
Site Address:	11 Manor Way, Hayling Island, PO11 9JH		
Proposal:	Retrospective planning application for rear dormer window, two roof lights on the front elevation and side window to gable end.		
Application No:	APP/14/00633	Expiry Date:	18/08/2014
Applicant:	Mrs Graham	Team:	Team 2
Agent:	Mr Appleton	Case Officer:	Stephen Cantwell
	Thorns-Young Ltd		
Ward:	Hayling West		

Reason for Committee Consideration: EHPBE referral and request of Councillor Wilson, as application is retrospective.

EHPBE Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

- 1.1 The application site comprises a detached house built around 1986 close to the corner of Manor Way and Seagrove Avenue. It has a rear garden which is generally 10.5m in length, a small part being 7m long. Manor Way contains a mixture of houses, bungalows and chalet bungalows. To the south are the rear gardens of houses and a bungalow in Seafront, in particular nos. 154 (bungalow) and nos. 156 & 158 (houses); these are older, dating from the early/mid 20th century. There is a small tree at the rear boundary of no. 11 and behind this a flat roofed garage and driveway serving and owned by nos. 154 & 156 Seafront. Boundaries to the rear gardens comprise a mixture of 1.8m walls and fences. The rear roofslope of the application site is visible from the seafront in the vicinity of the recently constructed COPP memorial.

2 Planning History

30098. Outline permission for construction of two detached houses [nos. 9 & 11 Manor Way] - Approved 28 January 1985.

30098/1. Outline permission for construction of two detached houses [nos. 9 & 11 Manor Way] - Approved 26 July 1985.

30093/3. Reserved matters permission for construction of two detached houses [nos. 9 & 11 Manor Way] - Approved 16 January 1986.

3 Proposal

- 3.1 This is a retrospective planning application to retain a dormer window on the rear (southern) roofslope. This is a box dormer measuring 8m in length and 2.1m at its tallest and two opening glass doors with external, glass, 'Juliet' safety screens. The application also proposes the retention of three rooflights in the front (northern) roofslope and window in the gable end of the east side elevation. Permission is needed due to a planning condition attached to the 1986 reserved matters permission under which the house was built; this withdrew Permitted Development rights for enlargement of the house and additional windows.

History Leading To This Planning Application

3.2 The applicants contacted the planning office in November 2013, asking whether there were any covenants relating to the property, as they were considering a loft conversion. The reply from the planning office confirmed that the planning history contained no restrictions with respect to converting the loft. It added that if the applicant wished to know whether planning permission would be required, they may wish to use the Council's pre-application service.

3.3 Subsequently, work to construct a dormer window commenced in April 2014. Soon after this, an enquiry was received by the planning enforcement team from another party, asking whether planning permission was needed for this. A check of the planning history revealed the condition of the 1986 planning permission, which states:

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1977, no building or structure (including additional windows) permitted by Class I.1 or I.3 of the 1st Schedule of the Order as amended, or any replacement or re-enactment thereof shall be erected on either plot without the prior written consent of the Local Planning Authority.

Reason: *In the interests of the amenity of the area.*

3.4 By cross-reference to the 1977 Order referred to in the planning condition it removed rights to add to the volume of the building, hence the dormer window requires permission. It also restricts the insertion of windows; hence the rooflights and gable end window also require permission. The applicant was advised of this and agreed to submit this application.

3.5 The relevance of this history is to explain why development was carried out without first seeking planning permission. The applicants understood the Council's response (that there was no restriction on conversion of the loft), to mean that normal Permitted Development rights applied. These rights, which were updated in 2008, normally allow for the construction of a dormer window, provided that the volume added to the original roof is no more than 50 cubic metres. The applicant's enquiry had referred to *conversion* rather than *enlargement* and to this extent the Council's response is an accurate response to the question asked, which included no plans or further description of the works envisaged. The response also recommended use of the Council's pre-application enquiry service as a means of confirming whether planning permission is needed.

