

Recommendation: **GRANT PERMISSION**

Variation of Condition No. 2 of Planning Permission APP/17/01178 to allow opening of roof lights / windows on northern slope.

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)

Havant Borough Local Plan (Allocations) July 2014

Submission Version Havant Local Plan

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Gary Robinson

No comment

Councillor Kenneth Smith

No comment

Councillor Mark Inkster

No comment

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

Comment	Officer Comment
Ability to open roof lights If you choose to convert a roof space into living accommodation then you may expect a degree of discomfort	Noted

while using this space in the heat of summer and to help with the air flow, we have no objection to the two existing Velux type roof lights becoming openers, despite the possibility of increased noise pollution?	
Ability to open windows We do object to any changes to the existing dormer window, situated North east side of the same roof, reasons being effects on privacy, outlook and noise pollution, which has not changed since the original planning was granted. That said, the dormer window is already fitted with an opening top light for increased ventilation, so no reason for change.	No changes proposed to dormer.
The windows in question look directly into our rear garden and we have NO objection to these opening , it must be unbearable for them in the summer months , so we believe this should be approved.	Noted- please see 'Planning Considerations' section of the report.

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

This proposal seeks to vary the conditions set out in application reference APP/17/01178 - Variation of Condition 1, 2 and 3 of Planning Permission.

Under application APP/17/01178 the conditions applied in APP/17/00861 were varied .

Relevant conditions applied in APP/17/00861 - **Case officer concerns of neighbour overlooking.**

1. Notwithstanding the details submitted, within 2 months of the date of this decision, the roof lights in northern roof slope shall be non-opening with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or

equivalent) and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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.

2. Notwithstanding the details submitted, within 2 months of the date of this decision the bathroom window in the first floor on the northern elevation shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is 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 nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Relevant varied condition under APP/17/01178- **Under this application 50mm restrictors were permitted for the north western roof light.**

2. Notwithstanding the details submitted, within 2 months of the date of this decision, the roof light in the northern roof slope adjacent to the dormer serving the bathroom shall be non-opening and fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and the north western roof light be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and fitted with restrictors, which are to restrict opening to a maximum of 50mm for ventilation and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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.

The current proposal seeks to vary Condition 2 above to allow for both roof lights to be fully opening following development to the neighbouring property.

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

7.3 No impact on character of the area.

(iii) Effect on neighbouring properties

7.4 To the north of the application site is no 2A Scratchface Lane . The applicant states recent development to no 2A would reduce the level of overlooking possible from the northern elevation rooflights at no 2B and this is the reasoning for this variation of condition application. Whilst there have been alterations to no 2A including raising of the ridge , there is still deemed to be reasonable views offered by the rooflight windows towards the rear amenity space at no 2A, enhanced by the very close relationship between the properties. For this reason a compromise has been made whereby both rooflight windows may open on restrictors with a maximum opening of 100mm. This level of opening is deemed to allow for increased ventilation at the property whilst safeguarding the privacy of no 2A as views would remain limited.

7.5 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties

immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

8 Conclusion

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the neighbours and is therefore considered to be appropriate and recommended for approval. As this is a variation of condition application made under S73 of the Town and Country Planning Act, which results (in law) in a fresh planning permission for the development as a whole the other relevant conditions from APP/17/01178 will need to be applied to the consent.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00140 subject to the following conditions:

- 1 The dormer windows in the first floor south facing elevation shall be non-opening and fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and the roof light serving the landing shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and fitted with restrictors, which are to restrict opening to a maximum of 50mm for ventilation and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
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.
- 2 The two roof lights in the northern roof slope shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and fitted with restrictors, which are to restrict opening to a maximum of 100 mm for ventilation and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
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.
- 3 The bathroom window in the first floor on the northern elevation shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and fitted with restrictors, which are to restrict opening to a maximum of 50mm for ventilation and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
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.

