

Appendix A Space about Dwellings and Amenity Standards for all Development

Introduction

1 The purpose of these guidelines is to ensure a satisfactory standard of amenity for existing and proposed occupiers of residential properties within the District.

2 This is to be achieved by ensuring adequate spacing around dwellings, whilst taking account of outlook and privacy.

3 The provision of adequate space about dwellings is an important element in achieving a high standard of design and layout and provides:

- adequate daylight and sunlight to rooms and rear gardens;
- reasonable privacy for dwellings within their proposed layout and to protect the privacy of existing dwellings;
- a satisfactory level of outlook, within new development and in relation to existing development;
- a reasonable area of private amenity space to allow such uses as drying washing, gardening and children's play, together with space for garden sheds, greenhouses and future extension to the dwelling;
- reasonable communal areas of open space for apartments and some types of special housing.

4 Policy BE1 (High Quality Development) of the Local Plan Strategy notes that in terms of the built vernacular, *“New development, including extensions and alterations to existing buildings, should carefully respect the character of the*

surrounding area and development in terms of layout, size, scale, architectural design and public views...” Local Plan Strategy. It also notes that development should have a positive impact on amenity.

Daylight and Sunlight

5 The design and layout of both new buildings and extensions should aim to maximise sunlight to internal accommodation and private amenity areas. Ideally primary main habitable room windows, especially for lounge/sitting rooms should not face north.

6 External obstructions can affect the quality and quantity of light entering an adjacent property. New development and extensions should not be of a size that results in an overbearing impact on neighbouring residential property. The Council applies 45° and 25° daylight guidelines.

7 The 45 degree guidelines will be utilised for front and rear extensions to a dwelling or for new built development to assess the impact on the dwelling next door. It shall only apply where the nearest side of the extension or building is perpendicular to the window (Figure 1). The 25 degree guide line shall apply for windows which face the extension or buildings opposite. (Figure 4).

45° guideline

8 To apply the 45 degree guideline there are 2 stages to this assessment. Should stage one be met then stage 2 is not required.

9 Stage 1 – Assesses the impact of the depth of the extension. Take the elevation of the window wall of existing neighbouring development and draw diagonally at ground level at an angle of 45 degree from the furthest corner of the extension / new building towards the affected neighbouring dwelling. (Figure 1)

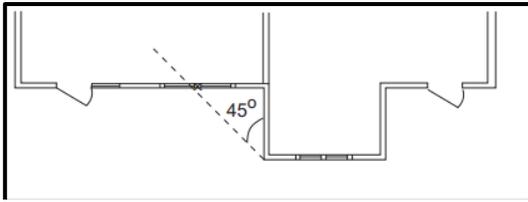


Figure 1 – Stage 1 Plan - 45° guideline assessment. Centre of affected window is within 45° angle on the plan so stage 2 needs to be utilised.

10 Should the 45 degree line lie closer to the extension / new building than the centre of the affected window then there will be no significant reduction in light. If the centre of the neighbouring window is within the 45 degree line then there is likely to be a loss of light, so stage 2 should then be carried out to confirm whether the light reduction is significant.

11 Stage 2– Assesses the impact of the height of the extension or new building. For an extension / new building with a flat roof, draw a 45 degree line from the highest point of the extension towards the affected window.

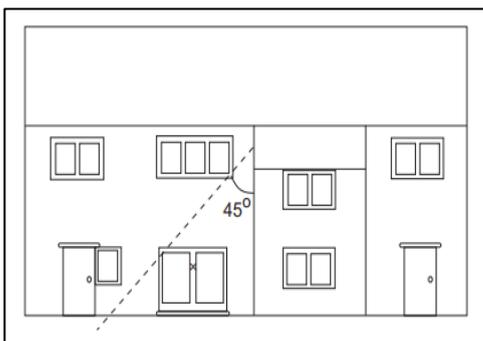


Figure 2 –Stage 2 Elevation - 45° guideline assessment. In this example the impacted patio door is within the 45° angle on both plan (fig 1) and elevation, so a significant reduction of light is likely.

12 For an extension / new building with a front to back mono pitched roof, draw a 45 degree line starting at a point halfway between the eaves and the ridge towards the affected window. For standard gable draw a line from the eaves. If the centre of the neighbouring window is within the 45 degree line then there is likely to be a loss of light received. In the case of a floor to ceiling window e.g. patio door, a point 1.6m above the ground on the centre line of the window may be used. Figure 3 shows both 45° guidelines being applied.

