

DELEGATED OFFICER REPORT

Application Ref: X/23/95604

Site Address: 42 COMMON ROAD, CHANDLER'S FORD, EASTLEIGH, SO53 1HP

Case Officer: Claire Campbell-Best

Description: Removal of condition 4 (obscured and top hung window opening window to the western elevation) of planning permission H/22/93774 - Single storey porch with part flat part pitch roof and alterations to fenestration

Particular Site Constraints	Yes ☒	No ☐
Within Urban Edge Within Residential Area SSSI Impact Risk Zones Airport Safeguarding Zones MOD Safeguarding Zones HRA Screening Criteria – River, SAC, SPA and Ramsar Tree Preservation Order		

Planning History	Yes ☒	No ☐
Reference	Description	Decision
H/22/93774	Single storey porch with part flat and part pitch roof and alteration to fenestration	Permit – 08/11/2023
F/14/74190	Single storey side and rear extension	Permit – 29/04/2014

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>1no. objection received from 44 Common Road (Summarised):</u> - Kitchen window looks into bedroom window - Privacy and overlooking concerns		
Chandlers Ford Parish Council:	No comments received		

Site Visit:	Yes ☒	No ☐
Details: 29/11/2023		

Policy:
National Planning Policy Framework Planning Practice Guidance
Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM11 and DM14.
Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:
<u>Site and Surroundings</u> The application site contains a detached bungalow situated on the southern side of Common Road. The property itself is set back from the road by a hardstanding driveway which wraps around the western boundary, leading up to the porch to the host dwelling.

The surrounding area is residential in nature and comprises dwellings of mixed scales and design of housing. The site falls within a row of five similar hipped roofed bungalows.

Proposal

This application seeks to remove condition 4 from approved planning permission H/22/93774:

Condition 4: The ground floor window on the western elevation [as marked on the approved plan 06 Rev P3] shall be obscure glazed to Pilkingtons level 3 or equivalent with no more than a top-hung opening toplight.

The window (which is the subject of this application) serves a kitchen and allows for additional light to reach this room. During the initial site visit for the householder application, concerns were raised this window could potentially have views into the bedroom window of no. 44, the neighbour to the west. To alleviate privacy and overlooking concerns, an obscurity condition to this window was applied.

The single storey porch and installation of this kitchen window is now complete, the window is currently not obscure with a top hung opening. The applicants wish to remove this condition so that the non-obscure window can remain in situ. The applicant is visually impaired and has advised on the application form that an obscure window would allow less light into the kitchen and would impact upon their living conditions.

Principle

The application site lies within an established residential area where the basic principle of development is acceptable, with any formal approval being based upon the exact nature, design, and impact of that proposed being considered acceptable and in accordance with the relevant policies within the adopted local plan and supplementary planning guidance.

Character and Design

The window, in its current non-obscure form does not cause harm to the character or appearance of the host dwelling. The window has not changed in size, materials or location under approved planning permission H/22/93774.

The application form states that having a non-obscure window allows more light into the kitchen and improves the living conditions for the applicant. No further information has been submitted to demonstrate this would be the case and it is considered an obscured window would allow the same amount of light into this room due to the orientation of the property. Therefore, the applicant's living conditions would be maintained with the condition in place.

Residential Amenity

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulate that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

The neighbour most impacted by the non-obscure window is the neighbour to the west, no. 44 Common Road, who has raised concerns with regards to the proposal. The western elevation to the host dwelling faces the side (eastern) elevation of no. 44 of which there is 1no. window that serves a bedroom. The western elevation to the host dwelling has 2no. windows both serving the kitchen. The window closest to the highway is an original high-level window and is in fact completely blocked internally by the kitchen cabinets, during the site visit it could be seen that internally, there are no views from this window. The second window (the subject of this application) is positioned closer to the porch and is 1.4m above ground level.

During the site visit the views from this window were inspected internally. While it is acknowledged this window and the neighbouring window are not positioned directly in front of each other, there are still views from the kitchen of the host dwelling into the neighbour's bedroom. As such, it is considered this current situation carries the same privacy and overlooking concerns initially raised in the householder application and ultimately, warrants refusal of the application on these grounds.

It is noted that some of the bungalows within this group have side facing windows which overlook into the neighbouring properties, and this is indeed experienced between nos. 40 and 42 Common Road. However, this was not the case between nos. 42 and 44 before planning approval was granted and for the reasons outlined above, this is not considered to be justification for the window being non-obscured.

Other Material Considerations

Although there is a TPO on site, it is not affected by the proposal.

This application is not considered to result in a likely significant impact on biodiversity.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The applicant has advised they are visually impaired. During the assessment of this application, it was concluded that an obscured window would still allow light to enter the room and in combination with other light sources, is not considered to harm amenity or to have equality implications.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications

Conclusion:

Reason for Refusal:

1. The removal of condition 4 to allow retention of the clear glazed window serving the kitchen on the western elevation approved under H/22/93774 would result in an unacceptable loss of privacy enjoyed by the occupiers of 44 Common Road. As such the proposal is contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), Quality Places SPD (2011), and the contents of the National Planning Policy Framework (2021)

Recommendation:

PERMIT ☐

REFUSE ☒