

APPLICATION NUMBER:	LW/07/1317	ITEM NUMBER:	16
APPLICANTS NAME(S):	Mrs P Brown	PARISH / WARD:	Lewes / Lewes Priory
PROPOSAL:	Planning Application for Section 73A Retrospective application for variation of conditions 3 & 4 of LW/02/1815 to allow retention of windows in the east & west elevations & retention of conservatories at front & rear		
SITE ADDRESS:	2 Montacute Road, Lewes, East Sussex, BN7 1EN		
GRID REF:	TQ 4009		

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1. SITE DESCRIPTION / PROPOSAL

1.1 A Section 73A retrospective Planning Permission is sought for variation of condition 3 & 4 (LW/02/1815) to allow retention of windows in the east & west elevations, and retention of conservatories at front & rear of 2 Montacute Road, Lewes. The property is a modern detached dwelling located within the planning boundary at the north eastern end of Montacute Road. The property is set approximately 26 metres back from the road with a long front garden and adjacent to 1 Montacute Road. All properties to the south west of the site, including 3 Montacute Road are set forwards of number 2. In the case of number 3, there is a distance of approximately 20 metres between the two properties at the closest point.

1.2 When planning permission was granted for 2 Montacute Road in 2002, a number of conditions were attached restricting the insertion of new windows on the east and west elevation of the property. Condition 3 stated: "No window, doors or openings of any kind shall be inserted in the east and west elevation of the development hereby approved, other than those expressly permitted by this consent". Condition 4 stated: "All glazing in the east and west elevation of the proposed dwelling and west elevation of 1 Montacute Road shall be obscured glass and be permanently fixed shut and shall be maintained as such".

1.3 There is a single window in the east elevation, which measures approximately 1 metre wide by 1.9 metres high and serves to light the kitchen. On the ground floor of west elevation there are two new windows area of glazing subject to this application. The first are a group of 5 windows which are all high level and serve to light the garage. The bottom cills of these windows are located approximately 2 metres above ground level. Presently there is no glazing in these windows and they are covered by plastic sheeting. The second ground floor window measures approximately 1 metre wide by 2.5 metres high and serve to light a staircase leading to the properties basement. There are two first floor windows on the west elevation subject to this application. The first measures approximately 0.5 metres wide by 0.75 metres high and serves an en-suite bathroom. The second is a triangular shaped window which serves a bedroom. Since the application was submitted both windows have been covered by an obscure film and are fixed shut.

1.4 The front facing conservatory measures approximately 5 metres wide by 2.5 metres deep by 2.7m H to the eaves and to a maximum ridge height of 4.3 metres with a lean-to roof. The rear conservatory measures approximately 4.5 metres wide by 2.5 metres deep by 2.5 metres high to the eaves and to a maximum ridge height of approximately 4.2 metres with a lean-to roof. Both are constructed of timber frame construction and would have required planning permission as permitted development rights were removed when the house was granted planning permission.

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

3. PLANNING HISTORY

LW/91/1431 - (Plot 2, Brighton Road Estate) Outline application for detached bungalow - **Withdrawn**

LW/02/1815 - Two storey rear extension to Kings Ridge and erection of a detached three bedroom house with integral garage - **Approved**

LW/02/0119 - Erection of a detached house with integral garage - **Refused**

LW/92/0651 - Outline application for the erection of a detached bungalow in grounds of 'Kings Ridge' - **Refused**

LW/92/0463 - Outline for a detached bungalow - **Withdrawn**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town Or Parish Council – Members received additional information from planning consultants regarding the fitted obscure glass but raised no objection to the application.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 One letter of objection received from 3 Montacute Road and a letter from a planning consultant working on their behalf. Objections raised over potential of overlooking from side windows resulting in a loss of residential amenities. A number of mitigating measures suggested to overcome problems with overlooking. These include replacing opaque film on first floor bedroom and bathroom windows with fully obscure glazed windows and also placing locking bars across the bathroom windows to prevent overlooking. Also suggest a condition should be added to prevent the garage from being converted into habitable room. Although it was accepted that there was no overlooking it is suggested there is the potential for light spillage which would worsen were the room changed to habitable space. A condition removing permitted development rights to convert the garage is suggested. With regards to the window serving the cellar staircase it is suggested that overlooking is possible and that the window directly faces 3 Montacute Road. A condition to implementing additional boundary cover or increasing the height of the fence is suggested.

