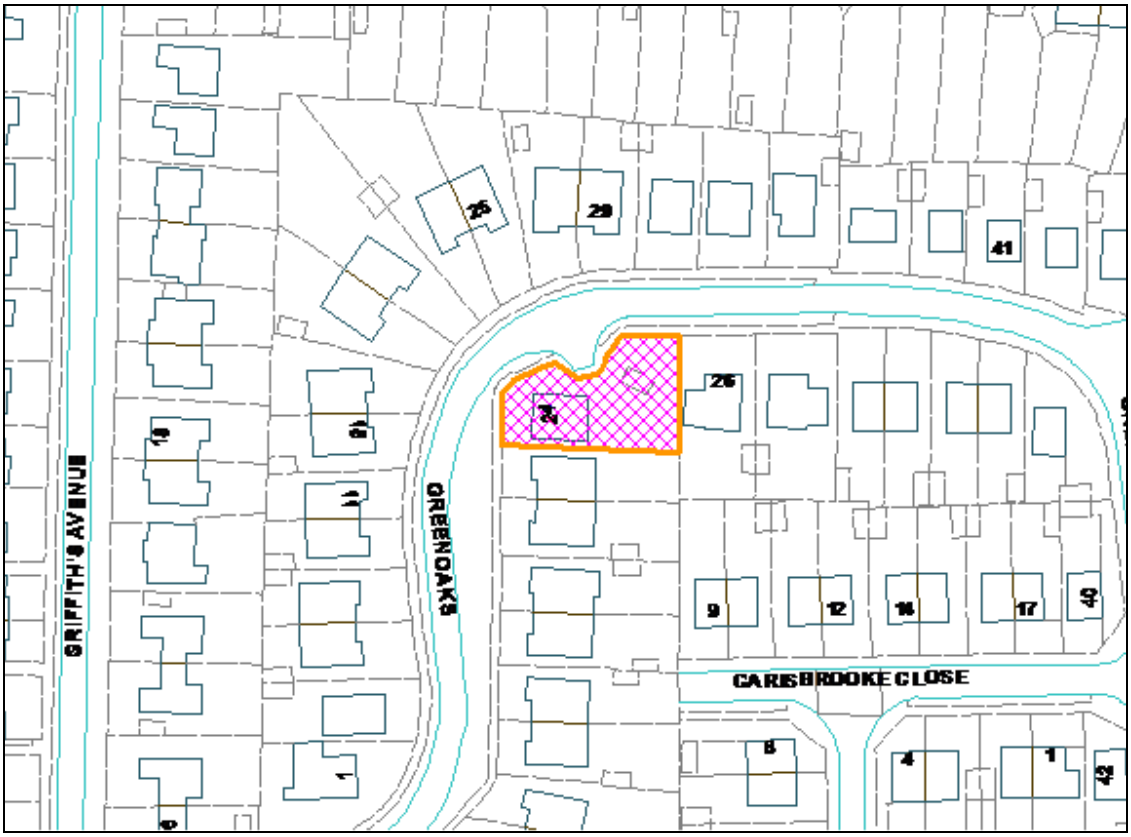
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Application Number: AWDM/1096/15 **Recommendation – APPROVE, subject to condition**

Site: **24 Greenoaks, Lancing**

Proposal: **Retrospective application to retain dormer on north elevation and un-obscured and openable glazing to the north and south elevations in connection with a loft conversion**

Applicant: Mr J Gyll Ward: Manor
Case Officer: Peter Barnett



Not to Scale

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Proposal, Site and Surroundings

The application property is a detached bungalow in a prominent position on a bend in the road in Greenoaks. A Certificate of Lawfulness was issued at the end of 2012 for a loft conversion at the property, to include a large dormer on the north roofslope and a smaller dormer plus two rooflights on the south roofslope. The Certificate was issued

on the basis that all glazing in the new windows was to be obscure glazed and non opening below 1.7m above the floor level of the room in which they were to be installed.

Following completion of the work, a complaint was received earlier this year that the windows were clear glazed and were causing a loss of privacy. A site visit has subsequently revealed a number of differences to those plans submitted with the Certificate of Lawfulness. All the glazing, with the exception of the window in the south-facing dormer, is clear glazed. In addition the windows are openable below 1.7m above the floor level of the rooms in which they are installed. The dormer on the north side is slightly larger and no windows have been provided in the end gables.

