Development Control – Delegated Officer Report

Application Number: AWDM/0023/17 Recommendation – APPROVE NMA

Site: 12 Brighton Road Lancing West Sussex

Proposal: Non-material amendment to approved application AWDM/1437/15 for retrospective lowered cill level to first floor bedroom window on north elevation, and bi-fold doors in lieu of French doors and side lights for ground floor rear kitchen and first floor front bedroom.

Date of site visit: 6.1.17

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The site is a plot of land elevated from the coast road (A259). The approved proposal relates to the first floor rear window of a newly built detached two-storey 4 bed dwelling.

The amendment seeks retrospective permission for a lower cill to that bedroom window and bi-fold doors in lieu of French doors and side lights for ground floor rear kitchen and first floor front bedroom.

Relevant site history

AWDM/1437/15
Application for removal of condition 3 of AWDM/0961/15 to reduce the impermeable area to 90 sqm

AWDM/0961/15
DEMOLITION OF EXISTING HOUSE, GARAGE AND OUTBUILDING AND CONSTRUCTION OF 2-STOREY 4 BEDROOM HOUSE AND PROVISION OF 3 CAR PARKING SPACES
A/C 25/08/2015

Consultations: None undertaken.

Representations: Objection received from occupier of 127 Brighton Road (summarised): *I am the new owner of 127 Brighton Road. Understood from previous owner (Mrs Ryall) that she was in discussions with the council about the lack of privacy in the sleeping areas caused by the upper rear windows and height of number 125. I was informed that she had requested help in getting the property developer owner to put in some type of frosted glass in the upstairs bedroom windows. From these two rear windows future occupiers will be able to see directly into the bedroom areas of 127. I can see that the upstairs windows have some sort of coating to prevent neighbours looking 'in',*

i.e. invading their privacy, but I cannot tell if this works both ways – I doubt it, somehow? I'm in the middle of moving and will resident from next Monday! But I'm emailing now as I see I must respond before the 23rd. I do not wish, in the least to be difficult about this. However, it is obvious that lengthening this upper window will give the future residents of 125 even more of a view of my bedroom. I value my privacy too and am not particularly happy about this. I, like Penny, do not see why I should have to accept this degree of invasiveness. I do not see why I should why I should have to keep my blinds drawn on lovely sunny mornings in order to achieve a normal degree of privacy. I wonder whether we could arrange a quid – by 'frosting' the bedroom glass on the two first floor windows (as Penny/Mrs Ryall was pressing for)? If this agreed by the owner then I would absolutely drop my objection to their enlargement of the 2nd 1st floor window! I sincerely hope that we can achieve a speedy and friendly resolution to this,

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)

Planning Assessment

Section 96A of the Act allows a non-material amendment to be made to an existing planning permission via an application procedure. There is no statutory definition of 'non-material'. This is because it is so dependent on the context of a particular scheme – what may be non-material in one context may be material in another. In order to grant an application a local planning authority must be satisfied that the amendments sought are non-material.

In assessing applications for a non-material amendment the Government's National Planning Practice Guidance states that the local planning authority must have regard to the effect of the change, together with any previous changes made under s.96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. In this case, the neighbours on either side have been notified of the proposed amendments to the approved scheme, but no representations have been received.

As this is not an application for planning permission s.38 (6) of the Planning Act 2004 does not apply. However, the extent to which the proposed amendments comply with the relevant Development Plan policies is a material consideration.

Visual Amenity

The rear first floor window size has increased but even as enlarged it is in proportion to the rest of the fenestration on the building. This new opening, as well as the choice of bi-fold system as opposed to French doors and side lights, continues to be sympathetic of the building style.

Residential Amenity

The change has increased the window size facing north, onto the neighbour at the rear. This is the neighbour principally impacted upon by the changes as it is physically removed from the remainder.

However the increased extent of glazing is a result of lowering the cill. This means the extent of overlooking towards No.127 would be no greater than that from the previous approved picture window which would have allowed for equal views, with no consequential loss of privacy. There has been no material increase in overlooking compared to previous approval as to now warrant the requirement of obscure glazing.

The Bi-fold doors would not involve an increase in the size of the glazed opening – so would not result in any increased overlooking/loss of privacy.

Recommendation

APPROVE

The retrospective lowered cill level to first floor bedroom window on north elevation and bi-fold doors in lieu of French doors and side lights for ground floor rear kitchen and first floor front bedroom shown on Drwg No. 2364/02 Rev A titled Proposed New House and Drwg No. 234/04 Rev C titled Working Plans + Elevations are not material and can be substituted for the approved drawing numbers identified on the decision notice AWDM/1437/15 (IN RELATION TO ELEVATIONS and FLOOR PLANS ONLY)

It is important to note that the existing planning permission AWDM/1437/15 still stands and that the conditions imposed upon it continue to apply to the development except that the above plans can be substituted for those identified

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

Case Officer: Matthew Porter Date: 30.01.2017

Authorised by: Peter Barnett Date: 30 January 2017