Expiry Date – 21/12

Development Control – Delegated Officer Report

Application Number: AWDM/1774/20 Recommendation – Grant

Site: 160 Old Fort Road, Shoreham

Proposal: **Variation of Condition 1 of approved ADC/0120/10 to enable window in South elevation of extension to be obscure glazed between 1.0 metre above floor level and 1.8 metres.**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 10/12/20

Site and Surroundings

This application relates to an extension on a two storey dwelling at the head of the cul de sac at the east end of Old Fort Road. As extended by permission ADC/0210/10 the property includes an east facing first floor open fronted sun room with a south facing window. At the time of the site visit (2018) the south facing window was obscurely glazed and fixed shut. This was removed and replaced with clear glass in the last 18 months.

Earlier this year permission was refused to retain the window fully clearly glazed, see history below. A breach of condition notice was served in October 2020.

Proposal

Condition 1 of the 2010 permission states:

The window in the south side elevation of the extension shall at all times be glazed with obscured glass and fixed to be permanently non-openable.

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

The glazing has been replaced with clear glass and the applicant seeks permission to vary the original condition in order to be able to only obscurely glaze a band between 1.0 m off floor level and 1.8 m in height. This is a revised proposal.

Relevant Planning History

Breach of Condition Notice served October 2020

AWDM/0469/20 - Variation of Condition 1 of approved ADC/0120/10 to retain clear glazing to window in South elevation of extension (retrospective application). Refused 5.5.2020

ADC/0210/10 - Application for variation of conditions 03 and 04 of ADC/0455/08 (additional storey over original single-storey dwelling) to allow variations to fenestration in east/west elevations, and sunroom (condition 03); and formation of a new window in south elevation (condition 04). Granted 24.5.10

ADC/0455/08 - Additional storey over part of existing single storey dwelling (first floor living room and bedroom). Granted 29.10.08

Consultations

None

Representations

No. 158 strongly objects. Their objection is summarized as follows:

The occupiers of No. 160 can now overlook our home and garden. A band of obscure film, as described in the application, could be seen over and below. The do not see any recourse other than the return to obscure glass and fixed shut.

They note the officer in 2010, in granting permission to 160 for their extension, required this window to be fixed and obscure to prevent overlooking.

They also reference No. 160's objection to their own extensions at No. 158 in 2018 and the requirement to curtail and screen an east facing balcony and to include obscure glazing in the north elevation staircase to avoid overlooking of 158.

No mediation/communication between the two neighbours has occurred, notwithstanding the applicant's statement.

The Council should uphold the enforcement and stop allowing the applicant to waste the Council's money.'

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2019
Adur Local Plan 2017 Policies 1, 2 and 15 including 'Development Management Standard No. 2 Extensions and Alterations to Dwellings'.

Planning Assessment

Principle

The principle of development can be supported as it upgrades a dwelling without causing significant harm to neighbour amenity.

Neighbour Amenity

No 158 has recently extended their home. Photos taken at the time of this application show the lawned side garden area of No.158 fenced off from their more private intimate 'rear' south facing garden where they have a swimming pool and large patio area. Photos at this time also show that it was possible to see into part of 158's side garden from the partially enclosed balcony at 160 when the window in question was fully obscurely glazed. The same photo also illustrates that the fully obscured window was quite oppressive to occupiers of 160.

Both Nos. 158 and 160 abut the boardwalk. Both properties first floor balconies are in clear view of passers by.

It is considered that the obscure band proposed will largely eliminate overlooking of No. 158's garden. Shrubbery within the site on the common boundary also provides some screening.

No significant overlooking will occur.

Recommendation APPROVE subject to the following condition:

1. Approved Plans
2. The development shall be completed within 28 days of this permission.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Is recommendation contrary to any representations? YES.

Case Officer signed: MOK Date: 18.12.2020

Authorised and signed by: Peter Barnett Date: 18 December 2020