3.6 Where the Council's response is lacking is that it did not refer to the above condition, the wording of which refers, in brackets, to the insertion of windows. It is reasonable to assume that even if the development work had been limited to conversion rather than enlargement of the roof, it would have required the insertion of windows and this should have been covered in the response.

3.7 The reason given for the condition is 'in the interests of amenity'. It does not specify which aspects of amenity this concerns, for instance, neighbouring privacy or visual amenities of residents or the public domain (the site is visible from the street to the south and east and the seafront). For the purposes of this application a broad interpretation of the condition is assumed, covering all of these aspects. The impacts are considered in section 7 below.

3.8 It is noted that the applicant's mother has written stating that the development has taken place with the ultimate aim of providing for her future care, should her health

deteriorate. Part of the reason for the design of the dormer windows was to allow for sea views, which she much values. Development was undertaken in good faith, following advice from the Council.

4 Policy Considerations

National Policies

National Planning Policy Framework 2012 (NPPF) and associated National Planning Practice Guidance 2014.

Havant Borough Local Plan (Core Strategy) 2011 CS16 (High Quality Design)

Havant Borough Design Guide - Supplementary Planning Document 2011

Listed Building: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

None

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: 8

Number of representations received: 7

Three letters - No objection from no.12, 14 & 16 Manor Way, opposite.

Summary:

1. The two properties No's 13 & 15 have in the past years built dormer windows in each property and sky lights at No 16a and solar panels without objection. This provides precedent.
2. The difference between overlooking from first and second floor windows is marginal
3. Extension is well done.
4. Which is the more important, the appearance or the need?
5. The development will help to keep children off the road, the number of children who daily play football in Manor Way should surely be reduced.

A further letter of support has been received from the builder who constructed the dormer window.

Summary:

The view from the rear of the new loft conversion is identical as the view from the bedrooms, even though the viewing height is 2.5m higher. Photos of the neighbour's garden were taken only for planning purposes, not to invade privacy. Regarding eaves-dropping, he did not find it possible to hear conversations from neighbouring gardens while working on-site, due to the distance and background noise e.g. traffic. He avoided early or late working and use of power tools. The design and materials,

including guttering, was chosen to blend with the roof and to comply with permitted development. The restrictive covenant is not a planning matter.

Three letters - Objection from nos.154, 156 & 158 Seafront to the rear (south).This includes a folder of documents from one neighbour containing copies of a covenant, correspondence with the applicants and Planning Authority, building regulations information and photographs which can be viewed at the Planning office. The following is a summary of the objections, points 1-9 are a near verbatim copy of the objections listed by the neighbours at 156 Seafront. Other objections 10-28 are summarised and variously from nos. 154, 156 and 158 Seafront.

Summary:

