that behalf.

   Reason: - To prevent overlooking and to comply with policy AH7 of the Adur District Local Plan.

Informative

1. Proactive without amendments

Is recommendation contrary to letter(s) of representation? Y

Case Officer: Hannah Barker Date: 24th January 2017

Authorised by: Jo Morin Date: 25.01.2017