



Appeal Decision

Site visit made on 25 August 2010

**by M A Champion BSc CEng FICE
FIStructE FCIHT FHKIE**

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

**Decision date:
20 September 2010**

Appeal Ref: APP/C3810/A/10/2122503

Seacot, South Strand, East Preston, BN16 1PN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Alistair Forrest against the decision of Arun District Council.
- The application ref: EP/64/09, dated 4 May 2009, was approved on 12 August 2009 and planning permission was granted subject to conditions.
- The development permitted is: amendment to previously approved planning permission EP/137/03 for extension to existing bungalow..
- The condition in dispute is No 1 which states that: Within 2 months of the permission hereby granted the bedroom window at first floor level on the south elevation of the dwelling shall at all times be glazed with obscure glass.
- The reason given for the condition is: To protect the amenities and privacy of the adjoining property in accordance with Policies GEN7, DEV19 of the Arun District Local Plan.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the removal of the disputed condition on the living conditions of neighbouring residents with particular regard to overlooking and privacy.

Reasons

3. The appeal site lies in a residential area where Policies GEN7 and DEV19 of the Arun District Local Plan 2003 deal with the form of new development and residential extensions. It comprises a detached bungalow which has been converted to a house in an area of dwellings to a wide variety of designs. The building occupies the majority of the site and extends up to the boundary with Lovely Cottage, the neighbouring dwelling to the south.
4. As part of the previously permitted development a first floor has been added to the former bungalow. This includes two windows in the south elevation, one to a bathroom and the other, near the south-west corner of the building, to a bedroom. The latter was constructed with plain glass, not the obscure glass required by Condition 1. At the time of my site visit the window had been obscurely glazed.
5. In granting planning permission for the development the Council considered that it was necessary to protect the living conditions of the residents of

- neighbouring properties by imposing a condition to prevent overlooking from the bedroom window.
6. Having regard to the proximity of this window to Lovely Cottage, I observed that the bedroom window provides opportunity for overlooking the rear balcony on the neighbouring house as well as partial views of the rear garden of Chance Cottage. Without the obscure glazing significant loss of privacy would occur. Condition 1 is therefore necessary in principle.
 7. This condition is also relevant to planning and the development permitted, enforceable in that a breach would be readily detectable, precise in its wording and reasonable in all other respects. I therefore consider that Condition 1 was correctly imposed.
 8. Nevertheless the appellant states that the view straight out of the window is of a tiled roof and there is no view into another property. While the direct view is of a tiled roof, the view slightly to the right from the open window is across the balcony of Lovely Cottage and the rear garden of Chance Cottage to the sea beyond. Without the obscure glass this view would be equally visible when the window is closed.
 9. The appellant states that the neighbouring balcony is little used. Whether or not this is so, future residents may well choose to use it at any time. The balcony is the only rear private amenity space at Lovely Cottage and I consider such extensive and short-range visual intrusion to be unacceptable.
 10. The appellant also indicates that there are numerous instances of windows in other dwellings overlooking neighbouring properties. While this may be so, I do not consider that it justifies another being constructed contrary to current policies.
 11. I conclude, therefore, that removal of the disputed condition would significantly harm the living conditions of the residents of Lovely Cottage and Chance Cottage by way of overlooking and loss of privacy, contrary to the policies cited above.

MA Champion

INSPECTOR