Expiry Date - 18/01/2011

Development Control – Delegated Officer Report

Application Number: ADC/0458/10 **Recommendation – Permit Application**

Site: **2 West Avenue Lancing West Sussex BN15 8ND**

Proposal: **Retrospective application for rear conservatory**

The Application

This application seeks permission for the existing recently-built replacement conservatory. It measures 3.6m deep and 5m-6.4m wide and is attached to a flat-roofed rear/side extension (L/46/92), giving an overall depth from the original rear wall of 7.4m (very similar to the conservatory it replaced). The south-east side wall of both is angled to follow the side boundary with No.82 West Way to the south east. There is external ramping/decking which has been altered to accommodate the conservatory.

Consultations and Representations

Consultations/Comments

Lancing Parish Council: No objection.

Third Parties: Letters have been received from No's 80 and 82 West Way.

The residents of No.82 state that their rear conservatory and diningroom are now seriously overlooked from the side windows of the unauthorised conservatory which stands at a very high floor level, well above the boundary fence. In a subsequent letter, they state that they would prefer the side of the conservatory be obscure-glazed rather than have the fence height raised as the latter would reduce their outlook further.
The residents of No.80 also refer to overlooking over the boundary fence but are mainly concerned about the use of a shed erected at the end of the rear garden for music (including drumming) and also complain about children climbing on the flat roofs (NB. this shed appears likely to be permitted development within the 2.5m height limit although it is difficult to identify the natural ground level). In a subsequent letter they state that frosted glass would deal with the overlooking issue.

Relevant Planning Policies and Guidance

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'
PPS1 'Delivering Sustainable Development (ODPM 2005)

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Planning Assessment

Policy AH7 of the Local Plan states that extensions and alterations should be designed so as not to result in an unacceptable degree of overlooking, loss of natural light or an overbearing effect on neighbouring dwellings. They should be of sympathetic design and materials to the original dwelling and the area in general and should comply with the Council's DC standards. The Council's DC Standard No.3 states that rear extensions to semi-detached dwellings should not normally project by more than 3.5m if they adjoin the common boundary.

In the instance of this case, the conservatory, although added to a previous rear extension to give an overall depth of 7.4m, does not worsen the effect on the attached bungalow to the north west (No.4) as it replaced a previous conservatory of very similar depth. The previous conservatory had become lawful through passage of time. The replacement has a solid side wall unlike the previous one, so privacy is improved for the neighbour to the north.

The main effect is on the neighbouring bungalow to the south east at No.82 West Way and to a lesser extent No.80 beyond. The new conservatory is very obtrusive from these properties because of its overall height. Its floor level is the same as the bungalow to which it is attached which is higher than No.82. As a result, its side glazing projects about 0.6m above the top of the 1.8m high side boundary fence and results in serious overlooking. The consistently level floor is required because the applicant's wife is disabled.

It is considered that the overlooking problem can be overcome by replacing the side glazing with obscured glass. The applicant and objectors do not disagree with this. Without it, the conservatory would have to be refused because of the serious loss of privacy. Apart from this, there is considered to be no other planning reason to justify refusal or other amendment of the conservatory.

Recommendation

APPROVE for reason that:-

The conservatory does not detract from the local environment and, subject to the re-glazing of its south-east side elevation with obscured glass, would not result in unacceptable overlooking or other detriment to the amenities of neighbouring properties. It would consequently not conflict with the policies of the Adur District Local Plan (AG1, AH7).

Subject to:-

1. C18Ci (amended) The windows in the south-east side of the conservatory (including the top-hung opening lights) shall, within a period of 3 months from the date of this permission, be re-glazed with obscured glass and thereafter retained with obscured glass permanently.
2. C18C3 (amended) The windows in the south-east side of the conservatory (other than the existing top-hung opening lights) shall at all times be fixed to be permanently non-openable.
3. C1E3 This permission relates to the following approved plan:-
   Drawing No: 2010/28/1 Rev.A
   Reason: For the avoidance of doubt and in the interests of proper planning.

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Case Officer Keith Morgan Date: 31 March 2011