

The Head of Development Control
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

27 April 2017

Dear Sir/Madam,

Planning Statement.
28 Shillinglee, Purbrook, Havant, Hampshire PO7 5RW.
Retention of first-floor windows in east and west elevations.

This document supports the Householder planning application for the development and explains the nature and extent of the proposal and how it responds to the local environment, in its built and socio-economic contexts. It has regard to key national and local planning policies relating to the amenities of neighbours and design and should be read in conjunction with the other supporting documents.

This rectangular site of 0.041 hectare lies on the north side of Shillinglee in Purbrook, within Havant Borough Council's administrative area.

The subject dwelling is a detached chalet-bungalow beneath a gabled roof. Vehicular and pedestrian access is afforded via an ungated driveway near the southwest corner of the plot.



The west elevation of the subject dwelling.



The east elevation of the subject dwelling.

Flat-roofed dormers have been recently constructed in the east and west roof-planes of the subject dwelling through the exercise of rights conferred by Class B ('additions etc to the roof of a dwellinghouse') of Part 1 ('Development within the curtilage of a dwellinghouse'), Schedule 2 ('Permitted development rights') of 'The Town and Country Planning (General Permitted Development) (England) Order 2015' (the 'Order'). At present, all top- and side-lit sections of the first-floor windows of the subject dwelling have unrestricted openings and are less than 1.7 metres above the floor level of the rooms they serve. Save for the obscure-glazed shower-room window (ie No.5), all the first-floor windows (ie Nos.1-4) are clear-

glazed; none of them consequently accord with Section B.2 ('Conditions')(c), Class B of the Order and do not respect the privacy of neighbours.

The neighbours that stand immediately to the east (No.26 Shillinglee) and west (ie No.30 Shillinglee) of No.28 Shillinglee stand **3.2 metres** and **3.3 metres** away, respectively. There are no first-floor windows in the eastern roof-plane of No.26, nor are there ground-floor windows in the west elevation of No.30. There is an obscure-glazed window in the centre of the west elevation of No.26 and a clear-glazed window to its north which is understood to serve a kitchen.

In his 'Written Ministerial Statement: Planning for Growth' of March 2011, Decentralisation Minister Greg Clark confirmed that the *'Government's clear expectation is that the answer to development and growth should wherever possible be 'yes' except where this would compromise the key sustainable development principles set out in national planning policy'*. Paragraph 14 of the 'National Planning Policy Framework' 2012 (NPPF) reiterates that principle, by generating a presumption in favour of sustainable development and the approval without delay of proposals that accord with the development plan, Paragraph 60 stipulates that local planning authorities *'...should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles'* but should encourage *'...local distinctiveness.'*

Section 38 of the 'Planning and Compulsory Purchase Act 2004' requires an application to be determined in accordance with the relevant policies of the development plan unless material considerations indicate otherwise; an element of flexibility is provided which enables decisions to be made which may disagree with the development plan.

The development plan for Havant Borough comprises the 'Havant Borough Core Strategy' (2011), the 'Havant Borough Local Plan (Allocations)' (2014) document and Supplementary Planning Documents (SPD's). Core Strategy Policy CS16 ('High Quality Design') generates a presumption in favour of *'...development that is designed to a high standard'* which *'...does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking'*. There is a recognition that some degree of harm may be caused to the amenity of neighbours but it should not be unacceptable. Paragraph 5.03 of the 'Havant Borough Council Borough Design Guide Supplementary Planning Document' (2011) re 'General Principles for New Residential Developments' states that *'It is important that applications for new development consider the impact of the development on existing residents...The design of new development needs to balance the needs for the new home to have reasonable levels of privacy, whilst ensuring that the development and its residents engage with the street and public realm'*. Paragraph 5.50 ('Dormers...') of the SPD records that *'New dormer...and windows should not have an adversely negative effect on the privacy of neighbours'*.

In accordance with the advice proffered at paragraph 188 of the NPPF ('Pre-application engagement and front loading'), the views of Havant Borough Council's Enquiry Officer Karen Wooden were invited on preliminary proposals. By letter of 12th April 2017 (ref: GEN/17/00272), Ms Wooden helpfully opined that she *'would support'* the proposal:

'...However, after carrying out the visit and assessing the proposed impact in terms of overlooking I can also advise that I would support the following alterations to your plan:

West Elevation

Landing (window 3)

I do not consider a restrictor necessary for this window as it is currently clear glazed and does not cause unacceptable harm to the amenity of the neighbours through loss of privacy or overlooking.

Shower Room (window 5)

This window is to remain obscure glazed. I do not consider the restrictor necessary as the opening of this window will not cause unacceptable harm to the amenity of the neighbours through loss of privacy or overlooking.

East Elevation

Bedroom 3 (window 4)

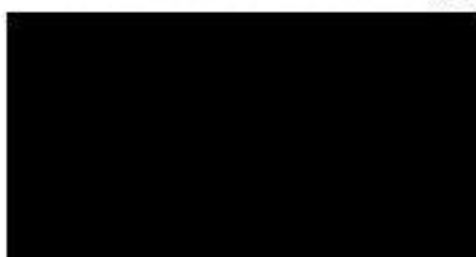
The plan submitted shows this window is to be obscure glazed and fixed shut. Due to the location of the window in relation to the property to the east, I do not consider that a clear glazed, unrestricted window would cause significant harm to the amenities of the neighbouring property and therefore would suggest this is amended on the scheme.'

In light of the favourable presumption set down in the development plan and Ms Wooden's supportive views, it is proposed that the five subject windows be retained but, in order to respect the amenities of neighbours it is proposed that:

- the existing clear-glazed window to the landing (ie window No.3) be retained;
- the existing obscure-glazed window to the shower room (ie window No.5) be retained;
- the existing clear-glazed window to bedroom 3 (ie window No.4) be retained;
- the existing east- and west-facing clear-glazed (side) windows to Bedroom 2 (ie windows Nos.1 and 2) be obscure-glazed;
- restrictors (an example is enclosed) be applied to the side-lights of windows Nos.1 and 2, in order to restrict opening to 30°, and
- smaller restrictors be applied to the top-lights of windows Nos.1 and 2, to restrict opening to 50 millilitres.

It is respectfully submitted that these alterations would ensure that the subject windows would respect the amenities of neighbours and provide an acceptable form of development that accords with the requirements of the development plan; no other material considerations indicate otherwise.

Yours faithfully,



Niall Tutton
Director