
3 JULY 2006

REPORT BY DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT

GUIDANCE ON HOUSEHOLDER DEVELOPMENTS

1 PURPOSE

- 1.1 To inform members of new guidance on householder developments, privacy, sunlight and amenity, which would guide officers when considering and determining applications.**

2 BACKGROUND

- 2.1 At the Scottish Borders Council meeting held on 25th May 2006 members considered a report by the Director of Planning and Economic Development detailing the Development Control Improvement Plan. Recommendation (b) was that authority be delegated to the Head of Planning and Building Standards to determine all householder applications.
- 2.2 The report explained that decisions on householder applications, including refusals, should be delegated to officers to speed up the processing of these applications, release time currently spent on preparing committee reports and enable officers and members to focus on matters of wider public interest and strategic importance.
- 2.3 It was resolved that extending delegated powers in this way would follow the preparation by officers and approval by the Council of new guidance on householder developments, privacy, sunlight and amenity.
- 2.4 This guidance has now been prepared and is set out in Appendix A to this report. The guide sets out advice relating to privacy, overlooking and access to light and sunlight. The advice would guide officers when considering and determining applications to ensure that a fair and consistent approach is applied to all such applications.

3 CONSULTATION

- 3.1 The Heads of Corporate Administration, Legal Services, Financial Administration and Corporate Finance are being consulted on this report.

4 FINANCIAL IMPLICATIONS

- 4.1 The direct costs of preparing this guidance has been met from within the service's existing budget. The increase in delegation and reduction in household applications referred to Committee would be expected to result in a saving in the cost of producing Committee papers.

5 RISK COMMENTARY

- 5.1 Failure to implement this guidance may result in opportunities being lost to improve the speed of processing householder applications.
- 5.2 There remains a risk of appeals to the Scottish Executive by aggrieved applicants whose application had been refused. However, the adoption of this guidance will enable a transparent, fair and consistent approach to assessing all householder applications, improving the quality of the final decision and assisting the Council to defend its decisions at appeal.

6 ENVIRONMENTAL RISK

- 6.1 Failure to implement this guidance may undermine efforts to sustain environmental quality or achieve environmental improvements.

7 SUMMARY

- 7.1 The Development Control Improvement Plan contained a range of improvements required to arrest the decline in the performance of the Development Control Service and facilitate an improvement in Service delivery.
- 7.2 One recommendation was to delegate to the Head of Planning and Building Standards the authority to determine all householder applications following the preparation by officers and approval by the Council of new guidance on householder developments, privacy, sunlight and amenity. This would guide officers when considering and determining such applications. It is anticipated that this would speed up the processing of householder applications, apply a fair and consistent approach to decision making and result in an improvement in the quality of the resulting built development.

9 RECOMMENDATION

- 9.1 I recommend that the Committee approves the new guidance on householder developments, privacy, sunlight and amenity set out in Appendix A.

Name	Designation	Signature
Ian Lindley	Director of Planning and Economic Development	

Author(s)

Name	Designation
Brian Frater	Head of Planning and Building Standards

- Background Papers:** Report to Council May 2006: Development Control Improvement Plan.
- Previous Minute Reference:** Minutes relating to above

GUIDANCE NOTE ON HOUSEHOLD DEVELOPMENT

1. INTRODUCTION

1.1 This guide sets out advice relating to privacy, overlooking, access to light, access to sunlight and outdoor amenity space that can be applied when considering planning applications for new household developments. The advice should be applied to house extensions as well as to new build development. The purpose of the guidance note is to provide a framework of advice against which applications for householder developments can be assessed. Such guidance is required to provide clear and consistent advice across the Scottish Borders. However, the information contained within this Guidance Note is to be used to guide officers when considering proposals and should not be applied rigidly; the nature and location of a proposal may allow for the standards to be relaxed, as appropriate.

