Development Management – Delegated Officer Report

Application Number: AWDM/1829/15 Recommendation – REFUSE

Site: 61 Berriedale Drive, Sompting

Proposal: Retention of conservatory as built to rear (north) elevation with obscure film applied to glazing on east elevation (retrospective)

Date of site visit: 22.02.16

Neighbours checked: Y

Additional neighbour notifications: n

Proposal, Site and Surroundings

The application property is located on the northerly side of Berriedale Drive and comprises a semi-detached bungalow property. The road is residential in nature and incorporates pairs of semi-detached bungalows some of which have been extended to the rear and with dormer extensions in the roof.

Prior to this application retrospective planning permission was granted for the retention of a conservatory attached to a single storey extension at the rear of the property. AWDM/1364/14. The conservatory measures 6.5 metres in width, 2.6 metres in length, 2.6 metres in height to the eaves and 4 metres in total height.

Planning permission was required for the conservatory as it exceeds 3 metres from the original rear wall when combined with the single storey flat roofed extension to the rear of the property. When considering this retrospective application the eastern side panels of the conservatory were fitted with clear glazing with openable top lights. To the east the conservatory is located 0.3 metres from the neighbouring garden and attached bungalow. The close proximity of the conservatory to the easterly neighbouring bungalow and the lower position of the neighbour's rear conservatory meant that the clear glazed panels and high level windows within the eastern side wall of the conservatory look directly into the easterly neighbour's rear garden and conservatory above the boundary fence. The high level windows on the eastern side also open over the boundary to the neighbouring property and there is a side door within the easterly side of the conservatory, these openings have the potential to cause further loss of private amenity to the occupiers of the easterly neighbouring bungalow. During the course of this application it was recommended to the applicant that the existing clear glazed panels, single door and high level windows on the eastern side of the conservatory are replaced with fixed obscure glazed panels. The Applicant originally submitted a brochure specification showing obscure glaze film that could be applied to the easterly side walls of the conservatory. Whilst this may have overcome some of the concerns, it was not considered to be a permanent solution to the loss of the neighbouring privacy issue as it could easily be peeled or scrapped off at any point.

Also during the processing of this previous application the applicant confirmed to officers that he was committed to replacing the clear glazed panels, single door and high level windows with fixed obscure glazed panels and that the quote obtained for these works will require approximately 6 months of further saving. At this time he confirmed that in the interim period he will be installing the obscure glazed film to the eastern side panels/window and door within the conservatory and the high level windows in the eastern side of the conservatory have now been altered so that they are non-openable. At the time of considering this proposal in May 2015 it was considered that there was commitment to replacing the clear glazing and the interim solution was also considered to be acceptable to protect the residential amenities of the adjacent occupiers in the short term. Therefore retrospective approval was granted subject to the following conditions: -

1. The Frostbite Window Film shown in The Window Film Company Specification submitted to the Council on the 30th April 2015 shall be installed on the eastern side panels, high level windows and door of the conservatory within 1 month of the date shown on this decision notice.
   Reason: In the interests of neighbouring amenity and to comply with saved policy AH7 of the Adur Local Plan.

2. Within six months of the date shown on this decision notice the existing clear glazed panels, single door and high level windows within the eastern side of the conservatory shall be permanently replaced with fixed shut obscure glazed panels details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the installation.
   Reason: In the interests of neighbouring amenity and to comply with saved policy AH7 of the Adur Local Plan.

At this current time the high level windows have been altered to be non opening and the obscure window film has been installed. This was observed at the site visit, the side door however still remains in place. Therefore the requirements of condition 1 have been carried out, yet condition 2 stipulates that by November 2015 (6 months after consent) The side of the conservatory shall be replaced with fixed shut obscured glazing. This has not been the case and the current application seeks consent for the retention of the conservatory with the obscure film applied to glazing on the east elevation as is currently the case.

Consultations:

Sompting Parish Council support this application

Representations:

One letter of objection has been received from the owners of no. 63 Berriedale Drive.

We object to planning permission being granted on the conservatory. As the conservatory stands now it is not a permanent solution to our loss of privacy. We thought the windows and door would be replaced with fixed glazing. The film is not a

permanent solution to our loss of privacy as it can be easily peeled or scraped off at any point. The windows and the door are still not fixed so at any point the handles could be easily put on and they would again infringe on our privacy. The Window Film Company also say that the film can be peeled off.
This film was never to be a permanent solution. The applicant was only originally permitted the film as he was committed to replacing the windows and door with fixed glazing and obscure glass. On the planning application the applicant states all glazing is frosted on the east elevation, this is incorrect it is clear glass with film this should be amended.

