

**Application for Determination**

<b>Parish</b>	Horning		
<b>Reference</b>	BA/2014/0284/COND	<b>Target date</b>	18 June 2015
<b>Location</b>	Silver Dawn, Horning Reach, Horning		
<b>Proposal</b>	Proposed variation of conditions 2 and 10 of permission BA/2012/0056/FUL - amendment to windows to be obscure glazed		
<b>Applicant</b>	Mr Nick Barrett		
<b>Recommendation</b>	Approve subject to conditions		
<b>Reason for referral to Committee</b>	Third party objections		

**1 Description of Site and Proposals**

- 1.1 The site is a dwellinghouse Silver Dawn, Woodlands Way, Horning Reach, Horning. The development along Woodlands Way consists of single storey and storey and a half dwellings fronting the river along the western bank of the Bure to the southwest of Horning village. A replacement dwelling and new car port were permitted on the site in 2012 (BA/2012/0056/FUL) and this development is largely complete, although not yet occupied.
- 1.2 The replacement four bedroom dwelling fronts the river, it is storey and a half in scale and relatively lightweight and contemporary in design. The river elevation of the dwelling is almost exclusively glazed, set in a timber frame, and there is a first floor balcony which a bedroom and bathroom have doors opening on to. The rear elevation has full height windows and doors to one bedroom and one bathroom on each of the two floors. At first floor level, these doors open to Juliet balconies.
- 1.3 The approved plans for the dwelling indicate that all bathrooms and the first floor bedrooms would have obscured glazing to the windows and doors. The degree of obscurity was shown to be graduated up the windows and doors, so the upper half would have increasingly clearer glazing to allow for views out. The obscured glazing shown on the submitted and approved drawings was part of the applicant's proposal; it was not required or requested by the Local Planning Authority.

- 1.4 Condition 2 of the 2012 permission (BA/2012/0056/FUL) requires the development to be carried out in accordance with the submitted drawings and documents, including visuals which illustrated the obscured glazing, and condition 10 of the permission requires this obscured glazing to be installed to all first floor windows on the southeast (river) and northwest (rear) elevations and to the ground floor bathroom on the northwest elevation. It also requires the obscuration to be equivalent to Pilkington level 5 and installed in accordance with the graduated design shown on the submitted visuals. Condition 10 was applied 'To prevent undue loss of privacy to the neighbouring property, in accordance with Policy DP28 of the Development Management Policies – Development Plan Document'.
- 1.5 This application proposes varying conditions 2 and 10 of the permission to apply to a revised drawing. This drawing proposes only applying obscured glazing to the ground floor and first floor bathrooms, not to the first floor bedrooms. On the river elevation this would mean the door opening to the balcony from the bathroom and a large adjacent window would have obscured glazing, but that a central full height window to the balcony, a door and an adjacent window, all to a bedroom, would not. On the rear elevation at first floor level, the bedroom and bathroom each have a fully glazed door and slim full height window with a Juliet balcony. The bathroom on the northern side would have obscure glazing and the bedroom to the south would not.
- 1.6 All windows and doors have been fitted and glazed, but no obscuration has been fitted to any openings at the time of writing.

## **2 Site History**

- 2.1 In 2010 planning permission was granted for the installation of a replacement sewage treatment unit (BA/2010/0071/FUL).
- 2.2 In 2012 planning permission was granted for a replacement dwelling and car port (BA/2012/0056/FUL). This application was the subject of a Planning Committee site visit on 3 August 2012 following objections from neighbouring residents.
- 2.3 The above 2012 permission has subsequently been amended twice to make changes to the approved decking and solar panels (BA/2014/0087/NONMAT and BA/2014/0241/NONMAT).
- 2.4 In October 2014, a planning application was submitted seeking to retain an alternative roof material to that which had originally been approved (BA/2014/0369/COND). This application was considered at the December 2014 Planning Committee meeting and was deferred. At the February 2015 Planning Committee meeting Members resolved to refuse the application. The applicant has six months in which to submit an appeal against this decision.

## **3 Consultation**

Broads Society – No objections.