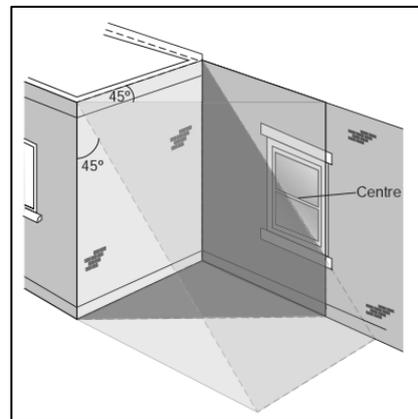


Figure 3

Figure 3 - Application of both stages of the 45° approach to a domestic extension. A significant amount of light is likely to be blocked if the centre of the window lies within the 45° angle on both plan and elevation. In this example the centre of the window lies outside the 45° angle on elevation so the extension is only likely to have a small impact. Therefore the proposal is acceptable.

13 These guidelines should be applied flexibly, and any existing intervening structures should be taken into consideration (e.g. existing extensions, boundary treatments), as the existing structures are likely to already block light from that direction. The context of the proposal will also be considered e.g. extensions / new buildings which lie to the north of a neighbouring window, no overshadowing will be caused, however there may still be an overbearing impact (see outlook below) or whether the affected window is a secondary window i.e. this window is not the primary source of daylight to the room.

14 A further exemption is the construction of conservatories, which are predominantly glazed. Conservatories which do not meet the guideline may be considered acceptable provided that they are fully glazed above a height of 2m, so as not to allow any light blockage, mitigating the impact of its location.

25° guideline

15 To assess the impact of a new building / structure opposite an affected window (Figure 4) a 25 degree guideline is applied. To utilise, draw a perpendicular line at a vertical angle of 25 degrees from the centre of the affected window towards the proposal (or 1.6m above ground for a full length window or door). If any part of the building (including roof) is within this line then there is likely to be a loss of light to the window. Should the eaves of the new building or structure be above this line then there is likely to be an impact on light received and therefore the impact is likely to be unacceptable.

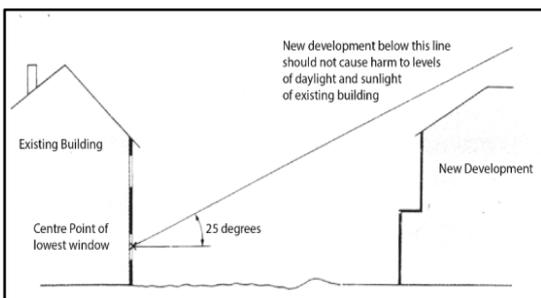


Figure 4 - Section in plane perpendicular to the affected window wall from existing to proposed development showing acceptable application

Privacy & Outlook

16 To allow for the retention or provision of sufficient privacy to adjacent occupiers, new development should meet the following guidelines:

Adequate Separation

- Be at least 21 metres between dwellings where primary principal habitable windows face each other. If there is an intervening screen the distance between ground floor facing windows can be reduced to 15 metres; or 13 metres in the case of single storey dwellings. Principal habitable windows are defined as windows serving living rooms, play rooms, dining rooms, kitchens and bedrooms. A primary window is the main or only window to which light illuminates the identified room. Less weight is given to secondary windows due to the existence of the primary source of light (Figure 5).

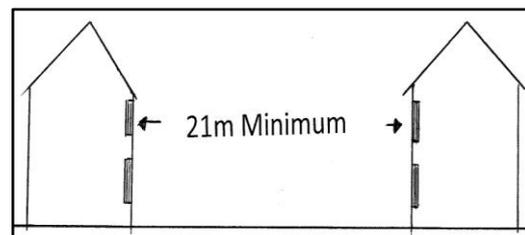


Figure 5 – An appropriate separation distance for facing principal habitable room windows.

Overlooking

- Windows in side elevations at first floor level to serve principal habitable rooms will not generally be supported, where neighbouring properties exist. However, if secondary windows are deemed necessary, that don't meet the separation standards, they should be obscure glazed (to level 3 or above) and either fixed shut or top hung. (Figure 6)

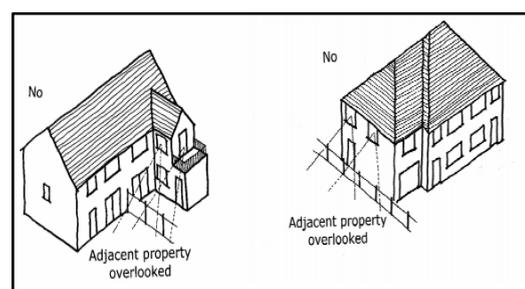


Figure 6 - examples of inappropriate overlooking from side facing windows / balconies

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- No windows serving principal habitable rooms shall be provided on side elevations at ground floor level, unless there is an intervening screen (i.e. wall or fence) blocking interaction; or the window is obscure glazed top hung / fixed shut.
- In addition, there should be at least 6 metres between a primary principal habitable room window and private neighbouring residential amenity space (e.g. a private garden or private patio), except where there is no overlooking demonstrated.

