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From: Mr D & Mrs S Flanders – 25/February/2021

Ocean Reach, 59 Manor Road, East Preston, West Sussex, BN16 1PY.

Application No: EP/7/21/HH

Site Address Little Dormers 23 Upper Drive East Preston BN16 1QN

Objections/Comments to New Windows on Planning Application EP/7/21/HH

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1. OUTLINE OF OBJECTIONS TO FIRST FLOOR WINDOWS (SOUTH SIDE)

This application is one of a series of three application attempts (EP/96/20/HH, EP/124/HH) which finally address many of the concerns of the neighbourhood. The application again does not make reference to the intention to install windows on the first-floor side-extension. The two neighbouring side properties of 21 Upper Drive and 59 Manor Road (our property) will have the privacy amenity significantly harmed by 'Little Dormers' plan to have a total of three, unnecessary first-floor overlooking, windows. We are pleased to have the unsolicited support of the Estate's governing body (AoSERA) asking for privacy protection for any windows. We will show that, unexpectedly, the applicants themselves have provided compelling evidence to show the validity of our objections. We will show that Arun Policies together with previous planning decisions in this cluster of buildings, set a precedent protecting neighbours' right to privacy by not allowing overlooking and overbearing window development. We will also show that we have put forward constructive alternatives.

2. ADVERSE EFFECT ON PRIVACY AMENITY

2.1 Consequences for Properties on 'Little Dormers' South Side.

The residents in the immediate locality consist of mainly retired people who spend a lot more time in their relatively small homes and gardens than would normally be the case with the general population; privacy is a key issue for us. Both us and our neighbours are 'well into' our retirement years.

The two properties, 21 Upper Drive and 59 Manor Road, both border the side elevation of the applicants' property, Little Dormers, at right angles, and have particularly small back gardens, with my own bungalow being a little over 9 metres from the applicants' boundary, and close to the habitable rooms of the applicants'. These gardens and habitable room windows will be directly overlooked from the proposed first-floor windows. The normal fence heights and small length of these gardens will not be sufficient to shield the two properties from the proposal, now the hedge screening has been removed.

Privacy measures have not adopted by the applicants, as required in the Arun Planning Guide (section J.02), which advocates multiple design initiatives where distances between habitable rooms of another property are 15m or less, which is the case here.

Sight lines from the windows will have direct, overlooking views covering the small, back garden areas, patios, and into the main living areas. This applies in particular, to the two large patio windows of the lounge and dining rooms of 59 Manor Road bungalow, where such views place us in the proverbial 'gold-fish bowl'. The situation is made worse in that 59 Manor Road building is at an acute (right) angle to 'Little Dormers'.

We note that the easterly window would overlook the bedroom at number 21 Upper Drive, which is also very undesirable, and not policy compliant.

The most westerly of the two new proposed windows can be seen only by reference to the West Elevation (rear) drawing Plan (203075/011). This window has the much more intrusive, and angled view into 59 Manor Road than the existing window. This window would also be immediately above the well-used 'sunny' patio area, being the only place where the small, north-facing rear garden can consistently follow the sun without being in the shadow of its own building. This window, with a new, differently angled view, close to the existing one, would provide a dual-aspect view from Little Dormers into most parts of our garden and our main living area. This window placing is also not compliant with D DM4 a (see 4.1,3 &4 below)

'Little Dormers' is the dominant building in height and mass over the surrounding cluster of dwellings, which are mainly bungalows. It benefits from not being overlooked by any neighbouring property into significant living areas, and a planning precedent (3.1) protecting its south-side and rear elevations. However, in their development of windows on the south side elevation they have had an additional medium-sized, lounge window inserted on the ground-floor which may or may not have harmed their privacy amenity. We are not objecting to this window development on the ground-floor level, as it relates to their own privacy and is still likely to be achieved by their the close-by existing fence, even though they have removed the privacy hedge screening. *Note: Evidence that this is completely new, larger size, addition to the number of windows can be seen by reference to EP/96/20/HH, Existing Floor and Elevation Plans, 203075/01 and 02, which differ from the current plans and the actual changes now made.*

2.2 Recent Removal by the Applicants of Privacy Hedgerow

It is relevant to point out that after the new owners of the property took control last summer, their contractors' machine-removed all the mature, high hedgerow, root and branch, alongside the southern elevation of their building. This hedgerow, well established and maintained annually by the previous owner, stretched from the front edge of the building to the rear edge of the building. This mature hedgerow served to prevent the extension's existing south-side, small boundary window from having intrusive and overlooking views over the south-side boundary. The applicants' actions have resulted in a clear view into patio windows of the lounge and dining rooms of 59 Manor Road, where they now propose to expand views with further first-floor windows.

