DELEGATED APPLICATIONS ASSESSMENT SHEET

APPLICATION NO./ADDRESS: WB/10/1071/FULL – Summerhill, Mill Lane

DATE OF SITE VISIT: 11/01/11

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES): N

SITE AND SURROUNDINGS:

The site is within the urban fringe of an outer residential suburb, near to The Gallops recreation ground. The surrounding properties are detached and individually distinctive in their design and scale.

The application property is a detached bungalow with rooms in the roof. It has been extensively altered recently. It is set further back into its plot when compared to neighbouring properties to the north and south. Mill lane slopes from north to south and this change in ground level is indicated by a step down in the rear garden.

PROPOSAL:

The development sought for has been advertised as variation of condition 3 imposed on planning permission WB/08/0964/FULL to allow clear glazing and opening vent to western dormer in south elevation for means of fire escape and clear glazing for roof lights in north elevation

The proposal consists of:

- Insertion of clear glazing and opening vent in lieu of obscured glazing in western dormer in south elevation
- Clear glazing in lieu of obscured glazing to roof lights in north elevation

RELEVANT PLANNING HISTORY:

WB/08/0964/FULL
Extensions and alterations including increase in roof height to provide a two storey dwelling house together with a conservatory and new detached garage
Approved with conditions 14-11-2008

RELEVANT PLANNING POLICIES:

South East Plan
BE1, CC1, CC6

Worthing Core Strategy
~~BE1~~ 16

Worthing Local Plan 2003
BE1, H16, H18

Government Advice
PPS1

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES:

None

PLANNING ASSESSMENT:

Introduction

This application is to vary the wording of condition 3 imposed on a planning approval for substantial extension to a bungalow (WB/08/0964/FULL refers).

That condition required the windows and roof lights of the north and south elevations of the extension to be obscure glazed and non-opening up to a height of 1.7 metres above finished floor level.

It was imposed for the reason to protect the amenities and privacy of the occupiers of the neighbouring properties, in this case the occupiers either side of the application site (north and south)

The applicant is proposing to install clear glazing and an opening vent to the western dormer in the south elevation, and clear glazing to the roof lights in the north elevation.

Therefore, the principle planning concern with this development is its impact upon neighbours either side of the application property.

Neighbours

Neighbour to north

The roof lights in the northern roof slope serve a landing, which has a transient function. As such the applicant would be afforded only passing glimpses into the private garden of the neighbour to the north. Even less opportunity would be available for intrusive views into the private rooms of the building to the immediate north. This is especially the case given the angle of the roof lights and their position in the roof slope in relation to the landing's finished floor level, diluting any direct view further.

For these reasons, clear glazing applied to the roof lights would not give rise to undue harm to the living conditions of the neighbour to the north. Accordingly no objection is raised to this aspect of the proposal.

Neighbour to south

The approved scheme shows the dormer windows in the southern roof slope intended to serve an en-suite and a bathroom. There was a logical arrangement to the first floor, and good sized rooms were provided. The layout met with approval under Building Regulations. At the time of the permission it was understood this layout meet the aspirations of the applicant.

The amended first floor layout is entirety due to the applicant now changing his mind. He now wishes to provide an additional bedroom at first floor in lieu of the bathroom (increasing an already considerably large 5 bedroom property to 6 bedrooms).

Turning the bathroom function over to a bedroom necessitates the provision of a means of escape during a fire event under Building Regulations. The applicant has put forward the installation of clear glazing and an opening vent to the western dormer window as a solution.

However the Borough's Building Control department has offered three different solutions to overcoming the issue of means of escape, all of which avoid the need for clear glazing and an opening vent. The solutions are; firstly, installing fire safety doors to all the rooms in the house; secondly, creating a connection from the bedroom to the en-suite; and thirdly, allowing a top-hung high level opening to the dormer window with the remainder of its glazing obscured. These are feasible solutions enduring minimal additional expense, without undue harm to the applicant's expectations of comfortable living conditions. Unfortunately he declined all three when they were offered during negotiations in the life of the application.

Therefore, there is no compelling reason why the dormer window should be made clear glazed with a mechanical vent installed.

Without such a change being necessary, the assessment falls to the impact that would arise from the change in the nature of the glazing as proposed.

