

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 28th September 2010
 Planning Application Report of the Planning and Development Manager

Application address:			
31 Redhill Close SO16 7BT			
Proposed development:			
Minor material amendment to planning permission 09/01251/FUL (single storey side and rear extension with roof lights and Juliette balcony), to add 2 velux windows, one to the East elevation and one with obscured glass to West elevation, and enlargement of two velux windows to East elevation, and variation to condition 3 and 4 to allow installation of additional windows to light ground floor rooms and to be opening.			
Application number	10/00996/MMA	Application type	MMA
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	15.09.2010	Ward	Bassett
Reason for being heard at panel	Referred by Ward Councillor and considered at the discretion of the Chair in consultation with the Site Development Team Leader	Ward Councillors	Cllr Samuels Cllr Hannides Cllr Beryl Harris

Applicant: Ms Lyn Ertl	Agent: Keyplans Limited
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Recommendation Summary	Conditionally approve
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Appendix attached			
1	Development Plan Policies	2	Copy of the decision notice 09/01251/FUL
3	Plan of window treatment and fixing on west and east elevation		

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. As the shell of the development is substantially complete, there is the opportunity for the Local Planning Authority to assess the impact by directly observing from the application site and neighbouring properties. The potential for direct harm caused to the privacy of occupiers at 30 Redhill Close and 8 Boldrewood Road due to overlooking from the position and aspect of the proposed fixed shut and non opening windows is considered to be none or very insignificant. Other material

considerations have been considered and 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 minor material amendment to planning permission 09/01251/FUL should therefore be granted.

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and City of Southampton Local Development Framework Core Strategy Development Plan Document (January 2010).

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 This application site comprises of a bungalow with living accommodation in the roof space. The site is located within a wholly residential area characterised by a mixed form and style of properties varying from one to two storey in height. Redhill Close leads north from Winchester Road, with the property located on the edge of the Sports Centre.

2. Proposal

2.1 The application seeks a minor amendment to the development approved under 09/01251/FUL (single storey side and rear extension with roof lights and Juliette balcony). The amendments include:

- i. the addition of one rooflight window in the east elevation with clear glazing serving the kitchen and addition of one rooflight in the west elevation serving the breakfast area to treated with obscure glazing; (See windows marked W11 and W4 in Appendix 3)
- ii. the 3 rooflight windows on the west elevation serving the family room/breakfast area will be centre pivot opening; (See windows marked W4, W5 and W6 in Appendix 3)
- iii. the enlargement of two rooflight windows to East elevation; (See windows marked W14 and W15 in Appendix 3)
- iv. the ground floor windows in the west elevation will be 100 mm opening controlled by restrictor and obscure glazed serving the lounge and family room; (See windows marked W2 and W3 in Appendix 3)
- v. The larger ground floor window on the west elevation serving the breakfast area will have a top hung fanlight opening from the top unrestricted; (See windows marked W1 in Appendix 3)

It also includes the variation of condition 3 and 4 of the original consent to allow the installation of additional windows to light ground floor rooms and to be non fixed shut.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 Saved policy SDP1 (Quality of Development) of the Local Plan Review requires development to have an acceptable affect on the health, safety and amenity of the city and its citizens. This is supported by the relevant guidance set out in the Council's Residential Design Guide (September 2006). Extensions and modifications to existing homes should ensure that access to natural light, outlook and privacy is maintained for neighbouring occupiers in their homes and private gardens (paragraph 2.2.1 refers). The guidance recommends avoiding windows to habitable rooms directly facing one another to ensure privacy between houses (paragraph 2.2.3 refers).

4.0 Relevant Planning History

4.1 The original consent was granted in February 2010 (planning permission 09/01251/FUL) for a single storey side and rear extension with alterations to the roof including roof lights and Juliette balcony to rear to facilitate additional 1st floor accommodation. Building works have commenced.

4.2 It was brought to the attention of the Planning Enforcement Team that additional windows were being added to the property and an investigation of the breach of conditions 3 and 4 begun resulting in the submission of this application.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners. At the time of writing the report 2 representations have been received from surrounding residents. The following observations/comments were made:

- The works have not been carried in accordance to the approved plans, whilst ignoring the planning conditions set, which disregards the interests of adjoining neighbours.
- Loss of privacy to the habitable spaces to the occupiers of the neighbouring property at 30 Redhill Close.
- The overall appearance and negative impact on the surrounding environment of even more glass, of so many windows, including already enlarged windows, in the roof slopes.
- Loss of privacy to the habitable spaces to the occupiers of the neighbouring property at 8 Boldrewood Close.

RESPONSE

These planning considerations are responded to in detail in section 6 of the report - Planning Considerations.

- Extra glass and light in close proximity to the natural habitats on the adjacent sport centre will have a negative affect on the wildlife including protected bat species.

RESPONSE

No objection raised by Council's Ecologist under application 09/01251/FUL. It would be difficult to provide scientific evidence to demonstrate that the level of internal artificial light emitted from the extension and additional glazing will cause harm to local wildlife, including protected bat species.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- i. The impact on residential amenity of neighbouring occupiers;
- ii. Character and amenity of the surrounding area; and

6.2 The Local Planning Authority is considering whether the scale and nature of the changes proposed results in a development which is not substantially different from the one which has been approved and, therefore, can be treated as a minor material amendment to the original permission.

