Expiry Date - 19/07/2024

Development Control – Delegated Officer Report

Application Number: AWDM/0612/24 **Recommendation – REFUSE**

Site: **16 Keymer Crescent Worthing West Sussex BN12 4LE**

Proposal: **Application to Vary Conditions 1 and 4 of approved AWDM/1726/20: A Proposed roof lantern to be fitted in the extension, and the Existing window in the North side elevation of the extension to be enlarged and the glazing changed from obscure to plain glass.**

Date of site visit: 27/06/2024 & 08/08/2024

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings:

The application property occupies a corner plot located to the north and east side of Keymer Crescent where the road curves. Access to the property is from the north side of the road via a vehicle access and hardstanding and gate which leads to a front porch. The remainder of the property is set-back from the public realm behind a shallow brick wall and piers with a picket fence above. The property comprises a modest sized detached bungalow with white render elevations, a plain tiled hipped roof, and white UPVC openings.

Projecting from the side (east) elevation of the property is a single-storey mono-pitched rear extension which has been implemented subsequent to permission AWDM/1726/20 for a ‘side single storey extension to east elevation and enlarged entrance porch to south elevation’.

The property is not within a conservation area, is not a listed building and there are no protected trees on site.

Proposal:

The application seeks to vary condition’s 1 and 4 of the approved AWDM/1726/20. The modifications would be for the provision of a roof lantern to be fitted in the extension and the existing window in the north side elevation of the extension to be enlarged and the glazing changed from obscure to clear.

At time of site visit it was evident that the alterations to the north side window had already been carried out. It is also understood that, although the approved elevation plan on the application AWDM/1726/20 (referenced ‘2012.P-05 A’) indicates that the side window should be a size which is the same as the one currently in-situ at property, the window was actually

implemented as a high level window and the report for that application recognised it as such. The enlargement of the window is therefore not a consideration of the application in-hand as it accords with that shown on the approved plan 2012.P-05 A. .

Relevant Planning History:

Planning permission granted at the application property for side single storey extension to east elevation and enlarged entrance porch to south elevation under AWDM/1726/20, decision issued 24 Dec 2020.

Condition 1 of this permission stipulates:

The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice…' (Approved plans listed).

Reason: For the avoidance of doubt and in the interests of proper planning.

Condition 4 of this permission stipulates:

The window in the north side elevation of the extension hereby permitted shall at all times be glazed with obscured glass.

To prevent overlooking and to comply with saved policy H18 of the Worthing Local Plan.

At the time of consideration, the application AWDM/1726/20 was part retrospective with the extension, including the high level window to the north side, having been substantially completed at the planning officer's time of site visit. Correspondence between the planning officer and agent dated 15/12/2020 confirmed agreement that the side window be obscured glazed at all times in acknowledgement of a representation received in relation to overlooking of the rear garden of No.18.

Despite the agreement, enforcement action was taken to secure compliance with Condition 4 following the receipt of a complaint that film had been applied to the window and not obscured glass as stipulated. Obscure glazing was subsequently fitted in accordance with the condition on the permission.

A further complaint was raised in April this year regarding an alleged breach of planning conditions, where the side window had again been replaced with clear glazing and enlarged to the size which was originally approved. An enforcement case was opened (ref: AWEN/0078/24) and the applicant was instructed to submit the application in-hand to vary the conditions of AWDM/1726/20.

Consultations: None.

Representations:

One letter of representation objecting to the proposal was received from the adjacent neighbour No. 18 Keymer Crescent, a summary of this representation:

- Effect on the seclusion and privacy of the garden.
- Reference to the condition (4) imposed on the original permission.
- The window faces a 6 foot fence panel but will be in excess of it due to the position and height of the window.
- No. 16 has visibility into the kitchen and through to the bedroom when the back door is open.
- Intrusive outlook from the window which is compromising privacy.

Relevant Planning Policies and Guidance

National Planning Policy Framework (Revised December 2023)
National Planning Practice Guidance
SPG 'Extending or Altering Your Home' (WBC)

Worthing Local Plan (2023) 2020-2036
SP1 (Presumption in Favour of Sustainable Development)
DM5 (Quality of the Built Environment)

Planning Assessment

There is no objection in principle to extensions and alterations to residential dwellings within the built-up area. The key considerations are the effects on the visual and residential amenities of the locality.

