Development Management – Delegated Officer Report

Application Number: AWDM/1533/16 **Recommendation: APPROVE**

Site: **30 Lynchmere Avenue, Lancing**

Proposal: **Removal of condition 4 of L/66/94 (obscure glazing to east elevation window) and variation of condition 3 (no additional or enlarged windows on east elevation). Retention of clear glazed window to east elevation**

Date of Site Visit: 25 January

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

This application seeks the removal of a conditions imposed in 1994 requiring that no further windows were to be added to the eastern elevation of the building and requiring obscure glazing to be installed in an extension permitted at that time.

The application site consists of a bungalow with a rear dormer in its roofslope on the eastern side of Lynchmere Avenue. The back garden of the subject property is quite short in length as are the rear gardens of the bungalows in Griffiths Avenue which back onto the site. Of the two closest bungalows to the application site, one has a velux in its facing roofslope but many of the properties in the area have first floor roof additions.

The application has been submitted following an enforcement investigation.

Planning History:

There has been no planning history since the afore mentioned 1994 application for a single-storey rear extension & alterations (L/66/94).

Consultations:

None received

Representations:

1 letter of objection has been received on the grounds that the window causes a loss of privacy allowing overlooking into the properties in Griffiths Avenue. Overlooking is already caused by the existing rear dormer and therefore double overlooking is now occurring.

Relevant Planning Policies:

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 (March 2012)

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Planning Assessment

The east elevation is not visible from public view and therefore the main issue is the impact upon neighbouring properties.

It is understood that the window that was required to be obscure glazed was not glazed and therefore may not have been installed in accordance with the 1994 plans. It seems that the restrictive conditions were imposed as a response to the submitted plans, which seemed to suggest that the room was to be used as a bedroom which photos submitted with the application suggests it was prior to the purchase of the property by the applicant but it is now a kitchen. The planning authority has no control over internal room alterations. The previously approved plans also showed a high level window but even if not installed as such, its cill seems to have been deep enough to prevent direct overlooking from the ground floor of the subject property.

This window has now been replaced with a clear glass window that affords overlooking into the bungalows opposite.

However, it is not considered there is material harm caused by the installation of the window. The bungalows are already overlooked by the rear dormer, as acknowledged in the representation, which was presumably installed sometime ago under permitted development. Moreover, the properties can be mutually overlooked from each other's gardens and other windows from nearby properties. The general character of the area is of closely positioned properties with little boundary screening and a high degree of mutual overlooking.

While the concern of the neighbour is appreciated, there are no justifiable grounds to refuse the application.

Recommendation

APPROVE subject to the following condition:

1. Approved Plans

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

Case Officer: Gary Peck Date: 25 January 2017

Authorised by: [redacted] Date: 26th January 2017