

Planning Committee

13/06/2019

Application Address	24 St Margaret's Avenue, Christchurch, Dorset, BH23 1JD
Proposal	Amendment to Application No. 8/18/0254/HOU to enlarge the approved dormer window to the west elevation and an additional dormer window to the east elevation. Removal of condition 4 of planning consent 8/18/0951/HOU regarding obscure glazing in the first floor south and east elevations
Application Number	8/19/0209/CONDR
Applicant	Mr & Mrs Peter Hall
Agent	Mr & Mrs Peter Hall
Date Application Valid	29/01/2019
Decision Due Date	26/03/2019
Extension of Time date (if applicable)	
Ward	Christchurch Town
Recommendation	REFUSE in accordance with the recommendation details within the report
Reason for Referral to Planning Committee	This application is brought to the Planning Committee in accordance with Criterion (a) of Paragraph 2.2 of Section 2 of Part 3 of the Council's Constitution, as the applicant is an elected Member

1 Description of Development

Planning consent is sought to vary Condition 4 of planning permission reference 8/18/0951/HOU, which states as follows;

"Both in the first instance and upon all subsequent occasions, the windows at first floor serving the approved Bedroom 3 on the south and east elevations (such expression to include the roof) shall be glazed with obscure glass to Level 5 Obscurity. These windows shall either be fixed closed or have a top opening fanlight with the sill of the opening part at least 1700mm above floor level and the lower section fixed shut.

Reason: To preserve the amenity and privacy of the occupants of the adjoining properties."

The applicant wishes to provide clear glazing to dormer windows to the south and east elevations which serve a bedroom. The extant planning permission is for a roof extension to the rear wing of the property to form a gable end and construct new dormers to the west and east elevations. The current application before members does not alter the size of the approved extension. The table below sets out the basic dimensions of the alterations to the roof, as approved.

	Existing Dwelling	Approved Scheme
Approximate ridge height of the main roof	14 metres	14 metres
Approximate ridge height of hipped roof element of roof	5.7 metres	5.7 metres
Length of hipped roof structure	4 metres	7.4 metres

2 **Key Issues**

The principal planning consideration in the determination of this application is the impact upon neighbouring properties. These points will be discussed as well as other material considerations below.

3 **Planning Policies**

Christchurch and East Dorset Local Plan Part 1 Core Strategy 2014

KS1 Presumption in favour of sustainable development

HE2 Design of new development

Borough of Christchurch Local Plan 2001

H12 Residential Infill

The National Planning Policy Framework (NPPF)(2018)

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Part 7 Requiring good design

Part 11 Conserving and enhancing the natural environment

4 **Relevant Planning Applications and Appeals:**

RELEVANT PLANNING HISTORY – 24 St Margaret’s Avenue			
App No	Proposal	Decision	Date
8/18/3383/CLP	(Certificate of Lawfulness for Proposed Use or Development) Extend existing dormer by 1.8 metres on the west side. Construct a new dormer on the east side, 4.5 metres in length. Extend roof-line to form gable with fire escape window with clear glazing	Not Lawful	21/12/2018
8/18/2189/NMA	Amendment to Application No: 8/18/2189/NMA to reduce the dimensions of the glazing within the dormer windows to the east and west elevations	Grant	11/12/2018
8/18/0951/HOU	Amendment to Application No: 8/18/0951/HOU to enlarge the approved	Grant	25/06/2018

	dormer window to the west elevation and provide an additional dormer window to the east elevation		
8/18/0254/HOU	Alterations to the roof to form a gable end (rear elevation) and enlargement of dormer window (west elevation)	Grant	06/04/2018
8/16/0142	Remove existing hedge to front boundary and replace with a brick and timber fence	Grant	31/05/2016
8/88/0981	Alterations to roof to link two dormers	Grant	21/02/1989

5 Representations

In addition to letters to neighbouring properties, a site notice was posted outside the site on 13/02/2019 with an expiry date for consultation of 06/03/2019.

No letters of comment, support or objection have been received in respect of the application

6 Consultations

There were no consultations in respect of this application.

7 Constraints

This site lies within Flood Zones 2 and 3A (2086 and 2126), as defined by the councils' Strategic Flood Risk Assessment.

8 Planning Assessment

9 Site and Surroundings

- 10** The application site comprises a detached residential property occupying a corner position at the junction of St. Margaret's Avenue and Sopers Lane. The locality is one of mixed character development wherein the prevailing use is residential, with bungalows, chalets and 2-storey properties surrounding the site. Dormers are a common feature within the road and a number of properties feature gable ends.

- 11** The front elevation of the property is open to view from St. Margaret's Avenue, by virtue of the provision of a curving 'driveway' whilst the flank and rear amenity spaces are screened by a recently constructed fence of approximately two metres in height. There are glimpses available of the rear of the property from Sopers Lane and it will be possible to view the alterations from this position. The rear of the property is largely screened in views from St. Margaret's Avenue.

12 Key issues

Principle of Development

- 13** The two previous planning permissions referred to above have established the principle of alterations and additions to the roof of the dwelling. The applicant has a fallback position to implement those permissions subject to compliance with the conditions attached to those consents. The proposed change from obscure glazed to clear glazed windows is not considered to affect the impact of the development on the character and appearance of the

area or other material considerations with the exception of the relationship with neighbouring properties.

