
Site Address:	5 Halifax Rise, Waterloooville, PO7 7NJ		
Proposal:	Retention of first floor window on north east side elevation.		
Application No:	APP/14/00784	Expiry Date:	21/10/2014
Applicant:	Mrs S Long	Team:	Team 2
Agent:		Case Officer:	Richard Temple
Ward:	Stakes		

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

- 1.1 The property is located on a large corner plot and is detached. The building is positioned at an angle to the south east of the site and has a driveway top the front and gardens to sides and rear.

2 Planning History

- 2.1 APP/99/64078 Application approved for a first floor side extension, this contained a condition specifying no further windows in the north east elevation of the extension.
- 2.2 This application follows an enforcement investigation whereby a complaint was made about the insertion of a first floor window in the north east elevation.

3 Proposal

- 3.1 The application is for the retention of the first floor window on the north east side elevation.

4 Policy Considerations

National Policies
NPPF 2012

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

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: 3

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: One

Summary:

On viewing our current house (No 6 Halifax Rise) in 1999, the extension to No 5 had not been built. By the time we completed on our house it was built. At the time we hadn't realized how close the extension was to our property. Our Solicitor assured us that no more windows could be put in the north east elevation. The only permitted window was the ground floor window which is located high up. This maintained our privacy in our garden. To our surprise in April 2014 a fully opening clear glazed window appeared. This window looked directly into our garden and has been open for all of the summer months. There is a tree which slightly obscures the view, but when the leafs are not on the tree there is a clear view. This tree is also very close to both houses and could cause problems in the future with foundations and therefore should be removed. I understand the proposed planning application is for frosted glass which has been applied to the window but it is still an opening window. We believe it is the intention of the owners to screw the window shut. What is to stop the owners removing the screws and opening the window if planning permission is granted? Also would planning permission have been granted if the window was not there in the first place?

Comment: Included in the report below.

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) Design
- (iii) Impact on neighbouring residential amenity

(i) Principle of development

7.2 The site is within an established residential area so householder developments are considered appropriate.

(ii) Design

7.3 The design of the window is in character with the existing building and blends well with the appearance of the property. As such there are no objections on design grounds.

(iii) Impact on neighbouring residential amenity

7.4 The main issue is the overlooking that an openable window would have on the direct private amenity space of number 6 Halifax Rise. It is not an offence for permission to be sought retrospectively, but consideration must be given to its impacts.

- 7.5 In the description of development, the applicant states they intend to 'remove the opening handle, screw the window shut and place a metal plate over the handle opening'. It is my opinion that as the window is now treated with obscure glazing that this would address the potential issue of overlooking should the window remain shut.
- 7.6 To ensure these works are undertaken, should permission be granted, a time-limited condition will have to be included which will allow and officer to check that the works have been completed within that time limit. Then should the condition not be complied with the owner would be liable to a breach of condition notice. There is no right of appeal to this type of notice so it should lead to effective enforcement.
- 7.7 As such the application is considered to be acceptable in terms of impact on neighbour amenity should the condition (to screw the windows shut and retain them in that state) be complied with. It is also considered necessary that the condition require the hinges of the windows to be removed. This would prevent the screws being removed, by new owners for example, and further protecting neighbour amenities.

8 Conclusion

- 8.1 The application is considered to comply with the policies set out in section 4 and as such is recommended for approval.
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9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/14/00784, subject to the following condition:

- 1 Within two months of the date of this notice of planning permission, the window subject of this approval shall be made entirely fixed, unopenable and obscure-glazed by the undertaking of the following measures:
 - i) All hinges to be removed and,
 - ii) Each opening part of the window to be screwed shut with woodwork screws in at least four places and,
 - iii) A metal plate to be installed over the window handle opening and,
 - iv) All glazing to be 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.

Thereafter the window shall remain permanently fixed and unopenable and permanently entirely glazed with the obscure glass.

Reason: To ensure the protection of neighbouring residential privacy and amenity in accordance with policy CS 16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.