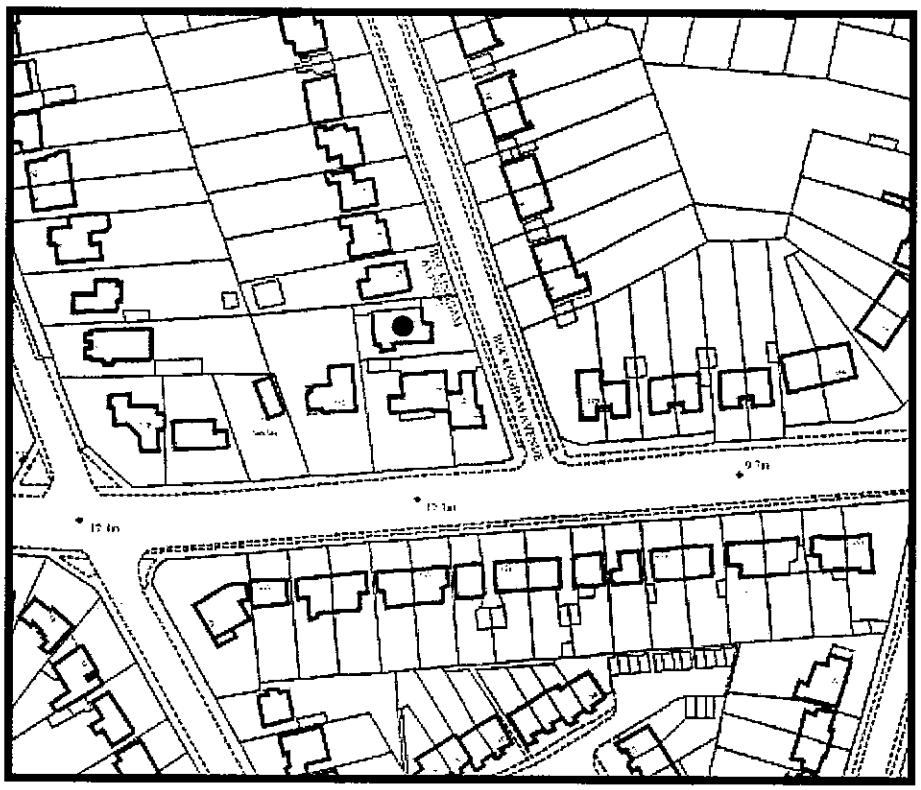
Application Number: ADC/0227/09 Recommendation - APPROVE

Site: **3 Buckingham Avenue, Shoreham-by-Sea BN43 5GL**

Proposal: **Openable clear-glazed rooflights in north and south sides (with rear dormer added as 'permitted development')**



The Application

The application site is a bungalow located on the west side of Buckingham Avenue, close to the junction with Upper Shoreham Road. It sits within a small plot to the north of a bungalow which has been split into two properties, 1 and 1A. There are a number of windows and doors on the northern elevation of that building at ground floor level. To the north of the site lies No.3A Buckingham Avenue, a two-storey house with a first-floor window facing the site. To the rear is No.372 Upper Shoreham Road, a large chalet dwelling which has recently been substantially extended.

The applicants have recently carried out a roof conversion at their property. This includes the construction of a rear dormer (with French doors and a Juliet balcony) which is 'permitted development'.

However, also installed are 3 rooflights on the side elevations (2 on the south side and one on the north side) which do require specific planning permission. As a result of amendments to the T&CP (General Permitted Development) Order which came into force in October 2008, for any upper floor window located in a wall or roofslope forming a side elevation of a dwelling to be 'permitted development' it must be obscure glazed and non-

opening unless the parts of the window which can be opened are more than 1.7m above floor level.

The rooflights installed in this case are all clear glazed and openable, being less than 1.7m above the internal floor level. They all serve a new bedroom in the roofspace.

The submitted plans show 5 rooflights (3 on the south side and 2 on the north side). It is presumed that this is an error but confirmation is awaited from the applicant's agent.