Parish Council – Comments expected by 20 May.

District Member – No response.

#### **4 Representations**

- 4.1 Three representations received. The occupiers of Broadshaven, the dwelling immediately to the north, comment that the reasons for condition 10 have not changed and that the full height windows and doors give the bedrooms a large glazed area. The occupiers of Swallows Bank, the dwelling immediately to the south, are also of the opinion that the original reasons for the approval have not changed and that any windows or doors which compromise privacy should be fitted with obscure glazing. The occupier of Kinsail Lodge, three dwellings to the north, comments the windows and doors to the bathrooms must be obscure glass and the bedrooms should remain obscure glass as there are views into these rooms from the road and river.

#### **5 Policies**

- 5.1 The following Policy has been assessed for consistency with the NPPF and has been found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application. [NPPF](#)

Adopted Development Management Policies (2011)  
[DEVELOPMENTPLANDOCUMENT](#)

DP28 – Amenity

#### **6 Assessment**

- 6.1 Condition 10 of the 2012 permission required the obscure glazing in order to protect the amenity of the neighbouring properties. In assessing this proposal, the main consideration is whether removing the requirement for obscure glazing to the first floor bedrooms on the river and rear elevations would result in any unacceptable impacts on amenity, contrary to Policy DP28.
- 6.2 The dwelling is one of a row of river-fronting dwellings and has followed the predominant pattern of having the main openings on the river elevation, with fewer, or secondary, openings to the side and rear elevations. In particular, the application dwelling is one a group of four which have first floor windows in the rear and/or side elevations that either give direct or oblique views of the other dwellings and their curtilages. These dwellings are also open to views from the river and accordingly their curtilage areas fronting the river enjoy very little privacy.
- 6.3 The application proposes retaining obscured glazing to all bathrooms and this is considered appropriate in the interests of the amenity of the

occupants, neighbours and those passing and in accordance with Policy DP28.

- 6.4 The proposal to remove the requirement for obscured glazing to the first floor bedrooms on the river and rear elevations must be considered. As the dwelling has been constructed and the windows have been installed, it has been possible to assess the views from each opening. Due to the orientation of the dwelling, these openings on the river and rear elevations would not result in any direct window-to-window overlooking; any views of neighbouring properties would be at an oblique angle, looking to the side from the windows and doors.
- 6.5 From the first floor bedroom on the river elevation only the riverside curtilages of the dwellings to the immediate north (Broadshaven) and south (Swallows Bank) can be seen. There are no views of the dwellings themselves, only the lawn and boardwalk of Broadshaven and the decked seating area and lawn of Swallows Bank. The direct view is of the river itself and the opposite riverbank which is undeveloped. A large eaves overhang, which covers the balcony, screens views to the sides and the view from the interior standing or sitting at the glass is less than that which can be gained from the balcony – a view which was not considered unacceptable when the replacement dwelling application was approved.
- 6.6 The first floor bedroom at the rear would give a direct view of the rear curtilage of the application dwelling and woodland beyond. Turning to the north, there would be a view over a boundary fence, approximately 1.8 metres high, of the conservatory, kitchen window, decked seating area, lawn and garage of Broadshaven (the dwelling immediately to the north) and also of the side elevation of Thatch Croft, the dwelling beyond that, of which one ground floor and three first floor windows can be seen. The shared mooring cut, lawn, outbuildings and driveway of Swallows Bank (the dwelling immediately to the south) can be seen when looking in that direction.
- 6.7 The proposal to remove the obscure glazing from the two first floor bedrooms would increase views out of these windows and doors when compared to the approved scheme. The graduated design of the approved obscured glazing allows views out at eye level when standing at the face of the glass and both bedrooms have balconies which allow at least standing at the opening when the door is open, so the scheme as approved results in some overlooking.
- 6.8 The affected rooms are both bedrooms, not primary living accommodation, and the views of neighbouring dwellings are only gained when looking out at an oblique angle. These views are predominantly of curtilage which is already overlooked to some extent by other neighbouring dwellings, or in the case of the riverside elevation, is directly open to views by passing boats as well as neighbouring dwellings.