Relevant Policy Context

The National Planning Policy Framework (NPPF)

The NPPF advises in Paragraph 47 under 'Determining applications' that:

'*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.*'

Further, under 'Planning conditions and obligations' paragraph 55 states that:

'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations…'

It continues under paragraph 56:

'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects…'

WBC Local Plan (2023)

Policy DM5 – Quality of the Built Environment, of the Worthing Local Plan (adopted 28th March 2023) explains that applications for development of private residential gardens will be considered carefully and each case will be determined on its own merits. Extensions and alterations to residential properties should have regard to scale, design and materials in relation not only to the property concerned, but also any predominant characteristics in the area, including garden size. The impact of any proposal on the street-scene and on neighbouring properties must also be acceptable. Policy DM5 requires that:

'*a) all new development (including extensions, residential annexes, alterations, ancillary development, change of use and intensification) should:*

viii) not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, an unacceptable increase in noise giving rise in significant adverse impacts, or vehicular movements resulting in severe cumulative impacts on the road network, or loss of important open space of public value (unless it satisfies any of the exceptions set out under Policy DM7 – Open Space, Recreation and Leisure).'

Extending and Altering your home – Supplementary Planning Guidance

The SPG emphasises that careful consideration needs to be had for the effect on the privacy of neighbours. The SPG advises that:

'Your Extension and Your Neighbours

A carefully designed extension is important in order to reduce its potential impact on your neighbours. Such consideration should avoid any excessive loss of light and privacy and will reduce any overbearing effect of the extension.

…Overlooking may also be a problem when the principal rooms face each other. In this case, adequate privacy can normally be achieved by retaining a minimum garden length of 10m (33ft). However, the relationship of any other surrounding properties will be a matter with which the Council will have to have regard to in terms of the potential loss of privacy.'

Visual Amenity

The window is located on the north side of the extension and is not visible from the street. The roof lantern, although constituting a visible alteration to the street scene by virtue of its elevated position on the roof, would be a modest addition and is a typical feature found in many modern day extensions to dwellings. It would not be intrusive within the street scene.

Residential Amenity

The only affected neighbour would be at the adjacent property to the north No. 18 Keymer Crescent, who has objected to the proposal on privacy grounds.

Both the application property and No. 18 were visited by officers in order to gauge the degree of overlooking as a result of fitting clear glass to the north side window. The shared boundary treatment is approximately 1.9m tall and together with No. 18's detached shed, which abuts the shared boundary to the north-west of the window, acts as a solid screen to views toward the rear of the bungalow and garden of No. 18. Also of note is that, due to the siting of the extension, projecting beyond the rear elevation of No. 18, the window in question faces direct onto the shared boundary fence with views above the fence line of open space and vegetation in the garden of No.18. Thus, it is considered that actual loss of privacy for the occupiers of No.18 would only occur at an oblique angle when standing very close to the window. It is also of note that a more direct overlooking relationship between original facing windows in the respective properties already exists (albeit the occupier of No. 18 has sought to mitigate this with the application of obscured film to the south side kitchen window).

Notwithstanding the above, the window in question is highly visible from the neighbour's garden, and owing to its height, size, orientation and proximity facing onto the neighbour's modest garden area, gives rise to a clear perception of overlooking, the overall effect of which can be considered to be intrusive. In arriving at this decision material weight has been given to the earlier planning permission and condition attached to it requiring the window in question to be fitted and retained in obscure glass. The overlooking impact as identified is considered to cause significant harm to the residential amenity of No. 18 and contrary to policy DM5 of the Worthing Local Plan and the guidance set out in the Council's 'Extending or Altering Your Home' SPG.

For the avoidance of doubt, there is no objection to the proposed roof lantern. The application is only unsupportable on grounds relating to the intrusive impacts of perceived overlooking resulting from the fitting of clear glazing to the north side window in the extension.

Recommendation:

REFUSE for the reason:-

1. Residential Amenity

   By reason of the size, orientation and position of the window in relation to the rear garden area of No.18, the proposed clear glazing results in an unneighbourly and unduly intrusive perception of overlooking that is considered unacceptably harmful to the living conditions of the occupier(s) of No. 18. The proposal is therefore contrary to Policy DM5 of the Worthing Local Plan, Supplementary Planning Guidance 'Extending or altering your home' and the policies of the revised National Planning Policy Framework.

Expiry Date - 19/07/2024

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

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

Case Officer: Jason Albon Date: 29/08/2024

Authorised by: Jo Morin Date: 30.08.2024