**Application Number: ADC/0548/07 Recommendation – REFUSE**

**Site: 2 Mill Hill Drive, Shoreham-by-Sea BN43 5TL**

**Proposal: Removal of condition 4 of planning permission ADC/0358/07 (requiring obscure glazing and fixing shut of rear dormer windows)**

**The Application**

This detached bungalow is located on the southern corner of the junction of Mill Hill Drive with Mill Hill. The ground falls away to the south and west.

The bungalow is situated on the eastern half of the plot, with the majority of the garden space sited to the west, adjoining Mill Hill. A smaller garden space is sited to the south (rear), with approximately 6m separating the main rear elevation from the boundary with the side of the rear garden of the neighbouring house to the south at No.12 Mill Hill. To the east, is a bungalow at No.4 Mill Hill Drive with further detached bungalows along that road, whilst to the north and south along Mill Hill are relatively large detached houses.

The property has undergone recent additions and alterations including a rear dining room, an east side double garage, and a west side conservatory, along with new roof tiling and cream rendered walls.

The most recent application to enlarge the bungalow by adding an additional storey, partly within a new raised ridged roof, was approved under delegated powers in August 2007 (ADC/0358/07). The approved plan shows the roof ridge raised by 1.7m, with part hips at either end, and with 3 dormer windows on the front (north) and 3 at the rear (south), plus rooflights. The first floor would contain 2 bedrooms, each with en-suite bathrooms, plus a study. The bedrooms would have windows in the front and side elevations as well as in the rear but the only window to the study would be at the rear.

A condition was imposed on the permission requiring:-

> "3. The rear (south) dormer windows of the extension shall at all times be glazed with obscured glass and fixed to be permanently non-openable with the exception of small top-hung opening lights details of which shall be submitted to and approved in writing by the LPA prior to installation."

The condition was imposed owing to risk of overlooking the property to the south (No.12 Mill Hill). The applicant is aggrieved by this condition, as he considers it is unreasonable and that it negates the purpose of having the proposed enlargement and, consequently, he has submitted the present application to have it removed. He refers to an e-mail in which the case officer dealing with the planning application stated that he had no concerns whatsoever with the rear dormers or any concerns other than visual design

quality. Throughout the application process he states that he was led to believe that the rear dormers were acceptable and that he was given no prior warning of any requirement for obscured glass. He considers that obscured glass is unnecessary because existing trees and shrubs would provide privacy. He refers to other dormers that have been approved facing the sides of properties adjoining corner sites without any such requirement for obscured glass. He also has pointed out that the central dormer window, being the sole window to the proposed study, would need to be openable to provide a means of escape (under Building Regulations requirements).

**Consultations and Representations**

***Third Parties:*** The residents of No.12 Mill Hill vigorously raise objection on grounds of loss of privacy if the condition is removed and add that, in their view, the original decision to grant permission for the additional floor was ill-considered, amounting to overdevelopment of the site.
***[NB. Cllr Debbie Kennard has indicated an intention to speak at the Committee meeting]***

**Relevant Planning Policies and Guidance**

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC1, DEV1,
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' including:- .
Dev Control Standard No.3 'Extensions and Alterations to Dwellings'
PPS1 'Delivering Sustainable Development' (ODPM 2005)

**Planning Assessment**

***Policies***

Structure Plan policies seek to protect and, where possible enhance the character and distinctiveness of areas, requiring high standards of design and layout having regard to local context (DEV1). Policy AH7 of the Local Plan, relating specifically to extensions and alterations to dwellings, states that they should be designed so as not to result in an unacceptable loss of light or privacy or have an overbearing effect on the neighbouring dwellings. Supplementary Planning Guidance in DC Standard No. 3 'Extension and Alteration to Dwellings' states that proposals "should not result in direct overlooking of rooms of neighbouring properties, nor excessive amounts of overlooking of garden areas". On corner plots, it states, a distance of 14m should be retained between principal windows on a rear extension and windows in the side of a dwelling to the rear, rear gardens normally being expected to be 11m deep.

