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CHARTERED TOWN PLANNER

Planning and Building Control Division
Arun District Council
Maltravers Street
Littlehampton

02 January 2008

Dear Sir/Madam:

Re: 227 Manor Way, Aldwick

Removal of condition 2 from planning permission AW/91/09

I am instructed by Mr J Wiggs to submit an application for the removal of condition 2 on planning permission AW/91/09.

Background

Planning application AW/91/09 sought to amend the previous application AW/48/09 which was approved for a garage and snooker room extension in respect of window changes to the east side elevation and the rear north elevation and the installation of roof lights on the front and rear. The two windows to the rear which serve the snooker room have been reduced in size and the window serving the garage has been reduced and has obscure glazing. Three roof lights have been installed to the front and rear of the existing garage and the new extension to provide natural light and ventilation to the loft area. The rear elevation which had two windows each side of the french doors have now been changed which involves a smaller window and the addition of larger french doors.

The ground floor windows are now smaller than originally approved are rosewood in colour, Georgian style with diamond leaded lights that match the original building in design and style.

The neighbouring property to the east No 229 Manor Barn which is located approximately 14m from the subject side extension has a detached building with accommodation over in the rear garden that is sited on the west side boundary adjacent to the extension.

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The garage window on the east side elevation which is positioned nearest this structure has been obscure glazed. In addition the applicant has also planted twelve Golden Lleyandii trees along the eastern boundary approximately 2.7m in height. If these trees remain, they would alleviate any potential overlooking or loss of privacy to the occupiers of No 229.

Planning application was considered at the Council's Planning Committee meeting on 21st August 2009 and the committee report contained the following summary:

"It is not considered that the proposal would detrimentally harm the character or appearance of the building. The extension which is sited approximately 37m from the front boundary is not considered to be obtrusive in the street scene, nor does it harm the established character of the surrounding residential area or the Conservation Area."

Planning permission was granted. Condition 2 of the planning permission states:

"The first floor above the garage/snooker room shall be used solely for domestic storage and not living accommodation."

The reason for imposing the condition is stated to be:

"To safeguard residential amenities of neighbouring properties in accordance with policy GEN7 of Arun District Local."

This application seeks to remove condition 2.

Government Advice

Circular 11/95 sets out Government advice in respect of 'The Use of Conditions in Planning Permissions'.

Paragraph 4 of the Circular makes clear that section 73 of the 1990 Act enables the LPA to grant the application unconditionally or subject to different conditions.

Planning Considerations

In this case the implications of removing the condition would be that the roofspace could [and would] be used for living accommodation – in the form of an additional bedroom with en suite.

The question that needs to be asked is whether such a use of the roofspace is acceptable in principle. If so, then what, if any, conditions are required to ensure that there is no adverse impact on the amenities enjoyed by neighbouring properties.

In the particular circumstances of this case I would suggest that the considerations are restricted solely to matters of overlooking.

On this basis I will deal with the rear and front windows in turn.

The rear windows:

There are three rear rooflights. They overlook the rear garden and the view is as per the photograph below.



As evident from the photograph above there are no views possible into the rear garden of the house to the north – 31 Colts Bay. In addition the back-to-back distance is acceptable, being in excess of 24m and the relationship is in fact better than that which occurs from existing rear facing bedroom windows on the subject dwelling.

Furthermore, due to the alignment of the extension relative to its boundary – views are not possible into the rear garden of 229 Manor Way – the immediate neighbour to the east.

I therefore conclude that residential use of the roofspace and thereby views from the first floor rear rooflights would not material harm the amenities enjoyed by neighbouring properties.

The front windows:

There are three rear rooflights. They overlook the rear garden and the view is as per the photograph on the next page.



Due to the alignment of the extension relative to its boundary the views from these rooflights are towards the side wall of 229 Manor Way – the immediate neighbour to the east. A diagonal view is also possible towards the first floor rear windows of that property.

However due to the neighbours' large outbuilding which is located along the boundary views are not possible into the neighbours' rear garden.

In terms of the relationship of the rooflights with the first floor rear windows of #229 I submit that there is little difference to that which occurs from the existing landing windows as evident in the photograph below.



In fact the landing window has more opportunity for seeing into the immediate rear garden of #229.

I therefore conclude that undue overlooking of the rear elevation of #'229 will not arise from the rooflights.

In any regard, the rooflights have been permitted and there is nothing to stop someone looking out of them.

I therefore conclude that residential use of the roofspace and thereby views from the first floor front rooflights would not material harm the amenities enjoyed by neighbouring properties.

Summary

Since my assessment of overlooking has concluded that there will be no adverse impact on neighbouring properties I conclude that planning permission should be granted for the removal of condition 2 on planning permission AW/91/09.

However I do consider that there would be a possible opportunity for overlooking if an opening were created in the side gable wall of the extension – at first floor level. The planning permission does not impose such a prohibition.

I consider that such a condition would be reasonable and would suggest that such a condition along the lines of that set out below, should be imposed upon the removal of condition 2:

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, no opening shall be created at first floor level in the east gable wall of the extension.”

Yours sincerely,



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