



Havant
BOROUGH COUNCIL

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To:
Mr Jay
The Planning Service
135 North Lane
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For: Mr Campbell

**The Town and Country Planning (Development Management Procedure) (England) Order
2010
Refusal of Planning Permission**

Application Number: APP/14/00322

Site Address: 6 Kings Road, Emsworth, PO10 7HN

Proposal: Variation of Conditions 4(i) and 4(ii) of Planning Permission APP/13/01150 to allow changes to fenestration at first floor level.

Further to your application received on 25 March 2014 Havant Borough Council, as Local Planning Authority, **Refuses Planning Permission** for the above proposal.

The reason for the Council's decision to refuse planning permission is:

- 1 The variation of condition 4 (i) and 4 (ii) would enable the installation of openable, clear glazed windows in position W19 and W24 as shown on the submitted plans. The use of clear glass and openable roof lights in these positions in the side elevation of the rear roof slope, would give rise to direct overlooking of both adjacent properties, numbers 4 and 8 Kings Road, 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.

In coming to its decision the Council considered plans and other documents submitted with regard to your application and the relevant policies of the Havant Borough Local Plan and other planning policy documents including the National Planning Policy Framework 2012.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6573.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs.

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- (3) 1) You are advised that this decision relates to windows W19 and W24 only. Window W20 is installed within the original roof slope and needs to comply with Permitted Development rights and all the criteria within Class B. One of the conditions of Class B is that:

"(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be -

(i) obscure-glazed, and

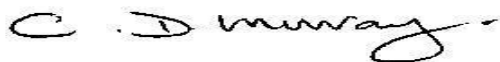
(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed "

This window W20 does not meet these requirements - it is lower than 1.7m, is openable and has been installed with clear glass. Since this side roof light was not specifically included within the description of the approved development (Planning reference APP/13/01150) then it did not form part of that permission. Window 20 is therefore currently unauthorised, not benefiting from either permission APP/13/01150 or Permitted Development rights.

You are therefore advised to make the necessary changes to this window to ensure that it does comply with Permitted Development rights within the next 21 days. i.e. make it permanently non-opening and by the installation of obscure glass providing a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4. The Planning Authority advises that if you were to submit a retrospective application for the retention of this window W20 in its current form it is unlikely to receive officer support as it would similarly cause a loss privacy to the neighbour.

2) In respect of windows W19 and W24, in order to comply with condition no. 4 of planning permission APP/13/01150, these should also be unopenable and installed with obscure glass providing a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.

3) If you wish to discuss any matters covered by points 1 & 2 above, please contact the Planning Office at Havant Borough Council, Public Service Plaza, Civic Centre Road, Havant PO9 2AX. Tel. 02392 446530. Email: Planning.development@havant.gov.uk.



Mr Chris Murray
Service Manager (Planning Development)

06 May 2014