

P/13/0117/VC

HILL HEAD

MRS L TAYLOR

AGENT: MRS L TAYLOR

VARIATION OF CONDITION 3 OF PLANNING PERMISSION P/11/0237/VC TO ALLOW ROOF LIGHT IN SOUTH EAST ELEVATION SERVING EN-SUITE TO BE OF AN OPENING DESIGN

18 HAVEN CRESCENT FAREHAM HANTS PO14 3JX

Report By

Richard Wright x2356

Site Description

The application site comprises the residential curtilage of this two storey dwelling located in Haven Crescent, Hill Head. The site lies within the urban area.

The dwelling has been extended recently with permission having been granted in 2010 for the erection of a two storey side extension, single storey rear extensions, fenestration changes, a front porch and front dormer window (reference P/10/0793/FP). Members of the planning committee granted retrospective permission for alterations to this scheme in 2011 (reference P/11/0237/VC).

Description of Proposal

Condition 3 of planning permission P/11/0237/VC requires the roof light in the south east elevation of the dwelling serving the en-suite bathroom to be glazed with obscure glass and be of a non-opening design and construction.

Permission is sought for the variation of this condition to allow the roof light to be openable.

At the time of the case officer's site visit the roof light was of an opening construction but was glazed with obscure glass.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS17 - High Quality Design

Relevant Planning History

The following planning history is relevant:

**P/11/0237/VC ERECTION OF TWO STOREY FRONT & SIDE EXTENSIONS, SINGLE STOREY REAR EXTENSION AND CHANGES TO FENESTRATION, FRONT PORCH AND FRONT DORMER (VARIATION OF CONDITIONS 2, 3 AND 4 OF PLANNING PERMISSION P/10/0793/FP TO ALLOW FOR DESIGN ALTERATIONS, INCLUDING TO ROOF LIGHTS, REAR DORMER AND CHIMNEYS)
PERMISSION 29/07/2011**

P/10/0793/FP ERECTION OF TWO STOREY SIDE EXTENSION, TWO STOREY FRONT EXTENSION, SINGLE STOREY REAR EXTENSIONS,

CHANGES TO FENESTRATION, FRONT PORCH AND FRONT DORMER (ALTERNATIVE TO P/10/0128/FP)

PERMISSION 11/10/2010

Representations

Two letters have been received objecting to the application on the following grounds:
- Loss of privacy to neighbours

Planning Considerations - Key Issues

The Officer's report to the committee on 20th July 2011 concerning the retrospective alterations to the dwelling (reference P/11/0237/VC), observed that the roof light which was set less than 1.7 metres above floor level was openable and that there was an "opportunity" to overlook the rear garden of 7 Old Street. Consequently condition 3, the subject of this current application, was imposed to require that roof light to be obscure glazed and fixed shut.

Following this decision a means of fixing the roof light shut was installed to satisfy the condition and a planning enforcement officer subsequently visited the site to confirm its compliance.

In December of last year it was brought to the attention of Officers that the means of fixing the roof light shut had been removed and that it was being opened. Officers have carried out a further site visit and found that the roof light is capable of being opened and therefore is no longer in compliance with the condition.

The application now before members seeks permission to allow the roof light to be retained in its opening form. The sole planning consideration therefore is whether the opened roof light would affect the privacy of those neighbours living nearby. At a distance of approximately 8 metres from the boundary with 7 Old Street it is possible to overlook the rear garden which detracts from the privacy of the neighbours and the private enjoyment of the garden. The neighbours have planted trees close to the party boundary which in time once they have matured and grown in height may screen some views from the roof light into the adjacent garden. However, at present there is a degree of overlooking and it is wholly unsatisfactory to rely on planting carried out by the adjacent neighbour to address this issue.

Notwithstanding the consideration of this matter set out above, Officers recognise that if the opening of the window was physically restricted such overlooking would be prevented. An opening of approximately 2.5 centimetres above the bottom of the opening would be considered acceptable in this regard and would also allow the natural ventilation of the ensuite bathroom. Officers recommend that permission be granted subject to the installation of an appropriate opening restrictor to the roof light which should be retained thereafter.

Officers did not consider that the opening roof light affords any overlooking of other neighbouring properties aside from 7 Old Street due to the considerable separation distances involved.

Reasons For Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out above. Subject to the roof light being fitted with a restrictor

preventing its opening beyond 2.5 centimetres above the bottom of the opening, the proposed variation of this condition would not be harmful to the privacy of neighbours living nearby. Other material considerations are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Recommendation

PERMISSION: rooflight obscure glazed at all times; within two weeks details of restrictor to be fitted to roof light enabling maximum opening of 2.5 cm to be submitted to Local Planning Authority for approval; approved restrictor installed within two weeks of approval of details; reimpose all other relevant conditions from P/11/0237/VC so far as they are still capable of taking effect (obscure glaze and fix shut dormer window in SE elevation, remove PD rights re first floor windows in NW and/or SE elevations of extensions)

Background Papers

P/13/0117/VC; P/11/0237/VC; P/10/0793/FP

Updates

Officers have discussed the suggested provision of a restrictor to the roof light with the applicant. The applicant has indicated they would not be willing to fit a 2.5cm opening restrictor to the roof light however they would be prepared to install one allowing the roof light to open to a maximum opening of 10cm.