6. PLANNING CONSIDERATIONS

6.1 It is considered that the key considerations in determination of this application are impact on residential amenities, planning history and policy.

6.2 Following a site visit to the property, it was apparent that there were no serious issues of overlooking. The window on the eastern elevation, serves a non habitable room, and overlooks a flank wall of the neighbouring property, which has no openings. There is boundary fencing of approximately 1.95 metres high, which almost entirely screens the windows outlook.

6.3 The windows on the first floor of the west elevation are now both obscure glazed and fixed shut. There is no overlooking possible from these windows of the neighbouring property, 3 Montacute Road. Although the windows are only obscured with an opaque plastic film, a condition will be attached to any approval to ensure that these windows remain obscured and fixed shut. It has been suggested by an objector that these windows should be replaced by obscured glass, however a condition to maintain the current situation is considered an acceptable solution.

6.4 The ground floor window on the west elevation serving the staircase to the cellar also does not allow any over looking. From the staircase inside, facing towards the neighbouring property, it is not possible to see into the neighbouring garden. The steps lead downwards and this makes overlooking even harder. It should also be noted there is boundary fencing in this location of approximately 1.9 metres high, completely removing any possibility of overlooking. There is an internal landing adjacent to the staircase which allows ground level views of the boundary fence. Any overlooking of the neighbouring property, which is minimal, would be towards to the north of the garden. It should be noted that the height of the boundary fence increases to the north of the window.

6.5 Objections to the proposal suggest that increased boundary treatment is required as the window faces directly on to a neighbouring decked area and provides direct views into the neighbouring property. From a site visit, it was apparent that it was not possible to see the neighbouring property or the amenity space. Although there may be a perceived issue of overlooking there is no actual overlooking and therefore does not result in any loss of residential amenities.

6.6 The windows serving the garage are all high level and approximately 2 metres above floor level. There was no overlooking possible from these windows. An objection has been raised over the potential to convert the garage into habitable floorspace resulting in light spillage into the neighbouring amenity space, 3 Montacute Road's amenity space to the detriment of residential amenities. It is not considered that such changes would result in a detrimental impact on the neighbouring properties amenity space. 3 Montacute Road is located over 20 metres away. The only area likely to be affected by such a scenario would be the adjacent amenity space. Light spillage would only be noticeable in the dark when the amenity space is unlikely to be used.

6.7 The front and rear conservatories were added after the approved scheme was passed and require retrospective consent as permitted development rights were withdrawn. Both conservatories merge well with the existing property and utilise matching materials. The retention of both structures is considered acceptable.

6.8 The original consent prohibited any new openings in the east or west elevation of the property in order to protect residential amenity. Following a thorough site visit I am satisfied that there is no overlooking possible from any

of the new windows. A condition to maintain the obscured nature of the windows and ensuring the bathroom window is permanently fixed shut will be included. It is considered that the proposals are acceptable and will not result in any detrimental impact on residential amenities.

7. RECOMMENDATION

The application is approved.

The application is subject to the following conditions:

1. No windows, doors or openings of any kind shall be inserted in the east or west elevation of the development hereby approved, without the express written consent of the Local Planning Authority.

Reason: To protect the privacy and residential amenity of neighbours having regard to Policy ST3 of the Lewes District Local Plan.

2. The first floor west facing windows hereby approved shall remain obscure glazed and permanently fixed shut and be maintained as such unless expressly agreed in writing by the Local Planning Authority.

Reason: To protect the privacy and residential amenity of neighbours having regard to Policy ST3 of the Lewes District Local Plan.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	12 October 2007	
Location Plan	12 October 2007	1:2500
Proposed Floor Plans	12 October 2007	
Existing Floor Plans	12 October 2007	
Proposed Elevations	12 October 2007	1:100
Proposed Elevations	12 October 2007	1:100
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Summary of reasons for decision and any relevant development plan policies/proposal:

It is considered that the proposal meets the aims and objectives of Local Plan Policy and respects the character of the location, complying with Policy ST3 of the Lewes District Local Plan.