

APPLICATION NO.	P16/S1201/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	19.4.2016
PARISH	SHIPLAKE
WARD MEMBERS	Will Hall & Paul Harrison
APPLICANT	Mr Mike Shelley
SITE	Land at the rear of Waynflete, Station Road, Lower Shiplake
PROPOSAL	Variation of Condition 2 (approved plans) and Condition 5 (obscure glazing/fixed shut openings) of planning permission P12/S1481/FUL to remove requirement for obscure glazing of two of the west facing first floor windows (additional plans received 3rd May 2016).
AMENDMENTS	One – see above
OFFICER	Paul Lucas

1.0 **INTRODUCTION**

1.1 This application is reported to the Planning Committee as a result of a conflict between Officers' recommendation and the views of Shiplake Parish Council.

1.2 The application site, shown on the OS extract at **Appendix 1**, is a residential plot within the built up confines of Lower Shiplake comprising a detached two storey dwelling known as Waynflete located towards the front of the site with a detached dwelling and garage presently under construction at the rear of the site. The rear garden of 5 Quarry Lane backs onto the rear section of the western site boundary and the western elevation of the new dwelling faces towards this boundary. There are four first floor windows located in this elevation. It is a condition of the original planning permission that three of the four windows should be obscure glazed and fixed shut where less than 1.7 metres above the internal floor level. However, three of these openings have been filled with clear glazing and only one with obscure glazing and they can all be opened fully, in breach of the condition. One of the windows is also taller than approved. The dwelling has been sunk below the original on-site ground level, so that its ground floor level is about 1.8 metres lower than the level of the garden at No.5 and the centre of the first floor windows would be approximately 1.2 metres above the height of the boundary fence.

2.0 **PROPOSAL**

2.1 The application seeks to regularise the situation by variation of Conditions 2 (approved plans) and Condition 5 (obscure glazing/fixed shut openings) of planning permission P12/S1481/FUL, so that they reflect the as built situation on the western elevation of the new dwelling. Condition 5 reads as follows:

“The first floor bathroom and stairwell windows in the north elevation, the first floor en-suite window and secondary window to bedroom 1 in the east elevation and the first floor en-suite windows and secondary window to bedroom 5 in the west elevation of the dwelling hereby permitted shall be glazed in obscure glass and fixed shut below 1.7 metre internal cill level prior to the first occupation of the accommodation and they shall be retained as such thereafter.”

2.2 The current plans can be found at **Appendix 2**. Other documents in support of the application can be viewed on the Council's [website, www.southoxon.gov.uk](http://www.southoxon.gov.uk).

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Shiplake Parish Council** – The application should be refused due to the rationale for the condition remaining as valid now as when it was imposed and no reason to change it.

Neighbours – One representation of objection, summarised as follows:

- Applicant should not be permitted to flout the original condition in this manner
- No justification for removal of the condition in relation to the impact on No.5
- Substantial loss of privacy would arise if windows are permitted to remain in their current unneighbourly form
- The occupiers of No.5 should not have to plant trees in order to maintain their privacy

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P15/S2611/FUL](#) - Approved (16/10/2015)

Material amendment to application P12/S1481/FUL to allow for new dormers to roof space to new garage in lieu of rooflights.

[P12/S1481/FUL](#) - Approved (24/10/2012)

Demolition of existing triple garage store and erection of two-storey 5-bedroom detached dwelling and detached double garage and replacement swimming pool.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy policies

CS1 - Presumption in favour of sustainable development

CSEN1 - Landscape protection

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

5.2 South Oxfordshire Local Plan 2011 policies;

D1 - Principles of good design

D4 - Reasonable level of privacy for occupiers

G2 - Protect district from adverse development

H4 - Housing sites in towns and larger villages outside Green Belt

South Oxfordshire Design Guide 2008 – Section 3

5.3 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

The policies within the SOCS and SOLP 2011 of relevance to this application are considered to be in general conformity with the provisions of the NPPF and therefore this application can be determined against these relevant policies.

6.0 **PLANNING CONSIDERATIONS**

6.1 The main planning issue that is relevant to the application is whether the variation to the approved plans and obscure glazing/fixed shut conditions would:

- Safeguard the living conditions of neighbouring residential occupiers and provide adequate living conditions for future occupiers.

6.2 Neighbour Impact

Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. Policy D4 explains that development will not be permitted if it would unacceptably harm the amenities of neighbouring properties through loss of privacy. The main consideration is the impact of the changes to the windows on the residential amenity of the occupiers of No.5. Section 3.2.8 of the SODG 2008 recommends that the minimum depth of gardens should be 10 metres. The first floor windows are located about 11.7 metres from the boundary with No.5. This means that the 'as built' situation is in accordance with this guidance. Therefore, notwithstanding the neighbours' concerns, if the first floor windows remain as built, officers consider that the adequate distance between the windows and the closest part of the adjoining garden prevents a loss of privacy from occurring that could be deemed sufficiently harmful to warrant refusal of planning permission. This is because it is similar to the relationship that often arises when first floor windows face towards the rear of adjoining gardens in residential areas. This view is reinforced by the fact that the windows are at a level about 1.8 metres lower relative to the boundary fence than would usually be the case for first floor windows.

6.3 Officers have also considered whether the proposed changes to the approved windows are giving rise to any adverse impact on the east-facing rooms of No.5 or the sitting out area adjacent to the house. The windows are located about 60 metres from this part of No.5 and this leads officers to form the opinion that the overall impact on the residential amenity of the adjoining house and garden from retaining the windows in their current form is limited. On the basis of this assessment, the variation to the conditions would be in accordance with the above criterion.

6.4 It is therefore recommended that Condition 5 is varied to read as follows:
"The first floor bathroom and stairwell windows in the north elevation, the first floor en-suite window and secondary window to bedroom 1 in the east elevation of the dwelling hereby permitted shall be glazed in obscure glass and fixed shut where less than 1.7 metres above the internal floor level prior to the first occupation of the accommodation. The first floor en-suite window in the west elevation of the dwelling hereby permitted shall be glazed in obscure glass prior to the first occupation of the accommodation. The windows shall be retained as such thereafter."

7.0 **CONCLUSION**

7.1 The application proposal would comply with the relevant Development Plan Policies, Supplementary Planning Guidance and Government Guidance and it is considered that, subject to the attached conditions, the proposed development would not materially harm the living conditions of nearby residents.

8.0 **RECOMMENDATION**

8.1 **To grant planning permission, subject to the following conditions:**

1. **Development to be carried out in accordance with approved plans.**
2. **Obscure glazing to specified windows.**
3. **All other conditions on the previous planning permission remain in force.**

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