1. Overbearing and unsightly
2. Significantly affects amenities & enjoyment of our property
3. Loss of amenities and enjoyment of our property
4. Patio doors are inappropriate and allow our property to be considerably overlooked
5. Not in keeping with the property styles in the area, which are a maximum of two storey accommodation
6. Patio doors would normally be consistent with use as living space and this causes further risk of overlooking and invasion of privacy
7. Fitting of Juliet balconies implies that doors will be open and further affect our privacy, as already experienced when builders and owners have been leaning on them and consequently looking into our property.
8. There will be a noise issue when patio doors are open, as already experienced when builders were having conversations.
9. The two sets of patio doors, completely invade our indoor privacy i.e. in the bedroom, study, lounge, kitchen & wc, and affords us no private garden space. Our rights to seclusion within both our internal and external property boundaries have been totally violated.
10. There is a restrictive covenant relating to this development
11. Had the owners been advised of the need for planning permission before development, neighbours in-turn would have been advised of the arising application and reminded them of the covenant, of which they should have been aware when purchasing the house. In that case neighbours would have objected before development and this distressing, calamitous situation would not have arisen.
12. Objection is in the strongest possible terms.
13. Development breaches the planning condition & restriction of the 1977 Permitted Development rights
14. Contravention of the Council's Design Guide regarding appearance, size and shape: flat-roofed above first floor, dormers should avoid being the same height as the roof and taking up the width of the roofslope.
15. The development was not a loft conversion and was wrongly identified as such.
16. The new owner of no.154 Seafront recently purchased their home and replanted their garden with landscaping, outbuildings and trellis to reduce overlooking from first floor windows at nos. 9 & 11 Manor Way, after checking that no windows could be added to their roofs due to the covenant. Nothing can be done (e.g. additional walls or landscaping) to block the view into the neighbours' private garden area.
17. We anticipate from the applicants that they wish to enjoy views of the sea; this will overlook us during the daytime. Bedroom windows at first floors are used only at night with curtains drawn.
18. Photographs of neighbouring gardens submitted with the application have infringed neighbour's privacy.
19. The dormer window is visible against the skyline from the COPP memorial.
20. Although a tree in the neighbour's rear garden (no. 156) was felled around 2005, as it was affecting the garage roof, the applicants did not object to this at the time. The

neighbour considers that this makes no difference to privacy issues at either property.

21. Loss of privacy has affected property values and saleability.
22. No. 158 Sea Front, is directly overlooked by the new dormer, resulting in a lack of privacy within our garden, 2 rear bedrooms and 2 bathrooms.
23. A loft conversion with 'Velux' windows would not have had this effect on privacy.
24. Patio doors enable the applicant to stand and look out.
25. The impact into neighbour's property and windows will be greater in winter when trees have lost their leaves and lights are on in the neighbour's rooms.
26. Intervening trees are owned by another neighbour and could be felled.
27. Planning permission APP/10/00300 was refused at no.158 for development which would have impacted on neighbouring amenities.
28. The shared driveway to the rear of nos 154 & 156 Seafront is also overlooked.

Officer Comment:

The issues raised in the responses are considered in section 7 below, but a few points are considered here:

With regard to the letters of support it is noted that these are from properties opposite the site, who face the front of the building, rather than the rear and the new dormer window. One letter is from the applicant's builder, who is not a neighbour of the site. Among the neighbour letters in support, there is mention of precedent set by existing dormer windows in the area, e.g. at 13 & 15, however, it should be noted that these are one storey lower (1st floor) than in the current application. There is an attic room at the rear of no.19 Manor Way but otherwise development is typically two storey with a few bungalows. Furthermore, the effect of the development on the number of children playing in the street is considered too indirect to be relevant.

In the objections there are references to a covenant affecting the property. This is a private legal matter between the applicant and neighbours and is not a planning consideration. Consideration of the loss of privacy to the neighbour's shared driveway is of much lesser importance than the gardens and houses.

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) Visual Impact on streetscene
- (iii) Impact on neighbouring amenities
- (iv) Summary
- (v) Options
- (vi) Other matters

(i) Principle of development

7.2 The site lies within the built up area as defined in the Local Plan, where the general principle of various forms of development, such as domestic extensions and alterations, is acceptable. However, as in all cases, crucially this is subject to consideration of detailed matters such as visual impact, neighbouring amenities and relevant policies, such as Local Plan policy CS16, which refers to High Quality Design. These are considered in the following sections.