The dormer windows are of a large size. Their physical closeness to the building next door (Bramble Cottage) affords the applicant very intrusive views into two main habitable rooms of the neighbour – the master bedroom and the second bedroom. There is an expectation of privacy to such personal rooms. The nature of overlooking that would arise from clear glazing would be of an unacceptable nature, greatly reducing the level of privacy which the neighbour currently benefits from. This would be to the detriment of the living conditions of that neighbour, eroding their own sense of private space when using their bedrooms. Intrusive views would also be afforded into the neighbour's rooms at ground floor, including the French doors serving the principal downstairs living space. This opens outward onto a swimming pool as well as patio areas that sit directly alongside the shared boundary between the two properties, near to the house. Invasive views would be afforded onto this outdoor living space. At the time of the site visit the pool was open to the air, with no enclosure. So users of this pool would be exposed to overlooking by the applicant.

It is worth noting this overlooking would be all the more worse due to the fact that the clear glazed dormer window would serve a bedroom. Occupation of such a room is very likely to be frequent and over long periods. It is not a transient passage way or a room for only occasional use.

Some conifer hedging exists to the shared boundary. However this falls within the applicant's land, and not the neighbours. Therefore the neighbour would have no control of the hedging and it could be removed by the applicant without their consent. The ability to secure the existing hedge's retention by planning condition is flawed. Irrespective of the current owner's care and

maintenance it could suffer severe die back, become a nuisance to garden users so requiring substantial cut back, and/or suffer damage by disease/weather/climatic occurrence. In all these circumstances the removal of the hedge in its entirety, or substantial sections of them, maybe necessary. In such a scenario, the dormer windows would be left exposed and conspicuously visible until the hedging, or a replacement specimen, grows to reach the maturity, spread and extent as desired. Moreover, requiring the hedge to grow up to the height of the topmost part of the glazing of the dormer windows (it is only at such a height that views would be obliterated) would itself reduce light to the habitable bedrooms of Bramble Cottage, so is not an acceptable solution.

Finally, no details have been provided with the application on what form the suggested opening vent will take. Without this clarity it cannot be demonstrated that unacceptable impact would not arise. In the absence of such assurance, the Local Planning Authority is minded to resist this element also; it has the potential to afford the applicant views into the private spaces of the neighbour to a similar degree of intrusiveness as the intended clear glazing (the submitted drawings show the dormer window openings unchanged from that shown on the originally approved plans which is side casement opening).

Conclusion

In granting permission for WB/09/0964/FULL consideration was given to the effect of the proposal on the residential amenities of the occupiers of Bramble Cottage. Permission was only given on the basis of the dormer windows in the southern roof slope being obscure glazed and non-opening up to a height of 1.7 metres above finished floor level.

The Local Planning Authority has demonstrated the proposed changes, which are entirety driven by the applicant, are not necessary to comply with Building Regulations. Simply hiding the dormers by hedging would be entirely the wrong approach in that it presents difficulties about ensuring this hedging is retained in perpetuity.

Without the measures requirement under condition 3, the nature of the overlooking onto the occupiers of Bramble Cottage would be intrusive and of an unacceptable nature. This is the exact circumstance that would arise if the alterations to the glazing of the western dormer were implemented, so the application to vary the condition should be refused.

RECOMMENDATION:

Refuse for the reason set out below:-

The insertion of clear glazing in lieu of obscure glazing to the western dormer on the southern roof slope of the extension would give rise to intrusive views onto the neighbour to the south to the detriment of their living conditions by way of unacceptable overlooking and loss of privacy. As such the proposal conflicts with Saved Worthing Local Plan Policies H16 and H18 and South East Plan policies CC6.

REASONS FOR RECOMMENDATION:

The proposal conflicts with relevant Development Plan policies.

HUMAN RIGHTS:

Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application. It is accepted that the proposal, if refused, would have some impact on the applicant's Rights. However, it is considered that the harm caused by the development outweighs these and that in the public interest the application should be refused. Accordingly it is considered that this decision complies with the Human Rights Act 1998, with regard to Article 8 and Article 1

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION?

N/A

DELEGATED

Case Officer
Sign..... [redacted] .....Date.....17/3/11.....

Authorising Officer
Sign..... [redacted] .....Date.....17/3/11.....