2.3 Applicants' Own Support for the Privacy Amenity

It must be rare, if not unique, that the Planning Office receives an application where the applicant has provided cogent evidence that supports the objections to their own proposals. However, this is in the applicants' own letter to the Planning Office on the last-minute

withdrawal of the previous application (See EP/124/20/HH. Planning Correspondence from Applicant dated 7/12/20)

In this astonishing, unwarranted attack on their neighbours and others for making objections, the applicant provides cogent evidence of the true impact on privacy by having any first-floor windows, new or existing.

In the letter, the applicant states that she suffers from “feeling uncomfortable and intimidated” by the views available to her neighbours from the existing side window, which is fixed non-opening but not obscured glass. Notably, this is the window from which applicant herself recently has had stripped all the shielding hedgerow. The applicant also states that she has had to put up “thick net curtains” to protect her own privacy. This ‘objection’ shows that even in the elevated position of a first-floor window she feels overlooked. How much more intense then, that problem is for their neighbours who are on ground-level.

It is more than surprising then, following on from this letter, the current application continues to show no changes or attempts at providing an alternative solution to any of our problems. This inaction is not commensurate with their letter, which also states: a) “I have no desire to look into other people’s property”; b). “those who are concerned about privacy should note these windows will have obscure glass”. This letter also ignores our previous suggestion for policy compliant Velux windows or other roof solutions to be used instead (see 4.2 below).

2.4 The Privacy Issues Relevant to ‘Little Dormers’ Existing Extension

The home extension granted to Little Dormers (EP/35/93), before the existence of 59 Manor Road, allowed one small, fixed non-opening window in the side elevation towards the western edge of the Upper Drive plot, but only in the recess part of new extension, thus shielding the overlooking view to number 21 Upper Drive. It also placed conditions for a bathroom window on the north side-elevation to be obscure/non-opening, protecting privacy for the neighbours on the northern side.

On the balance of probabilities, planners would not have allowed a window on the south side in the original first-floor, side-elevation, owing to loss of privacy for 21 Upper Drive, and that this privacy protection alone dictated the unusual bedroom layout shape, that the applicants now seek to overturn. The window that was allowed would have increased light to the inner, darker area of the enlarged bedroom-one. The need for even this window has now disappeared. This is owing to the intention to ‘wall-off’ that inner section for the new location of the re-sited fourth bedroom. Adequate light for the revised bedroom-one is available from the existing, large, back-bedroom window. The original layout of the bedrooms can be seen on the plan in EP/96/20/HH Drawing 203075/01.

Since the above planning decision, the bungalow at 59 Manor Road was built in the garden of number 21 Upper Drive, immediately up to the eastern edge of their building at 21 Upper Drive. Therefore, number 59 Manor Road has now become a side elevation property to ‘Little

Dormers', and now has need for the same privacy protection. *(Note: An important precedent was set in previous planning decisions on 59 Manor Road by the Planning Authority. (Section 3, below.)*

3. RELEVANT LOCAL PLANNING DECISIONS ON PRIVACY

3.1 Rejection and Approval Decisions Setting a Precedent

Planning permission for a new one-and-half storey, dormer bungalow development on 59 Manor Road, in the garden of 21 Upper Drive, was rejected (EP/3/90) owing to its detrimental effect on the amenities of neighbouring properties. Subsequently a single storey bungalow was deemed acceptable and passed (EP/8/94). This strict planning control on privacy has recognised the problem for all surrounding plots, and sets a standard and a precedent for privacy on all future applications.

'Little Dormers' was and remains a main beneficiary of those decisions, and the applicants' proposal would create an almost mirror-image of the rejected one for 59 Manor Road. This is because it seeks to overlook our rear garden and patio doors in exactly the same way that a dormer bungalow on our plot would have overlooked their garden, patio and large patio door.

3.2 Logic of Continuous Strict Planning Control on Privacy

Simple logic dictates as our bungalow was effectively denied any window above ground-level, that this privacy precedent set by the Planning Authority should be a highly significant factor in any future planning decisions. Namely, that would be, continued protection when any neighbour wants to open up new windows above ground floor level harming our privacy amenity, particularly when other policy compliant solutions are readily available.