Impact on neighbour's living conditions

14 The committee report for 8/18/0951/HOU noted that;

“The proposed dormer window to the east (flank) elevation represents a departure from the approved scheme in that an opening on this elevation within the roof plane has not previously been considered. The opening serves a bedroom and the position of the proposed structure is such that the amenities of the residents of the neighbouring residential property in St Margaret's Avenue could be prejudiced by virtue of direct overlooking of their amenity space and the rear of the house. The previous approval included a rear-facing window which was the subject of a condition which required both obscure glazing and the ‘fixing shut’ of any opening element due to the potential loss of privacy to 70 Sopers Lane. This rationale would continue to apply to the current application and could reasonably be extended to the dormer window proposed for the east elevation.”

15 The distance from the window in the east elevation dormer to the boundary with No. 22 is approximately 3 metres.

16 The distance from the window in the south elevation gable end to the boundary with 70 Sopers Lane is approximately 6 metres.

17 The committee report for 8/18/0951/HOU concluded that;

“The room in question is shown to be provided with three separate areas of openings and, given the enlargement to the structure proposed for the west Planning Committee elevation, any reduction to the light source from the windows proposed for the south and east elevations, generated by the use of obscure glazing is not considered prejudicial to the living conditions within this bedroom. With the restriction to obscure glaze and fix shut these openings, it is considered that the impact of the dormer window to the east on the neighbour's privacy would be acceptable.”

18 Since the Local Planning Authority approved App. No. 8/18/0951/HOU, a non-material amendment to the scheme has been approved under 8/18/2189/NMA referred to in 4. above. The current scheme reflects this NMA with a smaller opening and window to the east (side) elevation. Beyond this there are no material changes to the site conditions which would lead the Council to consider a revised position to that taken on the earlier application.

19 At the distances stated above, it is considered that clear glazed windows would result in a significant loss of privacy for the neighbouring properties at 22 St. Margaret's Avenue and 70 Sopers Lane.

20 Policy HE2 of the Christchurch Local Plan advises that development will be permitted if it is compatible with or improves its surroundings in its relationship to nearby properties including minimising general disturbance to amenity. Where the room concerned can be satisfactorily served in terms of outlook and ventilation from the approved west dormer without harm to neighbour's living conditions, there is in this instance no overriding need to provide additional clear glazed openings to serve the bedroom in the interests of the occupier's own living conditions.

- 21** It is noted that the side-facing (east) window shown on the submitted plans is smaller than that approved on 8/18/0951/HOU. This does not affect the overall assessment of the loss of privacy arising to neighbouring properties from the east and south facing windows being clear glazed.
- 22** It is noted that under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), development involving any upper-floor window located in a wall or roof slope forming a side elevation of a dwellinghouse must be obscure-glazed, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. This applies to all side elevation openings, irrespective of their size. There is therefore no fallback position to insert clear glazed windows to the side elevation of a dwelling at 1st floor level as permitted development.

23 Summary

- The proposal involves alterations to an existing dwellinghouse in the urban area which is acceptable in principle.
- The size, scale and design of the proposed extensions have been accepted under the earlier consents subject to suitable safeguards over obscure glazing of openings in the east and south elevations.
- The proposed clear glazing of the openings in the east and south elevations, by reason of their proximity to neighbours would result in a substantial loss of privacy to these dwellings.
- There are no material changes in the relationship between the site and neighbouring properties which would warrant coming to a different conclusion than the earlier permissions.
- The impact of the proposals on the character and appearance of the area is unchanged from the earlier consents

24 Planning Balance

- 25** The Council imposed condition 4 of 8/18/0951/HOU in the interests of the privacy and thereby the living conditions of the neighbouring properties at 70 Slopers Lane and 22 St Margaret's Avenue. There have been no material changes to the relationships with these neighbours in the intervening period. The need to consider the impact of the development on these occupiers' living conditions under Policy HE2 remains.
- 26** Regard is had to the smaller window proposed in the eastern dormer on the current proposals. This is not considered to materially affect the assessment that due to the proximity to the neighbour at No.22, there will be a considerable loss of privacy to this property and a consequent adverse impact on occupiers' living conditions. The window to the rear (south) gable is unchanged in size.
- 27** The imposition of Condition 4 is considered to have been legitimate. There is not considered to have been a material change in circumstances which would warrant a reassessment of the detrimental impacts to neighbours. In the absence of a material change in circumstances, the Local Planning Authority should act in a consistent manner and the condition should be retained. The benefits to the applicant of the clear glazing is not in this instance considered to demonstrably outweigh the harm to the privacy of neighbours.

28 Recommendation

REFUSE permission for the following reason,

Reason

1. The removal of condition 4 would result in clear glazed openings to the side and rear elevations which by reason of their position and proximity to neighbouring properties would result in a substantial loss of privacy to neighbours and their private rear gardens. This would unacceptably harm living conditions at these properties and would fail to be compatible with or improve its surroundings in its relationship to nearby properties including minimising general disturbance to amenity, contrary to Policy HE2 of the adopted Christchurch and East Dorset Local Plan Core Strategy (2014).

Background Documents:

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Case officer: K A Bowditch