Development Control – Delegated Officer Report

Application Number: AWDM/1707/19 **Recommendation – APPROVE**

Site: **8 Vincent Close, Lancing**

Proposal: **Variation of condition 2 (Approved plans) and condition 4 (No additional windows) of approved application AWDM/0989/14. Amendments: addition of obscure glazed first floor window to east elevation plus clear glazed window to ground floor to east elevation to replace previously proposed door; changes to glazing in dormer on rear elevation.**

Date of site visit: 08.11.2019 & 19.12.2019

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application property is located within a small residential cul de sac comprising bungalow properties. The application property is a semi-detached bungalow. Other bungalows within Vincent Close and the surrounding roads have been extended with dormer additions and single storey rear extensions.

The original permission was for a single storey rear extension, a hip to gable enlargement and dormer extensions within the front, side and rear roof slopes.

Planning History:

AWDM/0989/14 Single storey flat roof rear extension; 2 no. front dormers and hip to gable roof extension with rear dormer **Approved 29.08.2014**

Consultations: None

Representations: Lancing Parish Council : No objections

Objection 27 Elms Drive:

- Two conditions were added to the original approval to mitigate any overlooking and loss of privacy to ours and neighbouring properties
- Did not object to the planning application at the time although we did indicate our continuing concerns for loss of privacy
- It was agreed that the dormer windows were to be obscure glass in the bathroom along with clear glass to a small secondary bedroom

<u>Variation of condition 2</u>

- Overlooking
- The proposed layout now looks to change this into one master bedroom with 3no. clear glass picture windows, the closest being just 12m from our own principal living area patio doors.
- Contrary to SPG Extensions and Alterations to Dwellings

Variation of condition 4

- The approved door on the east elevation was at the northern end and wouldn't have directly impacted on us (and was never built)
- The proposed new clear glass window is not a replacement as it would be further down and would now face directly into our principal living area
- There is currently a large hedge between the two properties but this is now dying and will probably have to be removed
- If removed then due to the height differences between the two properties and the current fence, both sides would have daily direct views into each other's rooms from a distance of just 10m
- This loss of privacy is contrary to SPG Extensions and Alterations to Dwellings
- No objections to the fixed, obscured glazed window over the stairwell

Relevant Planning Policies

Adur Local Plan 2017 Policy 1, 15
DM Standard No.2 SPG - Extensions and alterations to dwellings
National Planning Policy Framework (2019)
National Planning Practice Guidance

Planning Assessment

Principle

There is no objection to the principle to the proposed development to vary the conditions on the earlier approval.

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the dwelling and its surroundings.

Visual and Residential Amenity

As yet, the whole of the 2014 approval has not been constructed, principally the hip to gable and the dormers. However the ground floor extension has been constructed.

The application seeks to vary conditions 2 and 4 of the planning permission AWDM/0989/14.

Condition 2 of the earlier approval relates to the plans which were approved by the permission. The proposed floor layout plans, section and elevations, drawing no. law07/14/3 page 1, being the relevant plan approved.

As this current application seeks to move certain items from the positions shown on this plan, the condition obviously would need to be varied if the application was approved.

Therefore contrary to the representation received from the neighbour, this condition was not put in place to mitigate any overlooking and loss of privacy to the neighbouring properties, but is purely to identify the plans which were approved.

Turning to condition 4 of the earlier approval, this condition states:-

"Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings shall be formed in the easterly or westerly side walls of the extensions.
Reason: To prevent overlooking and to comply with saved policy AH7 of the Adur District Local Plan."

This is a standard condition generally applied to extensions, which allows the Local Planning Authority to check that any windows or other openings do not materially affect neighbouring residential properties.

At the time of consideration of the proposal in 2014, the case officer had assessed the effects of the proposal on the neighbouring properties; indeed in the report she noted that the proposed windows of the development would not look directly into the neighbours rear garden or conservatory (no. 27), although she did note that there were no windows that were incorporated in the side walls of the dormer to the east or west or the easterly gable end extension, and that the existing 2.5m high hedge and fence screening situated on the south and easterly boundary would partially screen the single storey extension.

Therefore the consideration now is whether the installation of the ground floor window on the east elevation of the approved extension, would result in material overlooking of adjoining neighbouring properties, namely no. 27 Elms Drive.

The hedge is still in place, and the fencing, but as has been pointed out by the representation submitted, the hedge could be removed. However, if this were to happen there would still be the fence in place, and it is unlikely that they both would be removed together. The hedge is also within the objector's garden and they therefore have control over its long term retention or replacement.

The new window would serve a kitchen area, and although on a different part of the side elevation of the extension, i.e. it will start approx. 300mm further south than the original glazed door shown, and then be a further approx. 1m wide, the question is would this new position give rise to demonstrably more

overlooking than the glazed door. It is not considered that it would cause increased harm as both the approved door and the proposed window would be able to view the neighbouring property if both the fencing and hedging were gone, but not with them in place. The neighbour has referred to the height differences between the two properties and the current fence. The site visit does reveal some difference in height between the two properties, but not so demonstrable as to result in significant or indeed material overlooking from one property to the other.

The obscure glazed window over the stairwell would not affect the neighbouring residential properties and thereby can be approved.

The purpose of an additional window within the rear dormer is to serve an area which is to be a walk in wardrobe, a non-habitable room; this window would also be obscured glazed up to 1.7m and clear above.

In summary, it is found therefore that there is no justification for refusing this application for the proposal as submitted.

Recommendation

APPROVE

Subject to the reinstatement of the earlier Conditions with amendments to conditions 2 & 4 and the removal of condition 1 as the approval of AWDM/0989/14 has already been implemented. Also amendments to the Adur Local Plan Policies as the latest Adur Local Plan was adopted in 2017 and the following conditions:

1. Approved Plans
2. Materials
3. No windows – Easterly & Westerly Elevations
4. Obscure glaze side window serving stairwell
5. Obscure glaze easternmost window in dormer

Informative
1. Approved without amendments

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

Case Officer: Eve Hearsey Date: 23.12.2019

Authorised by: Peter Barnett Date: 23 December 2019