(ii) Visual Impact on streetscene

- 7.3 From the Manor Way frontage, the three rooflights on the front roofslope make little impact on the appearance and character of the house or the wider streetscene. Accordingly they are considered acceptable. The side facing window in the east gable end, serving the new internal staircase, is largely concealed from public view by the neighbouring house no. 9 Manor Way, and is also considered to be acceptable.
- 7.4 The new dormer window is visible from Seagrove Avenue to the west, Sea Front to the south, and the beach beyond. Policy CS16 requires that development is of a high quality appearance, responding to the character of the local area and using this to inform design details such as height, massing, materials and the proportions of windows and doors. The Borough Design Guide (sections 5.47 - 5.51) advises that dormers should not dominate the roof and should be the same size or smaller than the windows below. They should be set below the ridge and back from the eaves and generally they should have pitched roofs.
- 7.5 Whilst the dormer is flat-roofed rather than pitched, this characteristic is found in dormer windows at other properties, including no. 13 Manor Way, immediately to the west, and along Sea Front. In further consideration of the Design Guide, it is set back approximately 40cm from the rear edge of the roof and 1.2m from each end but it is only set down by the height of the ridge tile from the top of the roof. Consequently the dormer is the dominant feature of the rear roofslope and can be seen clearly from the street and seafront. The use of tile facing of a colour similar to the roof, albeit a different style provides some degree of harmony with the roof, which would be likely to improve with weathering.
- 7.6 A striking element of the dormer window is the pair of openable glazed doors and external glass screens, the latter having brushed-steel frames. It is understood that the doors were chosen to provide a view of the sea beyond the Sea Front properties. These doors are each 1m taller and 40cm wider than the first floor windows below. There is a local example of single glazed door in the rear attic room of no 19 Manor Way, which can be glimpsed between houses in Seafront, but at the application site the presence of two large glazed doors and screens causes the dormer window to be an eye-catching addition when seen from the street and seafront (views from neighbouring properties are considered in the next section). They contribute to its dominance and in architectural terms, they are not related to the size and alignment of the windows below.
- 7.7 In summary, the dormer meets some of the requirements of the Design Guide and policy CS16 in terms of materials and set back from the roof edge and sides, and in terms of referring to some local characteristics (flat-roofed design and glazed door). By contrast it is close to the roof ridge and in particular, the windows are large, prominent and unrelated to the windows below

(iii) Impact on neighbours

- 7.8 Whilst both the front elevation roof lights and side elevation gable window have not generated objection, as summarised above neighbours have provided detailed objections regarding the design of the dormer window and its impact on privacy and amenities in their gardens, access drive and houses to the south. The following is an examination of some matters of fact, including regulations

and guidelines followed by a more qualitative and judgement-based consideration of the relationship to each of the three neighbouring properties to the development in turn.

- 7.9 Policy CS16 (1e) requires that development should not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking. The Design Guide (section 5.41 'Rear Extensions') states that rear extensions should maintain a distance of 8 metres plus from the rear boundary and 20 metres from the neighbouring property to the rear. This 20m rear-to-rear distance is re-affirmed and expanded in Sections 5.05 - 5.06 of the Guide which explains that an additional 4m should be added in new housing layouts where dwellings are above two storeys. Applying this approach a rear-to-rear distance of 24m is an important consideration in this application.
- 7.10 It is also of interest to consider the rear-to-rear distances which currently apply in cases where Permitted Development rights apply. Whilst these rights do not apply here, it will give some indication of the relationships which are accepted nationally. Looking back to the 1977 Permitted Development rules, which applied when the planning condition was attached in 1986, there was no requirement for a minimum distance between an extension to the rear of a house, including a dormer window, and its boundary. In the current 2008 version of the rules a required minimum distance of 7m was introduced between any rear extension of more than one storey height and the rear boundary. This suggests that in some circumstances, without planning permission, houses can extend towards one another at first floor level and above leaving an intervening distance of only 14m. It is of interest to note that for dormer windows, the rules still require no minimum distance.
- 7.11 The current application falls to be determined with regard to the locally adopted guide of 24m rather than the lesser distance of 14m which may be inferred from Permitted Development rules. The local guide is considered to be a more fitting reflection of the character of the Borough and has the weight of being related to the policy of the statutory Local Plan.

