Expiry Date – 7/5

Development Control – Delegated Officer Report

Application Number: AWDM/0469/20 Recommendation – Refuse

Site: 160 Old Fort Road, Shoreham

Proposal: **Variation of Condition 1 of approved ADC/0120/10 to retain clear glazing to window in South elevation of extension (retrospective application)**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 23.7.18

Site and Surroundings

This application relates to an extension on a two storey dwelling at the head of the cul de sac at the east end of Old Fort Road. As extended by permission ADC/0210/10 the property includes an east facing first floor sun room. At the time of the site visit (2018) this room had an obscurely glazed south facing almost full length window, fixed shut. This was removed and replaced with clear glass in the last 12 months.

Proposal

Condition 1 of the 2010 permission states:

The window in the south side elevation of the extension shall at all times be glazed with obscured glass and fixed to be permanently non-openable.

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

The glazing has been replaced with clear glass and the applicant seeks permission to remove the original condition in order to be able to retain the clear glass.

Relevant Planning History

ADC/0210/10 - Application for variation of conditions 03 and 04 of ADC/0455/08 (additional storey over original single-storey dwelling) to allow variations to fenestration in east/west elevations, and sunroom (condition 03); and formation of a new window in south elevation (condition 04). Granted 24.5.10

ADC/0455/08 - Additional storey over part of existing single storey dwelling (first floor living room and bedroom). Granted 29.10.08

Consultations

None

Representations

The neighbour at No. 158 strongly objects to the alteration on the grounds that the occupiers of No. 160 can now overlook their home and garden. They do not see any recourse other than the return to obscure glass fixed shut.

They note No. 160's objection to their own extensions at No. 158 in 2018 and the requirement to curtail and screen an east facing balcony and to include obscure glazing in the north elevation staircase to avoid overlooking of 158.

Shoreham Beach Residents Association:

'Objection.

We do not see that anything has materially changed since this requirement was made. The overlooking and privacy issues remain. The glazing should remain obscured. No argument within regulations has been made to the contrary.'

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2019
Adur Local Plan 2017 Policies 1, 2 and 15 including 'Development Management Standard No. 2 Extensions and Alterations to Dwellings'.

Planning Assessment

Principle

The principle of development cannot be supported as it is in direct breach of a condition attached to a 2010 permission required to protect the privacy of No. 158.

No. 158 has a large lawned side garden as well as a fenced rear garden which includes a swimming pool. The window in question is within 9 metres of the side garden at No. 160. It now allows a direct view into the garden of No. 160. It has not been possible to visit the site or No. 158 at this time to ascertain whether there are views into the extended house at 160, as asserted by the objector. However, views over the garden are clear and a loss of privacy is occurring.

The applicant's agent has submitted a statement which includes a couple of photographs. He states that *'limited harm'* is being caused. Unfortunately, the crucial photo of the view from the offending window towards No. 158 is not included to support this view. This statement also refers to:

'alternative screening solutions which should be acceptable as being reasonable in the circumstances if there is a problem.'

The applicant's agent has not put forward alternative solutions. The application is simply for the removal of the condition. This is unacceptable as harm is being caused.

The room in question is small and has wide east facing windows also. The applicant's living conditions are not compromised by the side window being obscurely glazed.

Recommendation REFUSE for the following reasons

The introduction of clear glazing is causing harm to the amenity of occupiers of No. 158 Old Fort Road due a loss of privacy. The removal of the condition is therefore contrary to policy 15 of the Adur Local Plan, 'Development Management Standard No. 2 Extensions and Alterations to Dwellings' and the National Planning Policy Framework.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Is recommendation contrary to any representations? No.

Case Officer signed: MOK Date: 1.5.2020

Authorised and signed by: Peter Barnett Date: 4 May 2020