6.3 The level of glazing created by the new windows in relation to the overall scale of building is minor in nature and therefore does not result in a significant change to the external appearance of the building.

6.4 The Local Planning Authority is required to assess whether the proposed changes are harmful to the residential amenity of neighbouring occupiers terms of affecting their privacy, and consider whether the restrictions under conditions 3 and 4 can be relaxed in this case. Elements of these works have already been carried out. There is a copy of the decision notice 09/01251/FUL in **Appendix 2**.

6.5 The applicant is seeking to add more windows in the east and west elevation and roof slope to increase the level of natural light, and also allow a number of the windows to be opening to increase the level of natural ventilation to the approved extension currently prohibited by conditions 3 and 4. As the shell of the development is substantially complete, the Local Planning Authority is now able to better assess and understand the impact by directly observing the additional impact from the application site and neighbouring properties.

6.6 Based on the site assessment, each of the changes proposed to the approved development has been separately addressed below whilst taking into consideration the representations made by the neighbouring occupiers:-

6.6.1 Installation of additional rooflight in the west and east facing roof slope and to be opening including the approved rooflights: The cross sectional drawings demonstrate that the view from the proposed and approved roof light windows will be directed towards the sky, as the cill level of the proposed rooflight is 2.8 metres above the floor level, 1 metre higher above the eye level of a standing person of 1.8 metres. The opening of these windows will not significantly change the views from these windows when used in a reasonable manner.

6.6.2 The occupier of 30 Redhill Close is concerned of the possibility that the lower rooflight windows in the west roof slope will be used to light the bedrooms in the roof space following internal changes to the ceiling structure underneath bedroom 1 which would lead to direct views from the lower level of the bedroom through the 3 lower rooflight windows across the private space of the neighbouring property at 30 Redhill Close.

6.6.3 In particular, there is concern of overlooking the first floor study room. The consideration of these internal changes falls outside the scope of the planning assessment. The first floor study room window is not directly facing these rooflights as it is at an oblique angle. This additional window will be visible in the line of sight from the first floor study room and garden space of 30 Redhill Close, however, the perception of being

overlooked is not causing direct harm to the privacy of the neighbour and the level of glazing will not be significantly greater or intrusive. The separation distance of at least 30 metres across neighbouring back gardens will ensure that the privacy of the occupiers of 8 Boldrewood Road is maintained.

6.6.4 Large window in the west elevation to be obscured glazed with top hung fanlight opening: The window installed at the time of writing this report has been installed as clear glazed contrary to the condition requiring obscure glazing. It is important that this large window is refitted as obscured glazed to prevent direct overlooking of the private garden space of 30 Redhill Close. The applicant intends to refit the window to comply with condition 3. The top hung opening fanlight is high level at 1.8 metres above the floor level which does not afford an opportunity for direct overlooking of the neighbouring garden and, therefore, have very little potential to cause direct harm to the privacy to neighbour when used in a reasonable manner.

6.6.5 Four small windows in the west elevation to be top hung opening and the two units obscured glazed towards the rear end of the property: The occupier of 30 Redhill Close is concerned that the ground floor level windows (closest to the neighbour's back garden) have been fitted as wide opening windows affording a direct view across a very large part of the small back garden of 30 Redhill Close, and these windows should be completely fixed shut. The level of outward opening of these windows can be limited by installing an opening restrictor which the applicant will be required to install by varying the wording of approved condition 3.

6.6.6 The occupier of 30 Redhill Close is concerned that the two ground floor windows on the west elevation unmarked towards the front end of the property have been fitted as opening and clear glazed contrary to the condition requiring obscure glazing and fixed shut, which will overlook the small private side garden. Again these windows are at ground floor level with little potential to cause direct harm to the privacy of the neighbour used in a reasonable manner and, in particular, will mostly overlook directly onto the side wall of 30 Redhill Close. The level of outward opening of these windows can be limited by installing an opening restrictor which the applicant will be required to install by varying the wording of approved condition 3.

7.0 Conclusion

7.1 This application has been assessed as being acceptable to residential amenity and its local residential context. The application is recommended for approval.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4 (f), 6(c), 7(a), 10(a), 10(b)

SB for 28/09/10 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Materials [Performance Condition]

Unless otherwise agreed in writing by the Local Planning Authority, the specified materials on the application form and finishes to be used in the construction of the extension hereby permitted shall be in accordance with the approved plans.

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

02. APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]

The treatment and fixing of windows in the east and west elevation shall be in accordance with the approved on drawing no. SK16a and SK17a (received by the Local Planning Authority on 17th September 2010) and any treatment or fixing of windows not in accordance with approved plan shall be implemented within one month of the date of this decision notice and permanently maintained in that form.

Reason:

To protect the privacy enjoyed by the occupiers of the adjoining property.

03. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the east and west facing elevation of the extension hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

04. APPROVAL CONDITION - Window specification limitations [Performance Condition]

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, in relation to the extension hereby permitted, the windows labelled W4, W5, W6, W7, W8, W9, W10, W11, W12, W13, W14, W15, W16 inserted into the east and west facing roofslope shall have a minimum sill level of 1.7 metres above floor level of the room served by rooflight. The windows shall be retained in this manner for the duration of use of the building for residential occupation.

Reason:

To protect the amenity and privacy of the adjoining property.