Development Management - Delegated Officer Report

Application Number: AWDM/1203/13 Recommendation – Approve

Site: **25-27 Old Fort Road, Shoreham-By-Sea, West Sussex BN43 5RL**

Proposal: **Variation of condition 7 of AWDM/0872/13 to allow lower sections of the rear obscure glazed window to be openable for means of escape but fitted with restrictors to limit opening to 100mm generally.**

Date of site visit: 17 September 2013

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

This application follows the grant of planning permission by Members at the Planning Committee meeting on 27 August 2013 for an amendment to AWDM/0302/11 for the redevelopment of a pair of pre-war bungalows with 4 three-bedroom semi-detached 2-storey houses with first-floor front balconies and front roof terraces served by a partially pitch-roofed loft areas in the centre of the flat roofs. The buildings have been constructed on a higher slab level than approved (i.e. further out of the ground) by 260mm. This means that all of the buildings have been raised in height by the same amount. To rectify this to some extent the applicants lowered the roof section to ensure that the highest part of the building is just 100mm above the ridge of the neighbouring property (No.29) which is the same as was approved in 2012.

However, as a result of the increased slab height, and subsequent raising of the buildings up to parapet level (and associated increase in height of first floor windows), Members required the first floor rear windows to be obscure glazed and fixed shut below 1.7m above floor level.

The neighbouring properties either side consist of a bungalow to the west and a chalet-style dwelling with a steep pitched roof to the east. There are bungalows and chalet bungalows to the rear (north) in The Meadway and a diverse range of building forms and use of materials in Old Fort Road.

This application is seeking to vary the condition relating to the glazing to enable the windows to be openable for escape purposes, but with restrictors fitted to limit the width of opening to 100mm, except in emergencies.

Relevant site history

As above

Consultations

None

Representations

2 letters/emails received from the occupiers of 35 East Meadway and 21 The Meadway objecting on the following grounds:

- The windows should not open at all
- The dwellings are already intrusive without being subjected to noise through open windows
- Proposal will undermine a condition which was justly applied to protect privacy
- The architect should find another solution to comply with the Building Regulations

Relevant Planning Policies

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH2 and Appendix 11 'Supplementary Planning Guidance' comprising:
Development Control Standard No.2 'Space Around New Dwellings and Flats'
'Good Practice Guidance Note: Internal Space Standards for New Homes' (ADC 2010)
West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)
National Planning Policy Framework (March 2012)

Planning Assessment

Principle

Consideration of this application is limited to the impact of the openable rear windows on the amenities of the adjoining residents to the rear.

Residential amenity

The new dwellings are no higher than approved but they do have a slightly taller vertical wall up to parapet level. The first floor windows are therefore positioned higher up the rear wall and could give rise to an increased sense of overlooking.

The obscure glazing of the windows will overcome any loss of privacy but the windows do need to be openable for escape purposes to comply with the Building Regulations. It is not considered that, with a restrictor fitted to limit the opening to 100m only, there will be any harm to amenity or privacy for occupiers of the bungalows in The Meadway. The extent of any view towards the rear will be restricted and no adverse overlooking will be possible, with views largely limited to the end of the host garden or towards and above the roof ridge of the bungalows behind. It is not considered that the amount of noise from these rooms would be such as to be intrusive or unneighbourly, and certainly no worse than was previously approved under the original

permission which did not restrict the opening or glazing of the windows in any way.

It is not considered therefore that the variation of the condition will materially alter the relationship between the existing and new dwellings, when compared with the scheme approved under AWDM/0872/13, to justify refusing the application.

Recommendation

APPROVE for the reason:-

The development is within the built-up area and helps meet the need for additional housing without detracting from the existing local urban environment. The variation of the condition to allow the rear window to open by up to 100mm (except in emergencies) does not result in unacceptable detriment to the amenities of neighbouring properties when compared with the approved plans. It consequently does not conflict with the relevant saved policies of the Adur District Local Plan (AG1, AH2) or the policies of the National Planning Policy Framework.

Subject to Condition:-

1. Parking provision
2. Retention of temporary compound
3. Landscaping
4. Materials
5. Obscure glazed screen to north side of roof terrace
6. Obscure glazing to side windows
7. The dwellings hereby permitted shall not be occupied until the lower, non-opening panes of the existing first floor rear windows have been replaced with obscure-glazed windows which shall be openable for emergency escape purposes only but which shall be fitted with restrictors to limit the extent of opening to 100mm generally and they shall not subsequently be altered in any way.
8. Removal of PD rights
9. Approved plans

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

Case Officer: Peter Barnett Date: 29 October 2013

Authorised by: Gary Peck Date: 29 October 2013