This application seeks retrospective approval to retain the windows and dormer as installed. The combined volume of the dormers is still below 50 cubic metres at 47.6 cubic metres and could therefore be constructed as permitted development, provided the glazing was obscure glazed and non opening below 1.7m above the floor level of the room in which the windows are installed. However, the glazing has not been obscure glazed and the rooflights are 1.64m above the floor level of the rooms in which they are installed. Consequently, the dormers and rooflights require permission.

Relevant Planning History

AWDM/1324/12 - Application for Certificate of Lawfulness for proposed dormers to side roofslopes and windows to front and rear gables – Certificate granted November 2012

Consultations

Lancing Parish Council: Committee objected to the application and maintained that the glass on the south elevations should be obscured as originally approved.

Representations

Letter of objection received from the occupiers of 22 Greenoaks raising the following concerns:-

- Objection relates solely to the unobscured and openable velux windows
- Loss of privacy to kitchen, bedroom and gardens
- Items thrown out of windows onto neighbouring property
- Have had to install blinds which are kept drawn and are now losing light
- Would have objected to these windows had we been given the opportunity to do so before they were installed
- Windows should be removed

Relevant Planning Policies and Guidance

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7 and Appendix 11 ‘Supplementary Planning Guidance’ comprising: Development Control Standard No.3 ‘Extensions and Alterations to Dwellings’
National Planning Policy Framework (March 2012)

Relevant Legislation

The Committee may grant planning permission for development carried out before the date of the application in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended).
Save that the development will have already commenced, this is a conventional planning application, and the Committee should consider the planning circumstances existing at the time of the decision in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and
Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Visual amenity

The dormer window on the north side is very large and dominates the roofslope. However, it falls within the permitted volume tolerance, being on the side roofslope. The appearance of the windows, whether obscure or clear glazed, has little impact on the street scene. It is not considered therefore to be expedient to take any action with regard to the north side dormer.

On the south side, the dormer is smaller and is less prominent in the street scene. As with the north side dormer, the glazing makes little difference to the overall visual appearance of the development. In visual terms, therefore, it is not considered that the installation of clear glazed windows has a detrimental impact on the visual amenities of the area.

Residential amenity

The main consideration is the impact of the clear glazed and opening windows on the amenities of neighbouring residents, in terms of privacy and overlooking.

To the north, the windows in the dormer face across the street to the front of bungalows 27m away. It is not considered that the windows cause any loss of privacy in this direction.

To the south, the most affected property is 22 Greenoaks, a bungalow, which has four windows along its north side facing the site. On the southern roofslope of the application property it is the two velux rooflights which have been installed with clear glazing and which are openable which are causing concern to the neighbour at No.22. They are positioned just below 1.7m above the floor level of the room in which they are installed. When they are closed there is no view possible of the neighbouring bungalow, other

than across its roof, and it is not considered that any loss of privacy occurs. However, when the windows are opened, it is possible to lean out and obtain views of the ground floor windows along the side of No.22. With a concerted effort, it is also possible to look into part of the rear garden of No.22. Both windows serve children's bedrooms.

The occupiers of No.22 are unhappy at the perceived overlooking and have advised that they have installed blinds to protect their privacy. It is clear that overlooking is possible, but at an angle rather than directly. At the time of your officer's site visit, it required a deliberate effort to look towards the neighbour's windows and, even more so to obtain views into their rear garden.

The windows serve children's bedrooms and it is possible that they may have a greater inclination to look out of the window. In order to overcome the loss of privacy the option would be to fix the window shut or to re-position them higher up the roofslope. This latter option may not achieve the desired result, however, as the window in the easternmost room is positioned directly over a bed and it would still be possible to stand on the bed and get a view out of the open window.

Both rooms are served by opening windows on the north side so the fixing shut of the rooflights would not prevent natural ventilation or a means of escape from the affected rooms.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved plans
2. Rooflights on south elevation to be fixed shut within one month of date of permission.

23rd November 2015