2. PRIVACY & OVERLOOKING

2.1 The majority of residential properties are overlooked to some degree. The extent of overlooking and the level of privacy that residents enjoy will be dependent on a range of factors including the proximity, height and orientation of other properties, visibility from public spaces and the existence of intervening boundaries and screens. Therefore, the level of privacy and amenity that exists will vary according to location. The guidance that follows is intended to provide for the maintenance of a reasonable degree of privacy and amenity without unduly restricting the ability of home owners to carry out improvements to their properties and developers to provide new homes.

2.2 Privacy is primarily measured in terms of distances between windows in adjacent or nearby properties and those in any new development or extension.

2.3 As a rule, a minimum 18 metres privacy zone should be maintained between windows of principal rooms* when directly opposite. This distance can be reduced where the windows are at an angle to each other, as illustrated in Table 1 and Examples 1 & 2.

TABLE 1

		<i>Angle (in degrees) at window of building to be erected not more than</i>									
		90	80	70	60	50	40	30	20	10	0
<i>Angle at window of any other building not more than</i>	90	18	18	18	18	13	9	6	4	3	2
	80	18	18	18	13	9	6	4	3	2	
	70	18	18	13	9	6	4	3	2		
	60	18	13	9	6	4	3	2			
	50	13	9	6	4	3	2				
	40	9	6	4	3	2					
	30	6	4	3	2						
	20	4	3	2							
	10	3	2								
	0	2									

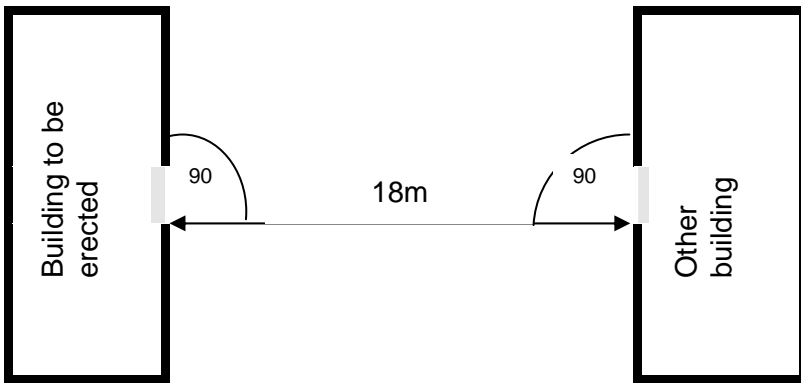
DISTANCES IN METRES

Note

1. 'Angle' means the horizontal angle included between:
 - The shortest line joining any part of one window opening to any part of the other
 - The vertical plane of the opening of the window
2. Distances shall be interpreted for intermediate angles
3. These standards apply on flat ground. Where the ground slopes, or indeed windows are on different storeys, an increased distance will be required, so that for every metre difference in height (or part thereof), the distance in the standard is increased by approximately 2 metres.

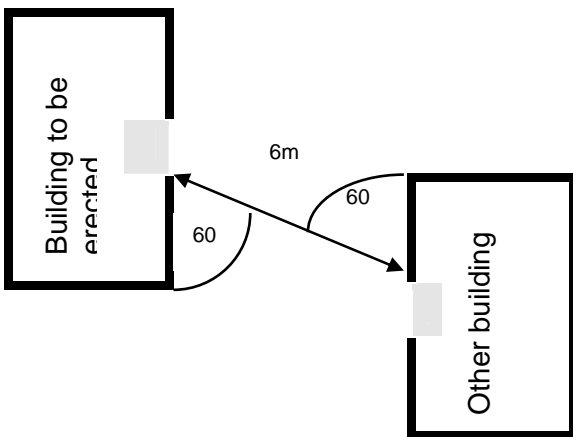
*Principal rooms = lounge, dining room, bedroom, kitchen, study

EXAMPLE 1



1

2 **EXAMPLE 2**



2.4 In some instances these standards cannot be met and the proposal may be considered to be unacceptable. However, overlooking can be reduced by:

- The erection of screen walls or fences at ground level;
- The use of obscure glazing to windows and doors;
- The installation of high level windows or roof lights following the slope of the roof;
- The relocation of the proposed extension to another part of the building.

