

Appeal statement

Appeal against refusal of planning permission

Location: Fair Acre, Church Lane, Northney, Hayling Island, PO11 0SB

Proposal: Variation of condition 3 of planning permission APP/16/00993 to allow for:

- 1. First floor west facing bedroom window to be retained with applied obscure film and fitted with a restricted opening but allowing for emergency access (if required);**
- 2. First floor south facing en-suite window to be retained with applied obscure film.**

Appellant: Mrs Margaret D'Alton Harrison

LPA Reference: APP/18/00134

1.0 Appeal site and surroundings

1.1 Comprises a two-storey post-war detached dwelling located just to the south of Church Lane and in a residential area characterised by detached dwellings in relatively large plots.

1.2 The appeal relates to two windows located at first floor level on the south and west elevations.

2.0 Appeal proposal

2.1 The planning application that has led to this appeal was received by the local planning authority on 1st February 2018.

2.2 On 24th May 2018 the application was considered by the Planning Committee and, despite a recommendation to grant permission by the

planning officer, the Committee decided to refuse permission for the following reason:

The windows in the west and south facing elevations serving a bedroom and en-suite respectively are likely to give rise to direct overlooking of adjacent properties to the detriment of the amenities of the occupants of these properties. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

3.0 Reason for appeal

3.1 The decision is considered unjust and contrary to planning guidance and policy.

4.0 Planning considerations and policy

4.1 The Planning Officer's Committee Report (attached) sets out in a very comprehensive way the background to the appeal proposal and the reasons why planning permission should be granted. As such there seems little point in repeating the issues again, however, there are a few additional points that should be considered and these are outlined below.

4.2 The wording of Condition 3 attached to planning permission APP/16/00993 allows for an equivalent level of obscuration to the Level 4 of the Pilkington Texture Glass scale. It is apparent that the film attached to the glass fulfills this requirement in as much as the privacy of neighbours is properly protected.

4.3 Policy CS16 in the Adopted Core Strategy is referred to in the reason for refusal. This policy relates to design and pollution. There is nothing in this policy that sets out specific requirements to protect the privacy of residents and in particular no definitive criteria in respect of obscure glazing.

4.4 There is more detailed guidance in respect to privacy set out in the Havant Borough Council Design Guide SPD 2011. It is clear from the Planning

Officer's Committee Report that the appeal proposal would conform to this more specific guidance.

4.5. To retain a bedroom window as fixed shut would appear to be quite unreasonable. Setting aside the safety factor there is a need to ventilate bedrooms in the interests of the good health of the occupants.

4.6 It is considered that the re-wording of the condition as set out in the appeal proposal would adhere to the guidance in the National Planning Policy Framework and associated technical guidance document. It would certainly be enforceable, precise and reasonable.

5.0 Conclusion

5.1 the Inspector appointed by the Secretary of state to determine this appeal is respectfully requested to grant permission for this reasonable proposal that would continue to protect the privacy of neighbouring dwellings.