Development Management – Delegated Officer Report

Application Number: AWDM/0229/17 Recommendation – APPROVE

Site: 19 Millcroft Avenue Southwick, Brighton

Proposal: Variation of condition 4 of approved AWDM/1793/16 to amend opening arrangements of the windows and location of rooflight windows in main roof slope.

Date of site visit: 13.02.17

Neighbours checked: Y

Additional neighbour notifications: N

Site, Surroundings and Proposals

The application relates to a detached bungalow where consent was recently granted to extend the dwelling to the rear with internal rearrangement resulting in alterations to openings and velux windows added to serve storage loft space, AWDM/1793/16.

Conditional consent was granted and Condition 4 stated: -

> 04. The windows in the north and south side elevations of the extension hereby permitted, plus the new windows in the north and south side walls of the existing dwelling and the roof-light windows in the north side roofslope of the existing dwelling shall at all times be obscure-glazed and non-opening (except that part which is above 1.7 metres above the floor of the room in which the window or roof-light is installed) and it shall not subsequently be altered in any way.
>
> **Reason**: *To prevent overlooking and to comply with saved policy AH7 of the Adur District Local Plan.*

The applicant's agent seeks consent to vary this condition to allow for the windows on the north and south elevation at ground floor to be openable. The submitted plans show the windows to be top hung and to be obscurely glazed. The velux windows are shown repositioned from those shown on the permitted plans.

The consent had not yet been implemented at the time of the site visit.

The case officer's report refers to there being no mutual overlooking between properties due to the windows being obscurely glazed. The applicant's agent advised that all windows were to be fitted with obscure glazing. A condition was then automatically applied which required the windows to be non openable except for above 1.7 metres above finished floor level. This caused issues with regards to the

requirements of the applicants and also compliance with building regulations for means of escape purposes.

Consultations: none

Representations: none

Relevant Planning Policies

Saved Local Plan policies (ADC 1996): AG1, AH7
Development Control Standard No.3 'Extensions and Alterations to Dwellings'
Submission Adur Local Plan 2016 Policy 15
National Planning Policy Framework (CLG 2012)
National Planning Practice Guidance

Planning Assessment

The main issue here is the impact of the openable windows upon the residential amenities of the occupiers of the adjacent dwellings. The main issue for consideration here being loss of privacy.

Residential Amenity

The original officer's report discusses the impact of the proposal on the residential amenities of the occupiers of the adjacent dwellings. It was considered that with the windows being obscurely glazed and non openable except above 1.7 metres above finished floor level then no overlooking would occur.

In this variation of condition application the applicant's agent proposes top hung windows which will be at their most open at the bottom of the window opening outward. These therefore serve the purpose of providing a means of escape and room ventilation. Yet the method of opening does not give rise to overlooking as a side opener or fanlight would be more likely to do.

Also when assessing the matter of overlooking on site, to the north of the bungalow is a boundary fence, with the adjacent bungalow at a higher ground level with obscurely glazed windows also top hung. There would therefore be no mutual overlooking here as a result of the opening windows proposed.

To the south there are windows at the adjacent bungalow both obscurely glazed and clear glazed. There are some alterations to the windows on the southern elevation of the application site which formed part of the previous consent. It is also considered here that due to the method of opening and the relationship and positioning of the windows with the adjacent property that the variation would not give rise to increased overlooking or loss of privacy than already exists here.

The plans also show the additional of velux roof lights serving storage space in the loft space. These are considered acceptable in the light of the part of condition 4 which refers to them being fitted with obscure glazing and non opening except for where the finished floor level is above 1.7 metres. The applicant's agent has

confirmed that these windows do not serving living space. Yet this condition allows for safeguarding in relation to any changes in the future.

Condition 4 can be varied and the requirement for the ground floor windows to be non-openable can no longer be enforced. Consent is granted for top hung windows only and the condition still applies to the velux windows.

Recommendation

APPROVE

Subject to conditions: -

01. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

Reference/Drawing Number	Version	Date Rec
EXISTING FLOOR PLANS AND ELEVATIONS	Drg No 16615-01	01.12.2016
PROPOSED FLOOR PLANS ONLY	Drg No 16615-02 Rev B	01.12.2016
PROPOSED FLOOR PLANS AND ELEVATIONS SHOWING DETAILS OF WINDOW OPENING METHOD.	Drg no. 16615-03 Rev D	

Reason: *For the avoidance of doubt and in the interests of proper planning.*

02. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

03. The external materials and finishes of the development hereby permitted shall, prior to commencement of use of the additional floorspace thereby created, be completed to match in design, colour and texture those of the existing building unless otherwise approved in writing by the Local Planning Authority.

Reason: *In the interests of visual amenity and to comply with saved policy AH7 of the Adur District Local Plan.*

04. The windows in the north and south side elevations of the extension hereby permitted, plus the new windows in the north and south side walls of the existing dwelling shall at all times be fitted with obscure glazing and openable by a top hung opening method only as shown on the approved plans. The roof-light windows in the north

side roofslope of the existing dwelling shall at all times be obscure-glazed and non-opening (except that part which is above 1.7 metres above the floor of the room in which the window or roof-light is installed) and it shall not subsequently be altered in any way.

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

05. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings (other than as hereby approved) shall be formed in the north or south side wall of the building.

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

Informative

1. Proactive without amendments

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

Case Officer: Hannah Barker Date: 27th February 2017

Authorised by: Jo Morin Date: 16.03.2017