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9 Nursery Close
East Preston
Littlehampton
West Sussex
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Variation of a condition following grant of permission
EP/145/17/HH & EP/93/18/PL

When we received the original planning consent although the window placements and apertures were agreed the design and materials of the windows, all to be replaced, were not decided. The extension and refurbishment of the building has been arduous and lengthy. After much disruption last summer in respect of the siting and approval of the garage the builder left the property in disarray owing us and a number of local contractors a total of close to one million pounds.

Trying to salvage the project, our priority was to finish the development as quickly as we could with as little disruption to ourselves and our neighbours as possible. One of the issues with the builder was that the windows were not ordered until the late summer and then fitted largely in September. They were of poor quality; all were badly fitted and not what we had ordered or expected. They all needed to be refitted and some required to be replaced. Regrettably, although we had originally intended to challenge the condition regarding the bathroom window, it was overlooked when the other disruptions took priority.

We were completely surprised to see the compliance officer last month as the top hung window in the bathroom, although badly fitted, had been in place since September 2018 with no indication that there was a problem. In fact, the visit of the compliance officer took place only a week after the badly fitted window had been replaced!

The basis for this application is the same as that which we would have used to appeal the original condition set for this window when we were deciding the design and configuration of the all the windows in the property, namely: -

1. The planning officer's report for both the original application and the subsequent variation (EP/145/17/HH & EP/93/18/PL respectively) recommend the condition on the basis of an incorrect understanding that a new dormer window was to be inserted in the north western elevation of the property.
2. The original description of the development reads *"Extend garage & form pitched roof over. Single storey infill extension between enlarged garage & house. Formation of enlargement to existing dormer on SE elevation & addition of pitched roof to existing dormer on NW elevation. Removal of tile hanging from gables & dormers & fitting fibre cement weather board."*

3. The dormer on the north west side existed since the house was built (see plans 17-085-2 and 17-085-3 and has always housed a WC. It can be seen from the plan 17-085-8 that the existing WC on the first floor was to be enlarged internally but the dormer would retain its original external footprint and was never to be enlarged.
4. As this window aperture has not changed in its siting or size and the proposed opening is more restrictive than the original, the neighbouring properties have had no loss in their sunlight, privacy and outlook. The stated aim of Policy D DM1 is to achieve "...avoiding significant loss of sunlight, privacy and outlook..." which has not and will not happen if this variation is approved.
5. The planning officer's narrative concludes that the development does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties (D DM4).
6. A number of attachments are provided demonstrating the window siting and aperture have not changed and also providing a sketch of the proposed window.

Yours faithfully,

K A & C P Booth

List of attachments: -

Photographic attachments

1. Internal view of original w/c and window.
2. External view of original dormer.
3. Internal view, re-alignment of internal arrangements but no change to window.
4. External view – no change to foot print due to infill extension.
5. Internal view, final arrangement of internal structure of bathroom, original window still in place.
6. External view, pitched roof and new cladding with original window.
7. Top hung window installed in September 2018. Poorly fitted – replaced July 2019.
8. Internal view, current window in bathroom.
9. Extent of restricted opening – vehicle seen is on our drive.
10. External view – current window.

Other attachments:

11. Sketch of proposed window configuration showing limitations to the opening. Angular displacement is 9° which provides an opening, at its widest point, of 110 mm (less than 4½ inches).
12. Approved plans 17-085-2,
13. Approved plans 17-085-3,
14. Approved plans 17-085-8

15. Approved plans 17-085-7 Rev d