FG/109/06

PLANNING APPLICATIONS REPORT

DESCRIPTION/ ADDRESS	-	Continuance of use without compliance with condition 3 imposed under FG/171/04 relating to fixing shut Velux window to north of property 8 Little Paddocks, Ferring.

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The application is retrospective in nature.
SITE AREA	Approximately 370 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by this application
BOUNDARY TREATMENT	The boundaries consist of close boarded fencing at approximately 1.8 metres in height and trees and shrubs at approximately 2 metres in height.
SITE CHARACTERISTICS	A two storey detached property with the elevations marked by red plain tiles on the upper half and concrete blocks to the lower half. The roof is pitched with red plain tiles.
CHARACTER OF LOCALITY	Situated in a residential road, there are a mixture of property styles including two storey detached and bungalows.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
FG/171/04	Alterations to existing bungalow to form 2 no. additional bedrooms and bathroom	Approved Conditionally 31-01-2005
FG/32/03	Proposed ground floor extension, internal alterations and room in roof	Refused 09-05-2003
FG/94/03	Proposed ground floor extension, internal alterations and room in roof	Refused 08-10-2003 Appeal Decision Dismissed 20-05-2004
FG/92/94	Proposed loft extension	Approved Conditionally 04-11-1994

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Ferring Parish Council	The Parish objects to the non compliance with condition 3 imposed under FG/171/04 relating to the fixing shut of the velux window to the North of the property due to the close proximity of the adjoining premises and the overlooking of the windows of the bedrooms rooms of No 9, Little Paddocks. It is also recommended that such window be glazed with obscured glass if not already so required.
Local Groups	None

FG/109/06

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
One letter of objection	If the window was the correct height, it would still be directly looking into the windows of neighbouring properties. The removal of the window would be desirable. The problem of light shining into a neighbouring property.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
None	None

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built Up Area Boundary Permitted Development Restriction - Condition 3: The rooflight window to the northern roof slope shall at all times be glazed with obscured glass. Condition 4: No windows or other openings shall be formed in northerly roof slope of the building.

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : LOC1, DEV1, CH1
Arun District Local Plan : GEN7, DEV19

PLANNING POLICY GUIDANCE

PPS1 - Delivering Sustainable Development

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

COMMENT ON CONSULTATION RESPONSES

None

COMMENT ON REPRESENTATIONS RECEIVED

Noted. It is maintained that by fixing shut the velux window and conditioning it to be obscured glazed, any overlooking onto the neighbouring property of Number 9 Little Paddocks to the north will be prevented. The velux window set at the correct height would be built in accordance with planning permission FG/171/04 and therefore not for consideration in this application. The complete removal of the velux window is not an outcome of this application. The issue of light in relation to neighbouring properties was considered for planning application FG/171/04 and was regarded as acceptable.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless

FG/109/06

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

material considerations indicate otherwise."
The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on either the visual amenities of the locality or residential amenities of adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and legislative background.

CONCLUSIONS

This application follows an investigation into the alleged non-compliance of Condition 3 in planning permission FG/171/04 which related to the 'rooflight window in the northern roof slope shall be obscured glazed and shall have a minimum internal cill height of 1.75 metres above finished floor level'. It was determined that the cill height was set at approximately 1.5 metres and therefore 0.25 metres lower than the plans indicated. Therefore, to compensate for this minimal variation in height, the application seeks to fix shut the velux window in the northern elevation. It is considered that by fixing shut the velux window, overlooking will be minimised and thus unlikely to amount to a demonstrable level of harm. It is also considered prudent to place a condition to obscure glaze the window to reinstate the first section of Condition 3. In so doing, the alterations to the velux window are considered to more than compensate for the lowering of the window by approximately 0.25 metres. In consequence, it is considered that the velux window is unlikely to cause undue overlooking or loss of privacy.

It is therefore recommended that the application be approved, subject to the conditions set out overleaf.

FERRING FG/109/06/

Continuance of use without compliance with condition 3 imposed under FG/171/04 relating to fixing shut Velux window to north of property

8 Little Paddocks
Ferring

RECOMMENDATION

Approve Conditions

1 The rooflight window to the northern roof slope of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, DEV19 of the Arun District Local Plan.