Relationship to no. 154 Seafront

- 7.12 The distance from the dormer window and the rear boundary of the garden, excluding the driveway, is approximately 15m and to the rear of the bungalow, approximately 31m. From the rear garden of no. 154 there are clear lines of sight to the dormer window from some parts of the garden, including a seating area, lawn, patio and rear doors. It is also directly visible from the rear conservatory, which is used as a general living and relaxation area. The owner had replanned the garden within the past year prior to the construction of the dormer window, to place outbuildings and trelliswork to reduce overlooking from existing first floor windows, but this has been undermined to an extent by overlooking from the new window. Opportunities for additional screening here are limited, although the neighbour intends to plant a new tree in the garden, which may offer some mitigation after a few years or more.
- 7.13 Given that the rear-to-rear distance between the house and bungalow of 31m exceeds the Borough design guidance, it would be difficult to argue successfully that the elimination of all overlooking from the dormer window should be sought. Conversely, the perception from the neighbouring garden is that the new window is more prominent than the existing first floor windows at nos. 9 & 11 Manor Way, and it can be seen from a larger proportion of the garden of no. 154 and from the

main part of the conservatory, which was otherwise private following replanning of the garden in 2013 and early 2014.

- 7.14 A point made by the neighbours at 154 & 156 is that the use of the room, which is capable of use as either a bedroom or day-room with view, is more likely to occur during the day than the first floor bedrooms, and this tends to increase the perception of overlooking by the neighbours and noise.

Relationship to no.156 Seafront

- 7.15 The distance from the dormer window and the rear boundary of the garden, excluding the driveway, is approximately 15m and to the rear of the house, approximately 35m. From most of the rear garden there are clear lines of sight to the dormer window, with the exception of an area of a few metres in the shadow of the garage wall at the end of the garden. Following careful assessment on site, it is concluded that the windows have established new lines of sight which were not previously overlooked by first floor windows, this affects a significant tract of the western half of the garden, albeit the southern part of this tract is overlooked by a first floor window at no. 9 Manor Way, but slightly further away. From the house, there are several windows on both floors from which the dormer window can be clearly seen, these include a kitchen, sitting room and bedrooms above. It is noted that from each of these rooms, the first floor windows variously at nos 9 and 11 Manor Way can be seen.

- 7.16 As with the relationship at no.154 Seafront, the rear-to-rear distance at no 156 is in excess of the 24m contained in the design guide. However, the proposal has reduced the size of the already limited area within the garden which was not previously overlooked. The size of the dormer window causes it to appear prominent from the house and gardens, which are facing immediately towards the application site, rather than the angled relationship with other neighbours. The glazed doors and screens accentuate this prominence and when open, perhaps the possibility of noise escape. The neighbour's concern regarding the difference between the modest first floor bedrooms and the dormer windows, which may be used during the daytime can be understood from the rear garden and windows.

Relationship with no.158 Seafront

- 7.17 The distance from the dormer window and the rear boundary of the garden is approximately 16m and to the rear of the main body of the house, approximately 31m. An L-shaped, single-storey wing along the eastern boundary of the rear garden faces into its own garden but there is a raised patio with outdoor seating at the rear boundary. From much of the rear garden during summertime, views of the dormer window are limited by the presence of a deciduous tree in the rear garden of no. 15 Manor Way, but there is little screening in the garden of no. 158 itself. The garden and rear windows are already overlooked by first floor windows at no 15 Manor Way, although these are filtered during summertime by a second tree at no. 15. From the patio area, the dormer windows have introduced a line of sight, where otherwise the area was not overlooked.
- 7.18 The impact at the garden and windows of no 158 is somewhat less than at no 156 and possibly less than at 154, but importantly, this difference is in-part due to screening by summer vegetation. With the exception of the patio area, the dormer window does not appear to have created lines of sight into areas which were not already overlooked, but it is anticipated that the dormer will be

prominent when the neighbouring trees are bare or if they are removed; it is not possible to protect these trees through planning controls.

