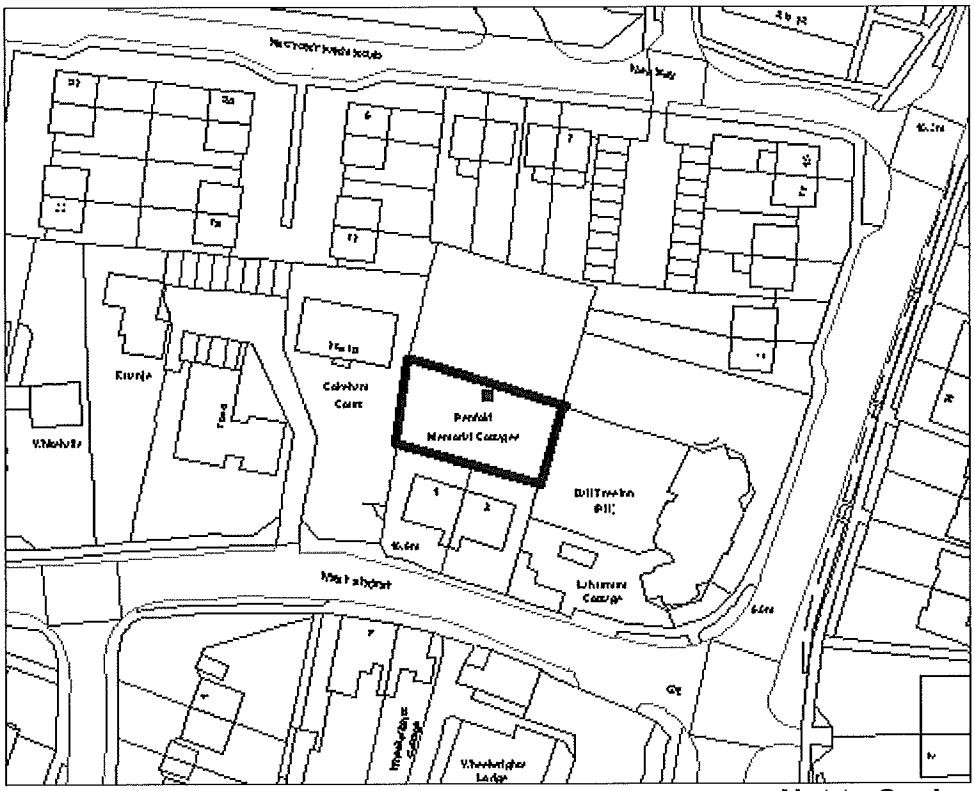
Application Number: AWDM/0467/14 **Recommendation – APPROVE**

Site: **2 Ball Tree Close, Sompting**

Proposal: **Variation of condition 10 of ADC/0061/11 to allow clear glazing to two ground floor windows to dwelling on Plot 8.**

Applicant: Mr Martin Bates Ward: Peverel
Case Officer: Gary Peck



Not to Scale

Reproduced from OS Mapping with the permission of HMSO © Crown Copyright Licence number LA100024321

Proposal, Site and Surroundings

This application seeks permission to vary condition 10 of the permission granted under reference ADC/0061/11 to allow clear glazing to two ground floor windows to dwelling on Plot 8.

The condition states:

10. The glazing in the north and south side elevations of the bungalow on plot 8 and the houses on plots 9 and 10 shall at all times be of obscured glass.

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

The application site was identified as plot 8 on the plans submitted for the redevelopment of the site and accordingly the condition requires any windows on the southern side of the building to be obscure glazed.

The application was formerly the Ball Tee pub which has now been demolished and replaced with a development of 10 dwellings, some of which appear to be occupied, although the property which is the subject of the application is not yet occupied. The pub used to stand on the corner of Busticle Lane and West Street and the subject dwelling is located behind where the pub itself used to stand in the area which used to comprise the beer garden. It is located nearest to 1 & 2 Penfold Memorial Cottages which front West Street immediately to the south, while to the west is Cokeham Court. Other properties which formed part of the pub redevelopment are to the north and east.

Relevant Planning History

Outline planning permission for the redevelopment of the pub was granted permission in 2011 (ADC/0061/11) with reserved matters being granted later that year (ADC/0734/11).

Consultations

None undertaken

Representations

Sompting Parish Council objects to the application due to proximity and possibility of overlooking Penfold Memorial Cottages which house elderly residents.

Any representations from neighbouring properties will be reported verbally at the meeting.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7

National Planning Policy Framework (CLG 2012)

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant

local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

The reason for the imposition of the original condition was to prevent overlooking, a concern which has been identified by the Parish Council in their consultation response. Accordingly, this is the main issue in the determination of the application.

Although described as a bungalow at the outline stage, plot 8 (now 2 Ball Tree Close) has a single dormer in its western and eastern roofslopes as shown on the reserved matters application. Were a dormer to be similarly introduced at first floor level in the southern elevation then there would be the potential to overlook numbers 1 & 2 Penfold Memorial Cottages. Condition 11 of the outline permission therefore prevented the insertion of any windows under permitted development rights.

While the prevention of windows at first floor level appears justified, it appears erroneous to have required obscure glazing on the ground windows of the building. The windows, serving the lounge and hallway respectively have been inserted with clear glass although the building is not occupied yet. An internal inspection revealed that from the lounge window, only the roof of numbers 1 & 2 Penfold Memorial Cottages is visible as there is a close boarded fence and slightly higher hedge preventing views of the ground floor windows of the property. There are no windows in the rear roof of numbers 1 & 2 Penfold Memorial Cottages.

From the lounge window, which is set further back, the very top part of 2 windows of number 2 Penfold Memorial Cottages is visible over the top of the close boarded fence (there is no hedge at this point) but the area visible is so small that it is not to an extent that could cause any overlooking.

Accordingly, it is concluded that there is no justification for the condition and the proposal is considered acceptable.

Recommendation

APPROVE for the reason:-

The removal of the condition relating to the windows on the ground floor of the southern elevation of Plot 8 (now 2 Ball Tree Close) would not cause overlooking and therefore the proposal complies with saved policies AG1 and AH7 of the Adur District Local Plan 1996.

Subject to Conditions:-

Revise condition to read:

The glazing in the north elevation of the bungalow on plot 8 and the houses on plots 9 and 10 shall at all times be of obscured glass.

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

20th May 2014