***Residential amenity - privacy***

The property affected by this proposal is No.12 Mill Hill, to the south. This house is sited down the hillslope, on a significantly lower ground level. It is situated further west than the applicant's bungalow. Consequently, most of

the applicant's bungalow is alongside the boundary of the rear garden of No.12, and, other than for the conservatory on the west side, is not alongside the house itself.

Other than for a small dining-room projection, the main rear wall of the applicant's bungalow is 6m north of the boundary and the proposed 3 dormer windows would also be at this distance.

Adjacent to the common side boundary, No.12 Mill Hill has a detached garage with a steeply-pitched roof (located south of the applicant's dining-room projection) which provides privacy for the area at the immediate rear of the house. To the rear of the garage are several small trees (up to about 6m tall) and tall shrubs and a garden shed. When the trees and shrubs are in full leaf, together with the garage, they prevent overlooking from the proposed dormer windows into the rear garden of No.12. However, when the trees are not in leaf there would be scope for overlooking.

There is also concern about the future longevity of these trees and shrubs. Some appear to be relatively old and past their best. They occupy a significant proportion of the rear garden of No.12, causing a narrowing effect on the garden which future residents might well find unacceptable. If the dormers in question were to have clear glazing, it would place a burden on the owners of No.12 to have to retain trees and tall shrubs alongside the boundary in order to protect the privacy of their rear garden.

There are also some evergreen shrubs (Photinia and magnolia, currently about 1.5m-2m tall) and a small olive tree (about 3.5m tall) within the curtilage of the applicant's property. The applicant has supplied photographs from his side of the boundary to illustrate that these, together with the neighbours garage roof and a shed, would provide screening to prevent No.12 from being overlooked. However, they do not provide a continuous screen and they do not currently appear quite tall enough to act as a screen. Again there is concern about their longevity and whether future owners would wish to allow them to grow tall and be retained at such height. Although a condition could be imposed requiring their retention, it could be difficult to enforce.

As regards the effect on the house itself at No.12 itself, the proposed westernmost dormer window would directly face the narrow gap between the rear of the house at No.12 and the front of its tall garage. There is a line of bamboo, etc growing along the boundary but at present it is not quite tall enough to act as a screen. The nearest window in the side of No.12 only serves the bathroom (which is obscure-glazed) but the clear glazed landing window is quite close (about 9m away) albeit that its angle of view towards the proposed westernmost dormer window would be oblique. The existing bedroom window further west would be about 13m away and, being at a more acute angle, would not be significantly affected.

Whilst total privacy cannot be expected in rear gardens, in this instance the height of the dormers, owing to the higher ground level of the applicant's property, and their relatively close proximity (6m) to the boundary, would

result in a potentially greater view and tendency to an overpowering effect. The westernmost window would affect the objector's landing window, not the rear garden.

Overall, the requirement for obscured glazing is considered justified and reasonable given that the 2 bedrooms would have other windows. Nevertheless, the Committee needs to be satisfied that all 3 windows need to be obscure-glazed and whether it is justified to require them all to be fixed shut (apart from small top-hung opening lights).

Given the Building Regulations requirements for a means of escape, it is considered that the central dormer window which is the only window serving the proposed study could be allowed to be openable. There is slightly less risk of overlooking from this particular window position. (NB. an alternative means of meeting Building Regulations would be to have a door linking the study to the adjacent bedroom). As the application seeks complete removal of the condition, refusal is recommended. However, an alternative would be to grant permission imposing a re-worded condition excluding the central dormer window from the requirement for the windows to be non-openable.

**Recommendation**

REFUSE on the ground that:-

1. The removal of the requirement for the 3 south-facing dormer windows to be obsure-glazed and fixed shut (apart from small top-hung opening lights) would result in risk of overlooking the neighbouring property with resultant loss of privacy and detriment to residential amenity. Consequently, the proposal is considered contrary to policies AH7 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.

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