2.5 The introduction of one or more of these measures may reduce any overlooking sufficiently to protect the privacy of the neighbour and result in an acceptable proposal.

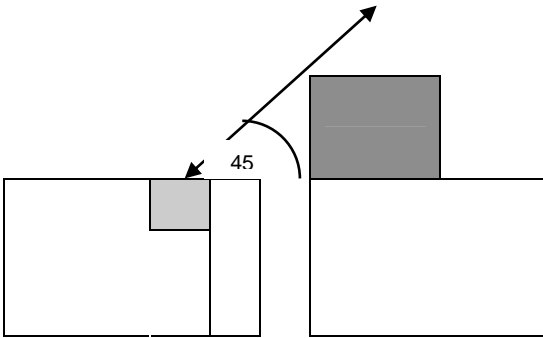
2.6 These privacy standards may not be appropriate for property frontages that are already exposed to public view. 'Front to front' distances for residential properties is best determined by the local context, the established building line, the dimensions of the street and the need to provide a reasonable level of daylight to existing and proposed buildings.

3. ACCESS TO LIGHT

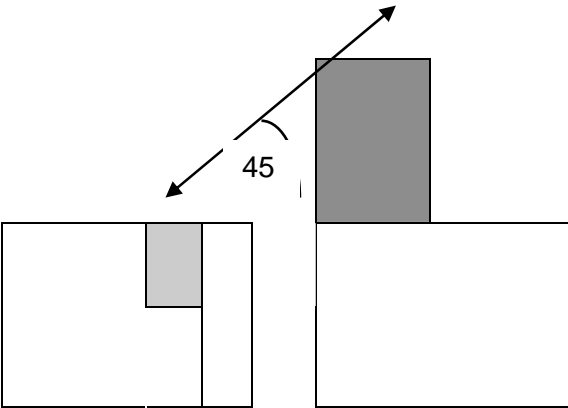
3.1 Generally, an extension should not cause an unacceptable loss of daylight to habitable rooms of neighbouring properties. The orientation and position of the neighbour's windows and garden in relation to a proposed extension are important especially for two storey rear and side extensions. Side extensions are not normally problematic in terms of overshadowing. Extensions to the rear of properties can result in a loss of light to neighbouring properties. Modest, single storey extensions not exceeding 3 or 4m in depth are generally acceptable even in terraced properties.

3.2 The 45° Rule can be used to ensure that a development does not lead to the unreasonable loss of a neighbour's light. This involves drawing a line from the middle of the cill of a window, which is potentially affected by a neighbour's development, at an angle of 45° towards the extension. This line is drawn both horizontally and vertically. Examples 3 and 4 illustrate the horizontal rule, whilst 5 and 6 consider the vertical rule.

EXAMPLE 3 (HORIZONTAL)

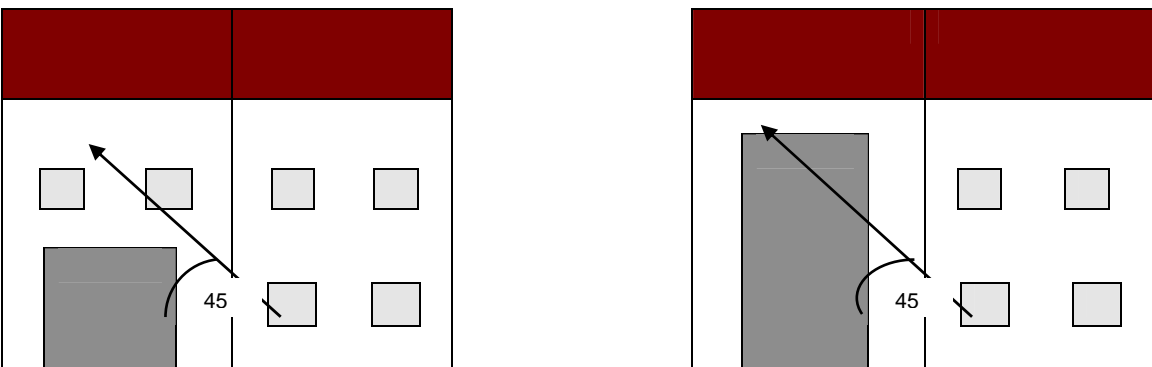


EXAMPLE 4 (HORIZONTAL)



