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ADUR & WORTHING
PLANNING SERVICES

PLAN | AWDM/0120/10

DATE VALID | 12 MAR 2020

Removal of Planning Condition. Statement

Subject : 160 Old Fort Road Shoreham By Sea BN43 5HL

An application, Reference ADC/0120/10, was made for variation of certain conditions to the planning consent ADC/0455/08.

This was granted on the 24th May 2010 and has a sole condition requiring obscure glazing to the window in the south side elevation of the extension to be glazed with obscured glass and fixed permanently to be non-openable.

The reason for the condition was given as "To prevent overlooking and to comply with policy AH7 of the Adur District Plan".

The neighbouring property has a blank first floor gable at some distance away. See photo 1.

There was only a single representation to the application from a remote property that would not be affected by the condition of consent and was a criticism of planning procedures rather than specific to this application.

The glazing to that window has now been replaced by clear glazing and Local Authority enforcement action has now been commenced to have that clear glazing removed and replaced again with obscure glazing.

The applicant appreciates that there may have been historical concerns by those who might have felt affected but understands that those concerns never materialised to be of concern any longer.

Conditions of a planning consent are required to be "reasonable" in law. What is reasonable is debatable and there have been many instances where personal circumstances and interference with human rights are quoted to bring about controversial decisions.

The limited harm and invasion of privacy are seen to be un-founded by the applicant or could be otherwise resolved. There are alternative screening solutions which should be acceptable as being reasonable in the circumstances if there is a problem.

Planning Law has always upheld the rights and privileges of property ownership. This has to be weighed up against being a good neighbour and respecting their situation.

To deny the applicant a visual amenity, when other suitable screening could be installed, is arguably unreasonable.

This application statement is for the removal of condition 1 of consent ADC/0120/10.

PHOTO 1.