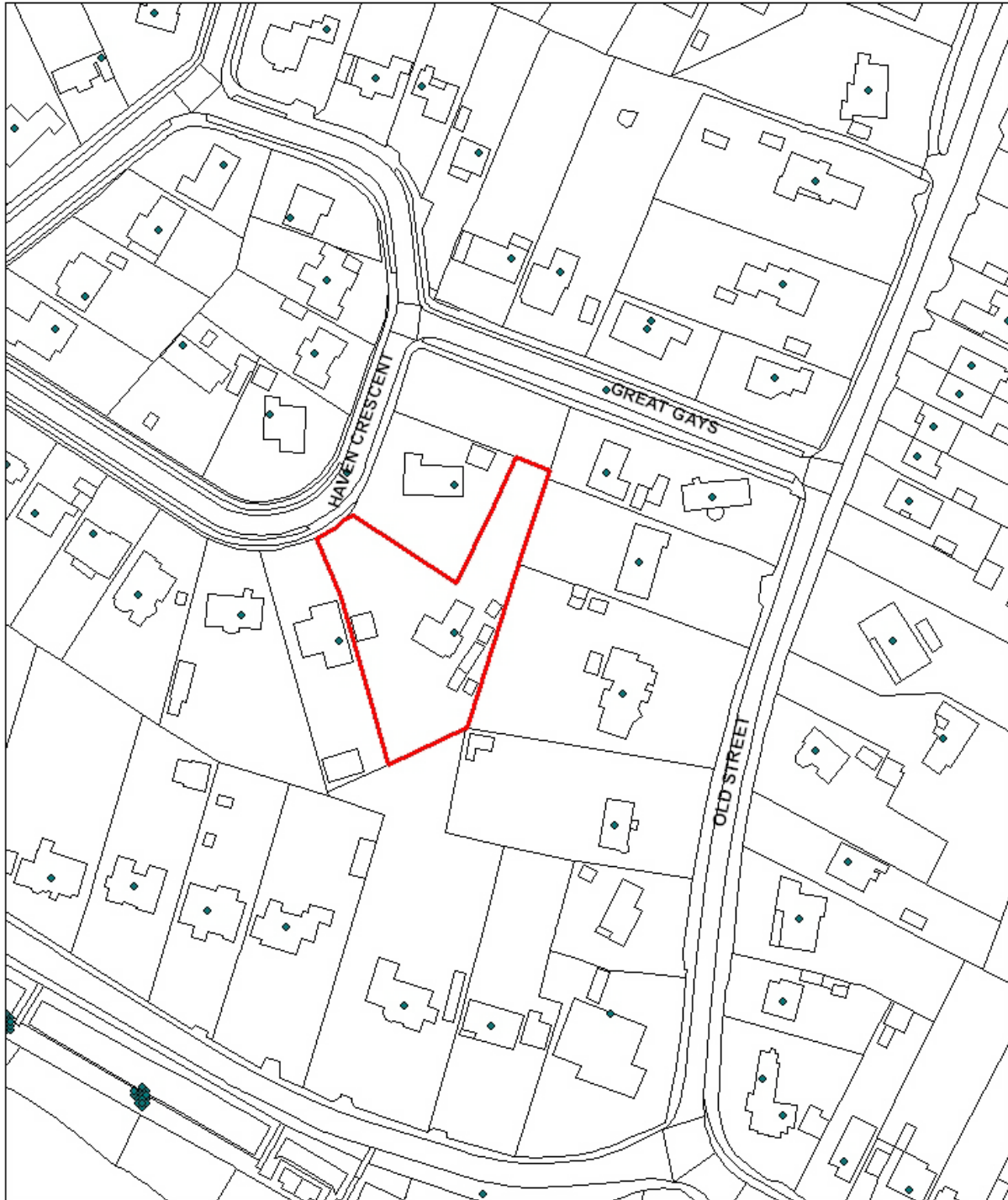
In light of the discussions with the applicant Officers consider there is little prospect of any planning permission conditional on a 2.5cm restrictor being implemented. The applicant's suggested restriction to 10cm would not prevent overlooking of the neighbouring property to the rear. Officers therefore recommend that planning permission should be refused for the variation of this condition. Officers will be discussing the serving of a Breach of Condition Notice with Southampton Legal Department in order secure compliance with the original planning condition.

Recommendation:

REFUSE: roof light gives rise to the overlooking of neighbouring property (7 Old Street) harmful to the privacy of the occupants

FAREHAM

BOROUGH COUNCIL



18 Haven Crescent
SCALE 1:1250

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