

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Brenda Linger - Hayling West

No comments received.

Councillor Clare Satchwell - Hayling West

No comments received.

Councillor Julie Richardson

No comments received.

County Ecologist

Thank you for consulting me on this planning application. I can confirm that the variation of Planning Condition 5 in relation to the use of obscure or clear glass will not have any impacts on ecology and therefore I raise no concerns.

Langstone Harbour Board

The Board's Planning Sub Committee has considered this application and offers NO OBJECTION.

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: 2

Two letters raising the following concerns:

- None of properties affected by this building received notification letters
- Would have been very strong objections if we had that opportunity
- Preferred building not built but consoled that obscure glazing was going to be used
- If there is no view from these windows why not use obscure glass

- Whether the windows are looked through or not, it is the fact that they can be looked through that is my concern
- Can't see why this condition was not fulfilled
- It is not the 'being' watched but the 'feeling' of being watched that the clear glass gives
- Object most strongly to their use of clear glass
- Just the presence of these clear glass panes I find threatening to my privacy
- Feel that the adjacent property and surrounding area would be overlooked and should remain obscure as per original planning
- Surrounding areas will have no privacy

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) Impact on the character of the area
- (iii) Effect on neighbouring properties

(i) Principle of development

7.2 The application site is located within the defined urban area; therefore, development is considered acceptable in principle subject to development management criteria.

7.3 Section 73 provides for the determination of applications to develop land without compliance with conditions previously attached. It only provides for the variation of conditions attached to an existing permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions).

(ii) Impact on the character of the area

7.4 The proposal relates to a planning condition requiring the south eastern first floor high level windows to be obscurely glazed but instead are clear glazed. From a character perspective this does not materially affect the character of the area.

(iii) Effect on neighbouring properties

7.5 As noted above, condition 5 of planning permission APP/21/00460 stated:

The 1st floor high level windows in the south eastern elevation of the building hereby permitted shall at all times be and remain glazed entirely with obscure glass. The particular type of which glass shall provide a degree of obscurity no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4 and only openable above a height of 1.7m above the internal floor level of the room to which it serves.

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

7.6 Notwithstanding condition 5, the development has been carried out with clear glazing to the high level windows in the south eastern elevation.

7.7 The previous officer report (APP/21/00460) noted that the proposed development would have high level windows in the south eastern elevation facing towards No.17 North

Shore Road. Whilst noting that it would be sited some distance away, nonetheless, it was considered appropriate to condition the windows to be obscurely glazed and non opening below 1.7m from floor level in order to avoid any potential overlooking.

- 7.8 The applicant's agent states, inter alia, that it is accepted that condition 5 stated that the high level windows to the south east elevation serving the mezzanine floor were required to be glazed in obscured glass. However, the agent comments that it is the applicant's opinion that this condition cannot be justified in terms of potential for any loss of amenity to the adjoining properties as the window cill height measured on site is 2.1m above the mezzanine first floor which it serves. Furthermore, that there are no views into any adjoining properties and that the ability to include opening lights to these windows as they are above 1.7m without contravening the condition renders the requirement for obscured glass to be somewhat illogical and nonsensical.
- 7.9 Nevertheless, it is considered the clear glazing as installed would increase the perception of overlooking for the occupiers of neighbouring properties and would be harmful to their living conditions. The positioning of the windows above the flat roofed garage/log store results in the windows appearing (when viewed from the outside) as standard rather than high level windows above the flat roof. Whilst it is appreciated that they are high level when taking account of the internal mezzanine floor height, this external view above the flat roof again adds to the perception of overlooking issue. It is also noted that the internal floor height of the Mezzanine could be altered without planning permission allowing a view from the clear glazed windows back towards No's. 17 and 15 North Shore Road. As such, the application to effectively retain the clear glazing would be contrary to the requirements of Policy CS16 of the HBLP (Core Strategy) 2011.

8 Conclusion

- 8.1 The proposed variation of condition 5 to allow for the retention of clear glazing to the high level windows in the south eastern elevation of the development permitted under application APP/21/00460 is considered unacceptable as it would increase the perception of overlooking for the occupiers of neighbouring properties and would be harmful to their living conditions and would be contrary to the requirements of Policy CS16 of the HBLP (Core Strategy) 2011. On this basis it is recommended for refusal.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/23/00144 for the following reasons:

- 1 The proposed variation of condition 5 to allow for the retention of clear glazing to the high level windows in the south eastern elevation of the development permitted under application APP/21/00460 is considered unacceptable as it would increase the perception of overlooking for the occupiers of neighbouring properties and would be harmful to their living conditions it would therefore be contrary to the requirements of Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.