4. ALTERNATIVE SOLUTIONS FOR THE APPLICANTS

4.1 Applicants Reasons for Removing Privacy from Neighbours

It appears that the only purpose of the new windows is to change the first-floor layout of the existing four bedrooms. However, In the second application, a further change was made to this layout. This increased the dressing room size and relocated it the north side of the house (Drawing 203075/10). This latest change of layout renders the existing side window redundant, but the application shows the window still exists. If removed, all existing problems of privacy would be solved for both parties (2.3, above).

We seriously question the need for two windows in the bedroom that has been moved.

1. Why is there a need for two windows in one bedroom?
2. Why would you create an unbalanced internal design-layout with this window placing?
3. Why is one window placed at right-angles and immediately next to the existing one, creating an undesirable situation where both bedrooms look into each other?
4. Why create an eye-sore by placing the above window at a different level to the immediately adjacent, existing window? The placing of any new window here is effectively ruled-out by being next to the existing, higher window, which will always be the case because of the higher roof-height in the extension by, say, around 15 to 20 inches. This imbalance of placement would create a visual eye-sore on the external face of the building. It would be a poor architectural design feature, highly visible from our property. ***(Note: This imbalance can only be seen by a site visit; looking at both elevation plans together, it is difficult to detect)***

Both 3, and 4, above, do not demonstrate a high standard of architectural principles, nor do they have a minimal impact to occupiers of nearby property, required by Arun Planning policy DDM1 in Aspects of Form and Design Quality. Apart from being overbearing in number, they also fail to sympathetically, visually integrate the existing extension with the original part of the house as required in DDM4, relating to design and form for alterations to existing buildings.

4.2 Alternative Plan Communicated to Applicants After First Application.

We had a conversation with one of the applicants following the first application (Ms Heather Barnes) and said that we would NOT object to policy compliant Velux window(s) or light tubes etc in the roof of their relocated fourth bedroom, instead of increasing the number of offending windows, giving them more widespread, intrusive views.

It is evident in the second and third applications that the applicants are making no concessions in their plans to go ahead with unfettered, standard window openings. There is only a vague, and unbinding notation next to one of the proposed new window openings to obscured glass.

This vague reference would appear to display an unwillingness to be tied down to any planning restrictions on first-floor window development, thus providing harmful views and openings, and setting a precedent and scope for further intrusive window development

However, upon reading this notation we took it at face-value to be the first tacit admittance of the privacy need. It was, therefore, disappointing that the applicants have offered nothing differently on the third application, despite previously sending a letter to the Planning Authority giving cogent and compelling reasons for rejection of their own plans for windows on the side elevation

As regards standard, obscured, fixed, non-opening windows that do not relate to landings or bathroom areas, these can easily be unlawfully changed at a later date. We understand many Council Planning Authorities share this practicable view. The existing window would also have to be included which would make an overbearing mass of three obscured windows. In addition, for reasons explained in 4.1 above, this array and placement of windows, one out-of-line, would not be compliant with policies D DM1, and D DM4 a) and c), relating to 'Aspects of Form and Design', and 'Quality and Design and Form for Existing Buildings'.

4.3 Further Suggestions on the Way Forward.

There is no doubt that Velux windows, roof lights or light tubes for all openings on the upper-floor, side elevation are policy compliant, and highly preferable for us and our neighbour.

However, continuing in our efforts to being constructive, if the Planning Officer should want to consider an amendment to the application, we would suggest the following conditional option: Remove the plan for a window that provides the new, angled view into 59 Manor Road, and replace the other proposed window with a high-level one 1.7 metres above the floor level. It could be extended horizontally for adequate light and opening(s). This type of window would not be overlooking and be less overbearing in its effect; it could not easily be converted to a standard window. It should be conditional that the existing window must be removed. (There is now no valid need to retain this window (2.4, above). This would retain the status quo of one window, and make it more compliant. It would also provide architectural harmony.

5. LEGAL PROTECTION FOR THE PRIVACY AMENITY

5.1 Planning Authority Policy

Our objection to this proposed loss of residential privacy amenity is fully supported by the Arun Local Policy – Policies D DM 1 and D DM4:

D DM 1 states in para 3, Aspects of form and design quality – Impact to have “minimal impact to occupiers of nearby property and land. For example, by avoiding significant loss of sunlight,

privacy and outlook and unacceptable noise and disturbance”.

