Council ref: AWDM/1395/24 - Application to partially vary condition 4 of AWDM/0692/20 to remove requirement for obscure glazed and non-openable south facing roof light windows within Plot 3a. [Planning permission AWDM/0692/20: Amendment to planning permission AWDM/1107/15 to develop 2no. 4-bedroom detached houses on Plot 3 of consented scheme AWDM/1566/13. Amendments involve larger dwelling footprints.]

This appeal is being made under Section 78 of the Town and Country Planning Act (1990) on behalf Harlington Homes Ltd in response to Adur and Worthing District Council's decision to refuse an application pursuant to Section 73 of the Town and Country Planning Act (1990) to partially vary condition 4 of an application for full planning permission (reference AWDM/0692/20) granted by Adur and Worthing District Council on 18th May 2021.

The application was refused by Adur and Worthing District Council via a Decision Notice dated 19th December 2024. The sole reason for refusal states as follows:

1. *"Without evidence the contrary the south facing roof light windows to plot 3A without being obscure glazed and non-openable would cause detrimental overlooking and loss of amenity of the residents of 12A Woodlands Avenue. The proposal is therefore contrary to policy DM5 of the Worthing Local Plan and relevant policies of the NPPF."*

Rebuttal of the Council's Reason for Refusal to vary Condition 4

The Officer's Report provides a summary of the planning history associated with Plot 3A. The Report goes on to provide that whilst it cannot refuse openings within the southern elevation of Plot 3A due to previous approvals for openings in this location, it was considered necessary to impose conditions restricting openings within the southern elevation to be obscure glazed and non-opening in order to make the development submitted under AWDM/0692/20 acceptable in relation to potential overlooking into 12A Woodland Avenue.

Whilst Plot 3A is located at a typically accepted distance of 22 metres from 12A itself, it is not disputed that the use of obscure glazing for windows within the flank elevation could be considered suitable to

maintain an appropriate relationship between the properties, given the drop in land levels from Plot 3A to 12A..

The appeal proposal simply sought to vary the condition as it related to the rooflight windows within the southern elevation. The potential for detrimental overlooking would be highly limited and unnatural, due to the position of the openings within the roof slope. The Officer's Report notes that a site visit could not be undertaken to confirm the limited opportunity for overlooking in this location and it is considered that a site visit from an Inspector would find that this is the case.

This can be distinguished from the large landing window and opening within bedroom 4 within the southern elevation, where the potential for incidental overlooking would be greater and therefore the condition is justified.

On this basis, it is considered that the proposed variation would satisfy **Policy DM5** (Quality of the Built Environment) of the Worthing Local Plan (2023).

It is requested that the wording of Condition 4 should be amended as follows:

1) *"No new windows shall be inserted in the upper floors or roof of any of the following elevations;*

    a) *Plot 1: north; east; west*
    b) *Plot 2: north; east; west*
    c) *Plot 3a: north; south; west*
    d) *Plot 3b: north; south; west*

2) *The following first floor windows shall be obscure-glazed and non-opening up to a height of 1.7 measured from finished floor level:-*

    a) *Plot 1: west elevation*
    b) *Plot 2: east elevation*
    c) *Plot 3a and 3b: north elevation; (bathroom)*

3) *The following windows shall be obscure glazed and non-opening:-*

    a) *Plot 3a south facing landing/stair window, south facing first floor bedroom window (bedroom 4/study), west facing rooflight window*
    b) *Plot 3b south facing rooflight windows, west facing rooflight window*

and the above windows shall not subsequently be altered in any way."

Parker Dann Ltd
18.06.2025