Relevant Planning Policies

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising:
Development Control Standard No.3 'Extensions and Alterations to Dwellings'
National Planning Policy Framework (CLG 2012).

Planning Assessment

There is no objection in principle to the conservatory to the rear of the existing dwelling providing that the development would have no harmful impact on the visual amenities of the area or to the amenities of neighbouring residential occupiers.

Visual amenity

As previously considered despite its relatively substantial form the conservatory still appears as a lightweight glazed addition to the original bungalow that would cause no adverse impact of harm to the visual amenities of the surrounding area. The changes to the side windows and additional of frosted film have had no material impact upon this issue and in visual amenity terms it remains acceptable.

Residential amenity

As previously considered the residential occupiers that would be most affected by the conservatory are located within the neighbouring properties, 59 Berriedale Drive to the west of the application property and 63 Berriedale Drive to the east of the application property.

The western and eastern boundaries of the application site are lined with 1.7 metre high close boarded fences which provide some screening of the conservatory to the neighbouring bungalows on both sides. The proposed conservatory however is relatively high when compared to the application property and the neighbouring bungalows to the east and west. As the conservatory measures 2.6 metres to the eaves and 4 metres in total height the easterly and westerly clear glazed side panels, high level windows and glazed roof are clearly visible above the fence lines.

To the west the side windows in the conservatory are distanced to the neighbouring garden by 5 metres and 7 metres to the side wall of the neighbouring rear extension. As there is a reasonable degree of separation distance between the conservatory and the westerly neighbouring property and the side window within the neighbouring

extension is predominantly below the fence line it is not considered that the conservatory causes any harmful loss of privacy to the amenity of the westerly neighbouring occupiers.

The frosted film is currently in place and the high level windows have had their handles removed therefore restricting overlooking to no. 63 and the opening of the high level windows over the boundary. However this is considered to not be an acceptable long term solution. The acceptance of the use of obscured film by officers was only on the basis that it was a short term solution in the interim period prior to the installation of the replacement obscurely glazed panels which were permanently non-openable. A ‘good will’ option to appease both parties whilst the funds were in place for the works that were required to permanently resolve the issue of loss of amenity, overlooking and unneighbourly development.

The applicant has confirmed that the frosted film was purchased from ‘The Window Film Company’ it was applied by a friend/colleague of the applicant. The company did not professionally apply the film. The company’s website advises that the film can be purchased online and installing the privacy film is straightforward by following the instructions supplied or it could be fitted by an installer. This does imply that as it can be installed by the homeowner there is no equipment or machinery required to attach the film other than ‘sticking it to the window.’ The website states that the film is installed onto the glass using soapy water and a squeegee after the glass is thoroughly cleaned. The website also states that the window film can be removed from the glass either by the company or instructions can be given on how to do this.

In the light of the above it is considered that the frosted film does not represent a permanent solution to the residential amenity issue identified between the application site and no. 63. It can be removed and applied by the home owner and therefore does not seek to guarantee the current and future protection of the neighbouring property’s amenities. The film does not overcome the issue of the possible top opening windows and side door, which have also not been replaced, as was required as part of the previous consent.

The use of obscurely glazed adhesive film to the eastern elevation of the conservatory at no. 61 Berriedale Drive represents a temporary measure to overcome the issue of loss of privacy and detrimental impact to the occupiers of no. 63 Berriedale Drive. The openable windows and doors on this elevation have also not been replaced with fixed shut units as was the requirement of the previous consent. The proposal cannot therefore be supported and retrospective consent is not granted. Should the film be removed the impact would be direct overlooking between properties onto adjacent habitable rooms and the adjacent patio area, in close proximity.

REFUSE

The Council is not satisfied that the Frostbite Window film by The Window Film Company which has been applied to the glazed panels on the east side of the conservatory, and removal of the window handles to the top fanlights on this side, represent a sufficiently robust or permanent solution to overcome the overlooking of the neighbouring property, No. 63 Berriedale Drive, potentially resulting in an

unacceptable loss of privacy for the occupiers. The conservatory is therefore contrary to saved Policy AH7 of the Adur District Local Plan and National Planning Policy Framework (CLG 2012).

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

Case Officer: Hannah Barker Date: 7th March 2016
Authorised by: Jo Morin Date: 08.03.2016