Planning Inspectorate

Appeal Decision

Site visit made on 18 March 2026

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2026

Appeal Ref: 6002175
4 Havenside, Shoreham-by-sea, West Sussex BN43 5LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Sara Jamieson against the decision of Adur District Council.
- The application Ref AWDM/0542/25 was approved on 9 September 2025 and planning permission was granted subject to conditions.
- The development permitted is: "*Variation of Condition 7 (rooflights) of approved AWDM/1715/23. Rooflights on the western slope to be obscured apart from landing rooflight and proposed front bedroom rooflight. Rooflights on the eastern slope to be clear glazed apart from rooflight serving the shower room. The lower section of the two double rooflights on the southern end of the western roof slope serving the master bedroom shall be fixed shut. ORIGINAL DESCRIPTION: Proposed front porch, front and rear gables, side dormer to east roofslope, extensions and alterations to garage building to create studio with store, rooflights to east and west roofslopes and in garage extension. (Rear gable and side dormer to be built under permitted development)*".
- The condition in dispute is No 6 which states that: "*Within three months of the date of this notice of planning permission: i) The roof light on the eastern roof slope serving the shower room and all rooflights serving the master bedroom on the western roof slope shall be fitted with level 3 obscure glazing which shall be permanently retained, and ii) The lower sections of the two double height roof lights on the western roofslope serving the master bedroom shall be made permanently fixed shut and unopenable at all times in accordance with details shown on Drawing: - Sections As Existing received 14th July 2025, and iii) The upper sections of the two double height roof lights on the western roofslope serving the master bedroom and the single rooflight serving the master bedroom on the western roofslope, shall each be fitted with window opening restrictors so that each of these windows shall not open more than a maximum distance of ten centimetres from the window frame. These restrictors shall be permanently retained and maintained*".
- The reason given for the condition is: "*In the interests of residential amenity and to accord with Policy 15 of the Adur Local Plan and because the rooflights are already in place".*

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submissions indicate that the arrangement shown on drawing 02 Rev E has, broadly, been implemented on site.

3. Concerns have been raised by third parties that approved plans have not been adhered to fully. That is a subject I shall address under the 'Other Matters' section below. For the purposes of my determination, however, I found that the arrangement on site was at least sufficiently close to that shown on drawing 02 Rev E that I could appreciate the effect of the disputed condition.

Background and Main Issue

4. Planning permission (the original permission)[1] was granted for extensions and alterations to the appeal site dwelling subject to condition 7, that rooflights (firstly) on the eastern roof slope, and (secondly) on the western roof slope and also serving the master bedroom, be obscurely glazed. This was "in the interests of residential amenity and to accord with Policy 15 of the Adur Local Plan". The submissions are clear that the term "residential amenity" refers to privacy for neighbouring occupiers, which the policy seeks to protect.

5. The application subject of this appeal sought to vary condition 7 of the original permission so that the rooflights on the eastern slope, apart from one serving a shower room, could be clear glazed. The application form also detailed the appellant's wish that rooflights on the western slope be obscurely glazed apart from one serving the landing and another serving the front bedroom, none of which would have been at odds with condition 7.

6. The Council approved the application (the later permission) subject to condition 6, which has three requirements. The first and second requirements capture arrangements proposed by the appellant, and are not in dispute. The third requires that restrictors be fitted to west-facing rooflights serving the master bedroom (hereafter, the rooflights) so that the upper sections of the two double height rooflights, and the whole of the single rooflight, cannot be opened by more than 10cm from the window frame. This is stated to be in the interests of residential amenity.

7. Taking all of the above into account, the main issue is whether the third requirement of condition 6 of the later permission is reasonable or necessary to protect the privacy of occupiers of the neighbouring dwelling, 2 Havenside (No2).

Reasons

8. Restrictors were not proposed by the appellant in the course of the later permission. They were also not a requirement of the original permission, and I have little from the Council to explain why it has taken a different approach to each permission.

9. At the same time, as set out in s73 of the Act[2], the local planning authority was entitled to grant the later permission subject to conditions that differ from those of the original permission. Moreover, s79(1) allows me to deal with the application as if it had been made to me in the first instance. I therefore make my own assessment.

10. The rooflights face directly towards the rear garden, ground floor flank windows, and first floor rear balcony of No2. If opened fully, they would allow a direct line of sight into, and comprehensive view over, all three over a short distance. This would significantly and harmfully erode the privacy of occupiers of No2, an effect exacerbated by the perception of being overlooked, arising due to the proximity and prominence of the rooflights.

11. A degree of overlooking is a feature of the local area, as it is in many residential settings. Indeed, I note that the balcony at No2 appears to play a notable role in

[1] Application Ref AWDM/1715/23.
[2] Town and Country Planning Act 1990 (As Amended).

this respect. That does not, however, justify or mitigate the introduction of new and greater overlooking to areas where occupiers have become accustomed to privacy.

12. The original permission includes a single-storey studio extension to the appeal site dwelling. If built, it may interrupt to a degree some of the lines of sight into No2 described above. The appellant has not provided me with any assurance that the studio will be built, and I cannot rely on even this partial mitigation coming to pass.

13. I am informed that the restrictors would be dangerous and contravene health and safety regulations in respect of ventilation and fire escape. Very little has been supplied in support of this argument, however.

14. I have nothing to show me that opening the rooflights fully, or by more than 10cm from the frame, is necessary to achieve adequate ventilation. Similarly, I have nothing to show me that the rooflights play a role in providing a means of escape in the event of fire, much less what role. I have no evidence that other approaches to fire safety have been considered, let alone exhausted. In the absence of any information of substance relating to these points, I see little reason to find that they outweigh the harm to neighbouring privacy identified above.

15. The third requirement of condition 6 of the later permission is reasonable and necessary to protect the privacy of occupiers of 2 Havenside.

Other Matters

16. Third parties have articulated a range of concerns. In granting the later permission, the Council could only consider the conditions of the original permission, and nothing more. As a result, my own assessment is focused on the main issue set out above, and I have only considered third party comments if are pertinent to it. Any other matters raised are not before me and have not affected my determination.

Conclusion

17. For the reasons given above the appeal is dismissed.

A Knight

INSPECTOR