(iv) Summary

- 7.19 In summary, the impact varies between the neighbouring houses and gardens, but each is affected. Given the distance rear-to-rear between the dwellings, which exceeds the recommendation of the design guide, it is not considered that the principle of a dormer window could be refused here. It is notable that from within the room formed in the roof of no.11 Manor Way, the lines of sight into neighbouring properties gradually recede with distance away from the window but that due to the height of the glazing, to floor level, views do not recede significantly until the viewer is standing around 3m behind the window. The views into the neighbouring properties from the first floor windows of no. 11 have also been observed, but some weight can be attached to concerns that the new attic room is a large and flexible space bringing about a greater possibility of daytime use than the bedroom at first floor.
- 7.20 While actual changes in overlooking are important here, the question of the increased perception of overlooking is important in this case. The large, full height, openable glazing to the flexible space within is both prominent and may be seen to signify a greater probability of daytime use by comparison with first floor bedrooms, although there is of course nothing to prevent such a use of any original first floor room and window. From the neighbouring perspective it can also be appreciated that the new full height glazing offers greater lines of sight from within the room than in the case of a window with a conventional cill, approximately 1m above the floor, and this has been verified by within the room during the site visit. Whilst the applicant's intention is to enjoy the sea view beyond and between the neighbouring houses, the perception from the neighbouring properties is one of a significant reduction of privacy from this prominent structure.
- 7.21 In design terms the dormer window is constructed of suitable materials and inset from the edge and sides of the roof. It is not set below the ridge by any discernible amount and the presence of the large glazed areas cause it to be more eye catching than conventional window openings and unrelated to the smaller bedroom windows below. It is of interest to note that in cases where Permitted Development rules apply, the roof height and amount of glazing are in accordance with those rules.

(v) Options

- 7.22 The rooflights on the front elevation and the new gable end window on the side elevation are acceptable.
- 7.23 The Council must decide whether the dormer window is acceptable and can be approved, or whether it can be approved with modifications which could be required by the use of planning conditions, or whether it is so harmful in terms of its design or its impact on neighbours, that it should be refused. Mindful of this there are four options:

Option A: Refuse the application.

- 7.24 Refusal on the basis of the dormer's size, design, prominence and overlooking of neighbours would only be defensible, for instance in the case of an appeal

against the Council's decision, if it could be demonstrated that the visual impact were so seriously harmful to the area as to be unacceptable and that overlooking exceeded what might be considered reasonable. Refusal would require the consideration of enforcement action to remove the dormer window and to re-instate the original roofslope.

7.25 Whilst this course of action would deal with these impacts, it should be noted that in design terms the dormer is inset from the edge and sides of the roof, as required by the Design Guide and that Permitted Development in many other cases allows for a flat roof design up to full ridge height. Although the dormer is prominent from public vantage points in Sea Front and Seagrove Avenue, and neighbouring gardens, these factors would affect the Council's case at appeal.

7.26 Refusal and enforcement would also deal with the concerns regarding overlooking. However, given that the rear-to-rear distances exceed the 24m of the Design Guide, this approach would also present a degree of risk in the event of an appeal.

Option B: Approve the application conditionally with requirement to replace the glazed doors and screens by smaller windows

7.27 This approach would accept that the dormer window is acceptable in terms of its size and that the lack of off-set of the ridge is similar to that which could be carried out as Permitted Development in other cases.

7.28 Replacement of the full-height glazed doors with two windows of a size and cill height similar to those at first floor level would improve the architectural relationship between the dormer windows and those below it. It would also reduce the eye-catching quality of the dormer to an extent, including the removal of the steel and glass Juliet screens. In terms of overlooking it would reduce the line of sight from within the room, so that the line of sight from positions 2-3m within the room or from a seated position would be to the buildings and sea beyond, and less so the neighbouring gardens. The removal of the eye catching quality of the glass doors and screens and substitution of windows similar to the existing bedrooms may also reduce the perception of overlooking, although this is a matter of individual judgement.

