
Site Address: 7 Wittering Road, Hayling Island, PO11 9SP
Proposal: Variation of condition 5 of APP/21/01000 to allow for retention of windows in west and north elevation with cill heights of 1400mm from the finished floor level, and proposed change of glass panes to a mix of obscure glass to 1.7m from finished floor level with clear glass above; some fixed panes and some opening windows fitted with permanent restrictors enabling a maximum opening of 50mm (5cm) for ventilation purposes only (as shown on amended plans).
Application Type: Full Planning Permission
Application No: APP/23/00435 Expiry Date: 07/08/2023
Applicant: Mr and Mrs S West
Agent: Case Officer: Tina Pickup
Ward: Hayling East

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site relates to a recently extended contemporary style flat roofed three storey dwelling located on the west side of Wittering Road. Planning permission APP/21/01000 permitted the addition of the second storey with side extension to provide a new entrance and staircase. Condition 5 required the high level windows in the north and west elevations to have internal cill heights of 1.7m to protect neighbouring amenity. Works have been substantially completed but the windows in the north and west elevations were installed with a cill height of just 1.4m.

To the rear the garden is modest, having a depth of about 8.5m, and is enclosed by close boarded fencing. There are high shrubs and hedging within the neighbours garden to the rear, providing screening along the western boundary.

2 Planning History

APP/21/01000 - Flat roof extension over existing roof to form new accommodation at second floor level and side extension to provide new entrance and staircase, PERM,10/11/2021

3 Proposal

Variation of condition 5 of APP/21/01000 to allow for retention of windows in west and north elevation with cill heights of 1400mm from the finished floor level, and proposed change of glass panes to a mix of obscure glass to 1.7m from finished floor level with clear glass above; some fixed panes and some opening windows fitted with permanent restrictors enabling a maximum opening of 50mm (5cm) for ventilation purposes only (as shown on amended plans).

4 **Policy Considerations**

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
DM1 (Recreation and Open Space)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

None necessary

6 **Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 5

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: **4 in total:** 2 of support (one to the original plans and one to revised plans); and 2 objections (one to the original plans and one to revised plans);

Comment	Officer Comment
<u>Support</u> no issue with the windows as they are and do not agree that they need to be bolted or welded shut and opaque glass added. The building does not need to be altered in anyway, there is no increase in visibility from No 7 Wittering Road	Noted
<u>Objection</u> By sealing the windows in the bath / toilet on the second floor will surely give rise to damp etc due to lack of air circulation and ventilation	Damp not a planning matter; mechanical ventilation always possible

Also the windows in the sitting room could be infilled completely as there is enough light coming from the east glazed wall	Noted - see section 7 below
Windows should be as agreed in the original permission; current residents may have storage beneath but new owners may not, enabling to oversee adjoining properties easily; west windows are not even necessary for light as eastern elevation is glass; finished 2nd floor addition with timber cladding looks like a shed plonked on top and does not blend with other houses in the road which are either cedar clad or white render	Permanency and Need noted - see section 7 below

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties

(i) Principle of development

7.2 This is a Section 73 application and if approved, its granting effectively re-issues the original permission and must repeat the relevant conditions unless they have been discharged. In this case the extensions permitted by APP/21/01000 are now complete and condition 5 is being sought to be varied (cill heights of windows). The other conditions have been complied with but condition 4 regarding the balustrading railing requires its retention and must therefore be repeated for ongoing compliance. This application must consider the impact of the proposed changes only and does not need to re-consider the principle of the whole development which already has planning permission under APP/21/01000.

(ii) Appropriateness of design and impact on the character of the area

7.3 The overall external appearance of the extended dwelling would not alter as a result of this application, and has been approved under APP/21/01000. The window openings would remain as constructed, but with different glass inserted. The overall design and appearance of the development is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy).