Outlook

- To avoid any undue overbearing impact on neighbouring properties in terms of outlook as a result of new development, both from and to, where one dwelling faces the two storey side of a neighbouring property, and which is a blank elevation (i.e. no facing windows), the minimum distance separation between the 2 storey parts of each dwelling should be 13 metres or 10 metres in the case of single storey development. (Figure 7)

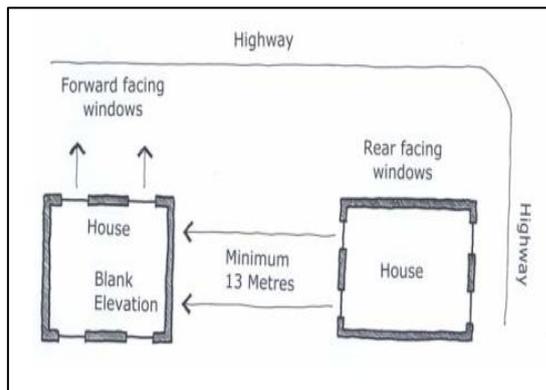


Figure 7 Protection of outlook

- Balconies / roof terraces – These should be sited carefully and designed to prevent any overlooking of principal habitable rooms; or the gardens of neighbours at a distance of not less than 10m. Such impacts could be mitigated through solid screens being erected to the sides of balconies / terraces to prevent any direct overlooking of adjacent habitable windows or immediate patio areas.

17 NOTE:

- Increased separation distances will be required where there are significant variations in ground level between new development and existing development. As a general guide, the distance separation between proposed development and existing development should be increased by 2 metres for every 1 metre rise in ground level, where the proposed development would be on a higher ground level. (Figure 8).

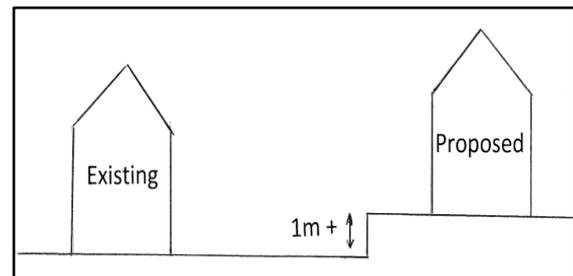


Figure 8 – In this example due to the proposal being on higher ground additional separation is required if the proposal is either face to face with existing development, or if existing development faces the side of the proposed development, due to an increased impact.

- Additional separation is not required where proposals are side by side with existing development; or where proposals are on lower ground to when compared to existing development.

Private Amenity/Garden Space

18 The provision of garden space for dwellings is important in order to provide activities connected with outdoor residential use, such as gardening; drying / washing; children's play space, together with some space for garden stores/ sheds. Both new and extended dwellings should allow for an acceptable provision of these uses.

19 All private amenity space should be a minimum of 10 metres in length and the total area of the garden should be a minimum of:

- 45 square metres for dwellings with 2 or less bedrooms;
- 65 square metres for dwellings with 3 and 4 bedrooms;
- 100 square metres for dwellings with 5 or more bedrooms;
- 10 square metres per unit for flats/apartments provided in shared amenity areas.

20 NOTE:

- Flexibility may be applied in relation to the above garden length standard, depending upon the site orientation.
- Also, with regard to garden/private amenity areas for new dwellings or in relation to conversion schemes, flexibility will be applied depending upon the individual merits of the development proposal, including the proximity to existing public open space.
- In terms of extending older properties the surrounding context would also be taken into consideration.

Other Considerations: Right to Light Legislation

21 The right to light is a legal right which one property may acquire over the land of another. If a structure is erected which reduces the light to an unobstructed property to below sufficient levels, this right is infringed. A right to light can come into existence if it has been enjoyed uninterrupted for 20 years or more, granted by deed, or registered under the Rights of Light Act 1959.

22 Planning permission does not override a legal right to light. There also may be instances where development built under permitted development rights compromises light levels to an existing window.

23 In both instances, where a right to light is claimed, this is a matter of property law, rather than planning law. It will therefore be for the parties affected to seek a legal remedy separate from the planning application process. The Council will have no role or interest in any private dispute arising and it will be for the owner or occupier affected to seek a legal remedy. Impact on right to light will not therefore justify a reason to refuse planning permission.