7.29 A planning condition would be needed to require the removal and replacement of windows within a specified period which should be reasonable to allow for compliance, such as 3 or 4 months.

Option C: Approve the application conditionally with requirement to obscure the screens to the glazed doors.

7.30 As with option B, this approach would also accept the size of the dormer and would acknowledge that Permitted Development rights do not prescribe the size of glazed areas. The external screens which are fixed and clear glass are 1.25m high, relative to internal floor level, which is slightly taller than the usual cill height of 1m. The substitution of obscure glass into the screens would also reduce lines of sight to a greater extent than the use of a standard bedroom cill in option B. Architecturally it would do little to change the outward appearance but, in the event of an appeal it would be possible to cite Permitted Development rules, which although they do not apply here, allow for this design approach in many cases.

- 7.31 A planning condition would be needed to require the replacement of the screen-glazing with obscure glass in a reasonable period to allow for compliance, such as 2 or 3 months.

Option D: Approve the application with a combination of Options B & C.

- 7.32 An example of a combined approach would be to replace one of the pair of glazed doors with a smaller window and to require obscure glazing to the screen of the remaining door. This approach would deal with the lines of sight to at least the same extent as option B and would deal partially with the architectural relationship with the first floor windows below. The impact on the perception of overlooking may be better than in option C but not as effective as for option B.

(vi) Other matters.

- 7.33 None of options B-D address the question of noise escape, but this is already a risk from existing windows and whilst there is arguably an increased risk of this, given the size and flexibility of the new room, a refusal on this basis is unlikely to be sustainable in the event of an appeal.
- 7.34 The above options have been considered with regard to their relative success in addressing the external issues. In terms of the applicant's interests, it is hoped that options B-D strike a balance between those external issues and the need for light and useability of the room. In planning terms little weight can be attached to the aspiration to achieve a view, although this is clearly a reason for the design of the dormer window and with glazed door as built.
- 7.35 None of the options would overtly require any changes to be made to the other windows the subject of the application – i.e. the front elevation rooflights and the side elevation gable window.

8 Conclusion

- 8.1 Although the design of the dormer window lacks the preferred off-set at the ridge and has a flat-roof design, it is not considered that this could provide a compelling case for refusal. Although it increases overlooking, it complies with local design guidance in terms of rear-to-rear distances, and a refusal on this basis would be at risk of overturn at appeal, removing the ability of the Council to control detailed matters, which a conditional approval would provide.
- 8.2 Conditional approval but with at least the lines of sight reduced will control the degree of overlooking and perhaps its perception by neighbours, although this is a more individual judgement. To this extent option C offers the minimum necessary to achieve a degree of reduction. A condition to this effect is considered reasonable and defensible in the event of an appeal against its imposition. It enables the Council to ensure that obscure glazing is fitted to the screens and that this is permanently retained. A further condition would be applied to restrict any subsequent enlargement of windows or the formation of others in this dormer window.
- 8.3 With regard to the other windows the subject of this application, they are acceptable in design terms, have not given rise to objection, and thus their retention without modification would be acceptable.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/14/00633, subject to the following conditions:

- 1 Within 2 months of the date of this permission all of the external glazed screens on the rear of the dormer window hereby approved shall be altered so that they are 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. The screens shall be permanently retained and permanently fitted with obscure glass to the aforementioned standard. This condition shall apply notwithstanding any information contained in the current application.
Reason: In order to safeguard the privacy of neighbouring occupiers and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 2 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows, doors or other openings shall be constructed in any part of the dormer /dormer window on the rear roofslope hereby approved without the prior written approval of the Local Planning Authority.
Reason: In order to safeguard the privacy of neighbouring occupiers 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 development hereby permitted shall be carried out in accordance with the following approved plans:

6195.13c

Reason: - To ensure provision of a satisfactory development.

Appendices:

- A. Location Plan
- B. Elevations
- C. First floor plan
- D. Second floor plan
- E. Section
- F - Photograph