EXAMPLE 5 (VERTICAL)

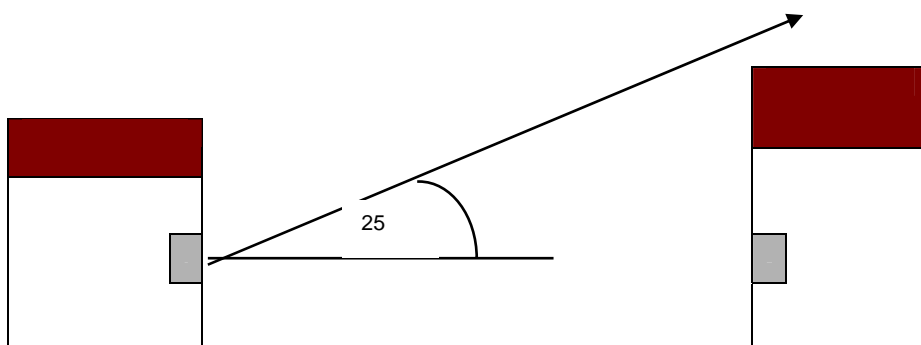
EXAMPLE 6 (VERTICAL)



3.3 No part of the extension should encroach beyond these lines as the proposal would then affect the light into the neighbouring property's window. Examples 3 and 5 show a single storey extension, which is probably acceptable, whereas Examples 4 and 6 show a two storey extension which may prove unacceptable. Amendments to the proposal to reduce the height and/or depth of an extension may be required to reduce the level of overshadowing.

3.4 The 25 degree approach can be used when a new building or extension directly faces the window of an existing property. Suitable daylight for habitable (principle) rooms is achieved when a 25 degree vertical angle taken from the centre of the lowest window is kept unobstructed, as Example 7 illustrates.

3 EXAMPLE 7



3.5 Applying these standards rigidly could indicate that some single storey extensions in high density housing areas are unacceptable therefore some relaxation may be necessary, particularly for terraced properties with narrow frontages and small rear gardens. In these cases, the benefits to all properties of providing enlarged accommodation at ground floor level may outweigh the disbenefits to individual neighbouring properties.

3.6 Overlooking and overshadowing of adjoining garden ground can also impact on people's privacy and undermine their amenity and general enjoyment of their property, for example from proposed balconies, and this should also be taken into account when assessing proposals. However, it should be remembered that some degree of mutual overlooking and overshadowing is inevitable between terraced and semi-detached properties.

4. ACCESS TO SUNLIGHT

4.1 As well as daylight, it is important to consider the impact that a new building or extension could have on access to sunlight. Sunlight refers to direct sunshine and is much brighter than ambient daylight. The elevation of the sun at different times of the day and year should be considered in relation to an existing building that may be affected by a new building or extension. If the new building will cause a significant loss of sunlight to an existing building then it is unlikely to be supported.

5. OUTDOOR SPACE

5.1 Dwellings designed for family accommodation need to provide an area of private garden amenity space suitable in size and shape for outdoor recreational needs. The amount of private outdoor space required should reflect the size of the dwelling. It will usually be possible to achieve an adequate amount of private garden ground within a 10 metre garden depth. In the case of a modest sized three bedroom family dwelling this would usually result in an area of 70-90 square metres of private amenity space. In the case of a narrower small two-bedroom dwelling this would result in an area of 40-60 square metres.

5.2 Proposals for extensions should ensure that a sufficient area of private garden ground is retained and also car parking within the curtilage of the property to meet the Council's adopted standards.