D DM 4 states in paragraph C, “the extension or alteration does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties

5.2 Other Legal Protections.

The Planning Authority take into account The Human Rights Act 1998. Under article 8, they look at the right to respect private and family life; Under Article 1 of the First Protocol, also the protection of property and a persons’ right to enjoy that property peacefully.

We have shown that these proposals interfere unreasonably with the rights of enjoyment and privacy of gardens and homes to the south side-elevation of Little dormers.

As regards the rights of the applicants under the Act, it has been shown that they are already enjoying the privacy conferred upon them from previous decisions preventing this kind of development, consistent with theirs and others human rights (3.1, above). Also, it is clear that they are now declaring that they are compromised in respect of privacy by the existing window.

6 MAIN POINTS OF OBJECTION

In our Submission we have shown:

- **There is a significant, harmful loss of privacy from the proposed two new and one existing windows, to which both of us neighbours have objected (2.1)**
- **The shielding, privacy hedgerow has been removed by applicants (2.2)**
- **An array of three windows on the first-floor side elevation would be overlooking, overbearing and totally unnecessary for their perceived aim (4.2)**
- **Privacy Measures as in Arun Planning Guide (J.02) on habitable room separation do not exist (2.1)**
- **The most westerly new-window would give a dual-aspect view into our home (2.1)**
- **The most westerly new-window placement is not sympathetic with, nor visually integrated with the existing extension, owing to variance in roof height. as per Arun Policy D DM1 & 4 (4.1)**
- **The most easterly new window would likely have been refused in EP/35/93 (2.4)**
- **The existing extension window is redundant in the altered room design (4.1)**
- **The applicants own letter to Planners support our objections on privacy (2.3)**
- **The Estate’s governing body comments support restrictions (1, and Rep Letter 17/02)**
- **Planning policies D DM1 and D DM4 and The Human Rights Act provide protection against this harmful plan (5.1 and 5.2)**
- **Previous Planning Decisions have set a precedent for our cluster of dwellings (3.1)**
- **The applicants’ home remains a main beneficiary of previous Planning decisions (3.1)**
- **The applicants have now failed three times to make policy compliant plans, or to**

- make reference to the proposal on the application form (1)
- The existing, fixed window needs to be included in any decision (2.3)
- We have previously suggested a neighbour-friendly, policy compliant alternative (4.2)
- We have now suggested a new, more compliant high-level window solution (4.3) with a conditional clause for the removal of the now redundant, existing window.

7 OPTIONS ON THE WAY FORWARD

It is a fact that this room alteration is non-essential, and the creation of new windows is not necessary to achieve this minor alteration.

This is the third application where the applicants have put forward the same non-compliant, new window proposal.

Aside from the highly significant privacy issues, the placement of one of the proposed new windows does not demonstrate a high-standard of architectural principles; it is out-of-line with the immediately adjacent, existing one, and both windows look into each other (*D DM1 Appearance/Attractiveness*). This window placement is not sympathetic to the existing elevation, and will significantly harm the visual integration of the original building with the extension (Policy D DM 4, Extensions, items a) & c)

We therefore ask the planning officer to reject outright this proposal on windows and consider alternatives with appropriate conditions/restrictions/guidance/refusals as follows:

- 1) It is not a compliant option to use the existing proposal by using obscured glass for all three windows. This is because it does not conform to architectural policies D DM1 and 4, explained above. Also, to make all three windows obscured is visually unattractive in itself, and in mass would be overbearing. This 'sticking-plaster' solution will not cure significant defects, and we are not in favour of this option.
- 2) Adopt the roof-only suggestion of Velux windows, sky lights, sun tubes etc. The unnecessary existing extension window could be removed, or converted (4.1), and thus return the whole southern-side upper-floor elevation to its policy compliant, windowless state. This is our preferred option.
- 3) Consider the alternative of one high-level window, at a minimum of 1.7 metres above the floor-level of the first-floor. This has no potential for removing obscured glass. The room can be used without giving intrusive views to any of the parties. This would be conditional on the now redundant, existing window being removed. This is necessary for privacy and to provide architectural harmony. It also means there would be no increase in the number of windows.

Perhaps, the Planning Officers have additional ideas that serve the 'wants' of the applicants' and the compliant 'needs' of the neighbours. However, without knowledge of those, we respectfully commend both second and third options above to the Planning Officer