(iii) Effect on neighbouring properties

- 7.4 The key issue in the determination of this application is the need to protect neighbouring amenity from potential overlooking, in perpetuity, from windows with a lower internal cill height than approved. As currently installed most of the windows are clear glazed, openable and have an internal cill height of 1.4m, which enables views out over neighbouring gardens. Suggestions such as use of blinds and applying a film have been rejected as they are not permanent solutions.
- 7.5 Within the north (side) elevation, there are 2 sets of 3 paned windows, and both the central panes are already fixed shut, one of which is also obscure glazed with a board behind as it serves the shower. The amended details propose replacing the other 5 panes with bespoke made glass that is obscure glass up to 1.7m high with clear glass above, and the 4 openable windows would have permanent restrictors that limit opening to just 5cm. Within the west (rear) elevation there are four window panes, the central two are fixed shut. It is similarly proposed to reglaze them all with glass that is obscure glass up to 1.7m high with clear glass above, and the two end ones would have permanent restrictors that limit opening to just 5cm.
- 7.6 The average eye height is below 1.7m so by changing all the windows to be obscure glazed up to 1.7m high, then any direct overlooking from within the rooms would be adequately mitigated permanently. By also adding restrictors to the openable windows with a limit of just 5cm, then the view down and out of any open window would be very limited, but would provide some ventilation.
- 7.7 Whilst third party comments note there is no need for most of the windows as the living room and bedroom have alternative windows and ventilation, the solution being proposed must be considered on its merits and assessed for its effectiveness at achieving privacy for neighbours - the applicants have not proposed bricking up the windows (which would affect the visual aesthetics of the elevations) and so that solution is not under consideration.
- 7.8 It is considered that provided the glass within the windows is changed within a reasonable time period, and the applicant has suggested his suppliers can do this within 3 to 4 weeks from decision, then the proposed alterations to the windows would adequately protect neighbouring amenity in perpetuity meeting the requirements of Policy CS16 of the HBLP (Core Strategy). Whilst 3 to 4 weeks are suggested, to allow for any delays it is considered that the condition should more reasonably allow 6 weeks to complete the works.

8 Conclusion

- 8.1 This is a Section 73 application and its granting effectively re-issues the original permission and must repeat or amend accordingly the relevant conditions unless they have already been discharged. It is considered that the proposed alterations to the windows would secure a level of privacy equivalent to that previously approved, and would be a permanent solution. Therefore it is considered that neighbouring amenity would be adequately protected and it is recommended to grant permission to vary condition 5 of APP/21/01000 to allow the altered glazing and restricted opening, and repeating condition 4 for ongoing control of the balustrading.
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9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00435 subject to the following conditions

- 1 The hereby approved alterations to the window glazing with installation of partial obscure glass and restrictors, shall be carried out in full compliance with the approved plans and condition 2 within 6 weeks of the date of this decision.

Reason: In the interests of the amenities of the occupiers of adjacent properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 2 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, the second floor windows in the north and west elevation shall be fitted with glass that achieves an obscuration level of no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) up to a height of 1.7m measured from the adjacent internal floor level, and fitted with restrictors to limit any opening to a maximum of 50mm (5cm), as shown on the hereby approved plans and restrictor detail plan. The windows and glazing shall thereafter be retained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of adjacent properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 Notwithstanding the hereby approved plans, the balustrade railing on the southern side elevation shall comprise a solid screen or be finished with textured glass which obscuration level no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

Reason: In the interests of the amenities of the occupiers of adjacent properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Block and Location Plan - Drawing Number 1665SYM00XXDRA0200P01
Site Plan - Drawing Number 1665SYM00XXDRA0201P01
Proposed Floor Plans - Drawing Number 1665SYM00XXDRA0203P0
North and West Elevations, on Council's website dated 7 August 2023
South and East Elevations as shown on a Drawing Number
1665-SYM-00-XX-DR-A-0204 P01 (as approved under APP/21/01000).
Flood Risk Assessment (as approved under APP/21/01000)
Details of cladding email dated 8th November 2021 (as approved under APP/21/01000)

Reason: To ensure provision of a satisfactory development.