
Site Address: 67 St Marys Road, Hayling Island, PO11 9DB
Proposal: Application for variation of Condition 2 of Appeal Decision
APP/X1735/D/11/2150853 (relating to APP/11/00122) to allow fire escape window.
Application No: APP/13/01023 Expiry Date: 10/12/2013
Applicant: Mr Francis Team: Team 2
Agent: Case Officer: Jenna Shore
Ward: Hayling West

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The property is a detached part single and part two storey dwelling of brick and tile construction which sits within a tight corner plot within a residential area of South Hayling.
- 1.2 The property has its own entrance with parking to the front and side for approximately 2 cars.
- 1.3 The rear garden narrows considerably to a point at the northern most elevation with a very modest amenity area.
- 1.4 The property to the west is a detached chalet style bungalow with a velux window in the eastern elevation facing onto the site. The boundary between the two properties is a 1.8m close boarded fence.
- 1.5 The property to the east is a detached two storey dwelling constructed of brick with a tiled roof which is significantly larger than No.67. This property is screened from No.67 by a 1.8m close boarded fence with trellis above. No.69 also has a single storey flat roof rear extension on the north eastern corner of the property with a balcony above.

2 Planning History

APP/11/00122 (APP/X1735/D/11/2150853)
Construction of first floor rear extension.
Appeal Allowed. 27/05/2011

3 Proposal

- 3.1 This application seeks to vary condition 2 of appeal decision APP/X1735/D/11/2150853 through the addition of a square obscurely glazed window below a permitted semi circle window to the north west

4 Policy Considerations

National Policies
National Planning Policy Framework

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

No adverse comments

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: 7

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

One letter of objection received from one address outlining the following comments and one letter of support.

1) The extensions that have taken place now overshadow the neighbouring property

2) The proposal overlooks all aspects of the neighbouring bungalow and garden and deprives of all privacy.

3) Appalled that plans can be changed without any consultation.

In regards to point 3 highlighted above a letter was sent to 65 St Mary's Road, Hayling Island on the 21st October 2013 to advise of the proposal to insert a window to the rear elevation.

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) Effect on neighbours

7.2 The proposed window to the north west elevation is noted to be obscurely glazed limiting the extent to which actual overlooking can occur. The window is however to be used as a means of escape during a fire and as a result will be openable. The perception of overlooking may therefore be apparent to No.65 St Mary's Road. If the works to the dwellinghouse were completed the window could be inserted under Permitted Development without the consent of the Local Planning Authority and could be clearly glazed. As a result of the request to vary condition 2 of application

APP/11/00122 the Planning Authority can ensure that the window is obscurely glazed and is maintained as such, therefore protecting the private amenity space of No.65 so far as is possible. If refused it is possible that the window would be inserted with clear glass.

- 7.3 In reference to the appeal statement APP/11/00122 the inspector did not make specific reference to or raise concern in regards to overlooking to the north west. Consequently a condition to prevent further windows was not included with the list of conditions. Based on the decision made by the Inspector it can only be concluded that a window facing north west is unlikely to result in an adverse impact to No.65 St Mary's Road.

8 Conclusion

- 8.1 The window is likely to result in an increase in the perception of overlooking and due to the openable nature of the window may also give rise to actual overlooking. However, if refused it is possible that the window could be inserted at a later date, once the works are complete with clear glass as Permitted Development. A permission at this stage allows the Planning Authority to ensure that the window is obscurely glazed and remains as such.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/01023 subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The external materials to be used shall match in type, colour and texture those on the existing building.
Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 The windows at 1st floor level in the north west elevation of the building shall at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.
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 2012.
- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Block plan, elevations and sections drawing number 4 of 4 received by the Council 15th October 2013

Reason: - To ensure provision of a satisfactory development.