Consultations and Representations

Third Parties: 2 letters have been received, from the residents of No.1 Buckingham Avenue and No.372 Upper Shoreham Road, objecting on the following grounds:-

- The front (north side) of No.1 Buckingham Avenue faces the site and the southern rooflights directly overlook the entrance, dining room, kitchen and shower room of that dwelling resulting in loss of privacy to these main functional family rooms. Previously the boundary wall was sufficient to provide privacy. The windows of No.3 are frequently wide open and there have been instances of the resident peering out through her windows at members of the applicant's family.

- The rear extension overlooks the rear garden of No.372 Upper Shoreham Road (NB. the rear dormer is outside planning control being 'permitted development')

[NB. the residents of No.1 Buckingham Avenue request to speak at the Committee meeting]

Relevant Planning Policies and Guidance

Adopted 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'
PPS1 'Delivering Sustainable Development (ODPM 2005)

Planning Assessment

Policies

Policy AH7 of the Local Plan states that extensions and alterations should be designed so as not to result in an unacceptable degree of overlooking, loss of natural light or an overbearing effect on neighbouring dwellings. They should be of sympathetic design and materials to the original dwelling and the area in general.

Visual Amenity

The rooflights sit flush with the roofslope and do not appear as dominant or intrusive features on the dwelling or within the streetscene. There is no objection to the application on visual amenity grounds.

Residential Amenity

The 2 rooflights on the southern roofslope face towards No.1 Buckingham Avenue which has its main elevation (north side) facing onto its driveway which is at the side of the

application site. The intervening distance is 8.5m. There are a number of window and door openings on the side of No.1 serving, among others, a kitchen and dining room where it can be reasonably expected that the residents will spend a significant amount of their time. These rooms were previously not overlooked as the groundfloor windows at No.3 are largely obscured by the side boundary wall.

The presence of the 2 rooflights has the potential to cause direct overlooking into the above groundfloor rooms of No.1 and this has been verified by inspection (including standing at the windows in question). In particular, the easternmost rooflight is capable, when standing close to it, of giving a clear view towards No.1 including the windows of the groundfloor rooms on the north side of that dwelling. It is considered that the residents of No.1 have a reasonable expectation to be able to enjoy their property without being significantly overlooked. Consequently, it is considered that the easternmost rooflight on the southern elevation should be required to be fixed shut and obscure glazed in a manner to be agreed with the Council. This will not unduly affect the enjoyment of the bedroom as ventilation will still be possible from the other rooflights and dormer.

The westernmost rooflight is positioned over a stairwell, however, and overlooking is less likely as it is not possible to stand close to that window.
It is considered that there is insufficient justification for it to be required to be obscure-glazed or non-openable.

On the north side, the single rooflight faces directly towards the first floor side window of No.3A Buckingham Avenue which is believed to serve a bathroom. The window at No.3A is clear glazed but is obscured by a net curtain. On balance, as the bathroom is not a main habitable room, it is not considered that the impact on No.3A is sufficiently harmful to warrant requiring the rooflight on the north side to be obscure glazed and fixed shut.

As regards the effect on No.372 Upper Shoreham Road, it is unaffected by the side rooflights. The residents have only objected to the rear dormer which is 'permitted development' and, while significantly overlooked from that window, it is outside the Council's control. .

As stated earlier, the submitted plans show 5 rooflights (3 on the south side and 2 on the north side). It is presumed that this is an error. Confirmation is awaited from the applicant's agent but it can also be covered by condition.

Recommendation

APPROVE for the reason:-

The 3 rooflights do not detract from the local environment and, subject to obscure glazing and fixing shut of the eastern rooflight on the south roofslope, would not result in unacceptable detriment to the residential amenities of neighbouring properties. They consequently do not conflict with the policies of the Adur District Local Plan (AG1, AH7)

Subject to:-

1. Notwithstanding the details shown on the submitted plan, the permission hereby granted is solely for the 3 existing rooflights, not 5 as shown on the plan.
2. Within one month of the date of this permission the easternmost rooflight on the southern roofIsope shall be permanently fixed shut and obscure glazed in

accordance with details to be submitted to and approved in writing by the Local Planning Authority.

.....