- 6.9 The proposal to remove the requirement for obscured glazing to the first floor river elevation bedroom would only increase views of riverside curtilage and this is not considered unacceptable.
- 6.10 Removing the requirement for obscured glazing to the rear elevation bedroom would result in a greater view of the more private rear curtilage of Broadshaven and Swallows Bank and the side of a conservatory and a kitchen window to Broadshaven. These views, particularly of the conservatory and kitchen window, are only obtained when stood at the glass looking left and could also be obtained from the approved Juliet balcony or above the approved obscuration. Although the door and side window are full height, the opening is relatively narrow and, as stated above, this is one of four bedrooms and not primary living accommodation. It is noted that the proposal would increase views of neighbouring properties from this room, but given the nature of the room and limited positions within it from which the greatest views can be achieved, the increase in overlooking from the approved scheme is not considered unacceptable.
- 6.11 Removing the requirement for the glazing to be obscured does, of course, not affect the applicant's freedom to install any curtains, nets or blinds.

## **7 Conclusion**

- 7.1 It is not common for the Local Planning Authority to require bedrooms to have obscured glazing, unless the resulting overlooking or loss of privacy would be unacceptable and contrary to Policy DP28. It was not the case that this judgement was made on the approved scheme, but that the conditions accorded with the express intentions of the applicant; intentions which have now changed.
- 7.2 Given the close relationship and orientation of this group of dwellings, any opening is likely to overlook neighbouring dwellings to some extent but this proposal would not result in any direct overlooking. The reason for condition 10 as originally applied and the objective of Policy DP28 is to protect neighbouring occupiers from unacceptable impacts on their amenity, including from overlooking. In the context of this site and its surroundings, the proposal to remove the requirement to obscure glaze the doors and windows to the first floor bedrooms is not considered to result in any unacceptable impacts on the amenity of neighbouring occupiers. Furthermore, the cumulative impact combined with any overlooking resulting from the approved scheme is not considered unacceptable.
- 7.3 It is considered necessary to require the obscuration to be fitted prior to the first occupation of the dwelling (likely to be summer 2015) and it is also necessary to repeat the relevant conditions of the 2012 permission to ensure completeness as this proposal is an amendment to that permission.

## **8 Recommendation**

### **8.1 Approve subject to conditions:**

- (i) Obscured glazing to be fitted prior to first occupation;
- (ii) In accordance with submitted plans;
- (iii) The first floor windows and doors to the bathrooms on the east and west elevations and ground floor window and door to the bathroom on the west elevation (as identified on drawing number 048-P-004) shall be installed with obscured glazing with a degree of obscurity equivalent to Pilkington level 5 in accordance with 048-M-001.rev.h.full -1, 048-M-001.rev.h.full -2, 048-M-001.rev.h.full -3, 048-M-001.rev.h.full -4, 048-M-001.rev.h.full -5 and 048-M-001.rev.h.full -6 (as amended by drawing number 048-P-004). The glazing shall thereafter be retained in accordance with these details unless otherwise agreed in writing by the Local Planning Authority. (Amended version of Condition 10 of BA/2012/0056/FUL).

Repeated conditions from BA/2012/0056/FUL:

- (iv) Samples of materials
- (v) Landscaping scheme
- (vi) Minimum finished floor level
- (vii) Underfloor void to remain open
- (viii) Flood resilience measures
- (ix) Flood warning and evacuation plan
- (x) Remove permitted development rights for alterations and extensions to dwelling and for outbuildings
- (xi) Maximum ridge height of 8.6 metres AOD

## **9 Reason for Recommendation**

- 9.1 The proposal is considered to be in accordance with Policy DP28 of the adopted Development Management Policies (2011) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

Background papers: Application File BA/2014/0284/COND

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Date of Report: 14 May 2015

List of Appendices: APPENDIX 1 - Location Plan

# APPENDIX 1

BA/2014/0284/COND Silver Dawn, Horning Reach, Horning. Proposed variation of conditions 2 and 10 of permission BA/2012/0056/FUL - amendment to windows to be obscure glazed

