

Residential Design Guide

Section 1 – Protecting living conditions of neighbours

February 2011

1. Introduction

This design guide has the status of a Supplementary Planning Document (SPD). It has been prepared to support policies of the North Somerset Replacement Local Plan and emerging Core Strategy and also has regard to national planning guidance. It does not contain new policies or proposals. Although it is being prepared in consultation with agents, local councils and the general public it will not be subject to public examination.

The purpose of the SPD is to provide consistency and detailed guidance for those involved in designing proposals for residential development within existing residential areas. It will be used as a basis for giving pre application advice to applicants and will form a material consideration in the determination of any subsequent planning applications. Development proposals that do not abide by the principles contained within this document are likely to be refused planning permission.

Many dwellings can be extended or altered without the need to get planning permission. To find out if your proposal needs planning permission you can visit the Planning Portal website at www.planningportal.gov.uk.

We offer a written advice service that allows you to get our opinion about either the need for planning permission or about the acceptability of proposals where permission is required. There is a charge for this service. We have prepared guidance notes to help you use this service which is available on our website at www.n-somerset.gov.uk.

2. Outlook, overbearing and loss of light

A new residential building or an extension to an existing one should not cause significant harm to the living conditions of neighbouring residents when using their gardens or habitable rooms¹. If a development is likely to significantly reduce the amount of daylight or sunlight to a habitable room or result in a significant overbearing impact on neighbouring property, then the planning application is likely to be refused.

To assess whether there will be a significant loss of light to a neighbour's habitable room or garden, the tests explained in this document will be applied. These are based on guidance issued by the Building Research Establishment in Digest 209 'Site Layout for planning for daylight and sunlight: A guide to good practice' 1991. This impact will be considered regardless of the orientation of the property.

¹ Living rooms, dining rooms, kitchens, bedrooms, conservatories, studies and playrooms are considered as habitable rooms while bathrooms, hallways, landings are not.

Please note that secondary windows to habitable rooms at neighbouring properties are not normally given the same protection as the main window.

2.1 The 45-Degree Test

The 45-degree test is used to determine the impact of a proposed new building or extension upon the occupants of neighbouring properties and applies to both single storey and two storey structures.

There are two stages for applying the 45-degree test. The first stage considers the depth and width of the extension and the second considers the height of the extension. In both cases if the extension fails the 45-degree test then the proposal would normally be considered unacceptable.

2.1.1 Stage one – depth and width

Draw the proposed structure in plan form and then accurately plot the neighbouring properties to either side.

Identify the nearest ground floor window at each neighbouring property that serves a habitable room. Draw a line at 45 degrees from the centre of these windows towards the proposed extension.

If the proposed structure would break the 45-degree line then it is likely to have a detrimental impact upon the living conditions of the neighbouring residents (see Illustration A). In this case planning permission would normally be refused. You should therefore redesign your scheme in order to reduce its impact on the living conditions of neighbouring residents.

Illustration A

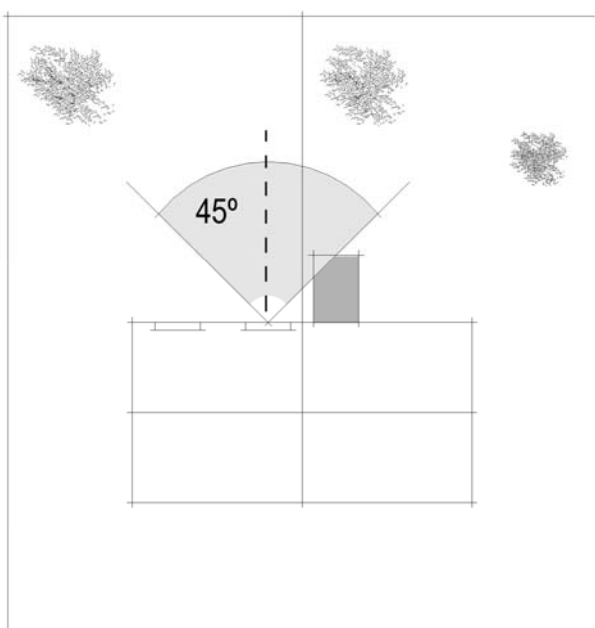
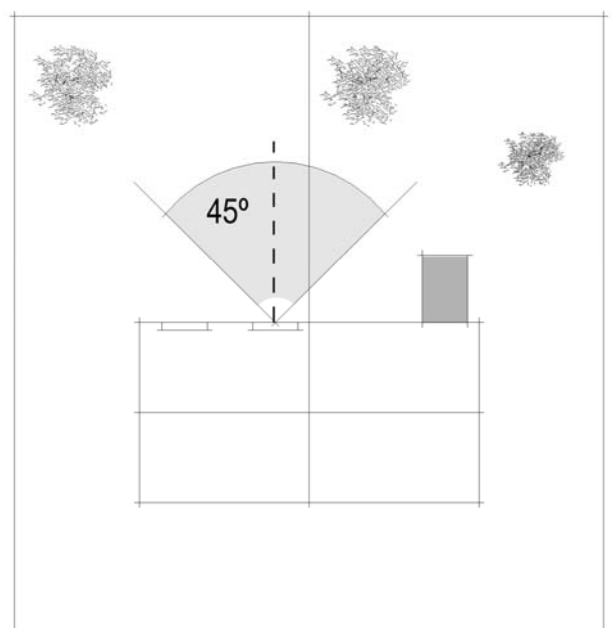


Illustration B



2.1.2 Stage two – height

Draw the rear elevation of your property and that of any neighbouring properties. Make sure the elevations reflect any changes in levels between your property and the neighbouring property. Mark a point one metre above ground floor level in the centre of the neighbouring nearest ground floor window, which serves a habitable room. From this point draw a line at 45 degrees towards the proposed structure (see Illustration C).

If the proposed structure would break the 45-degree line then it is likely to have a detrimental impact upon the living conditions of the neighbouring residents (see Illustration D). In this case planning permission would normally be refused. You should therefore redesign your scheme in order to reduce its impact on the living conditions of neighbouring residents.

Illustration C

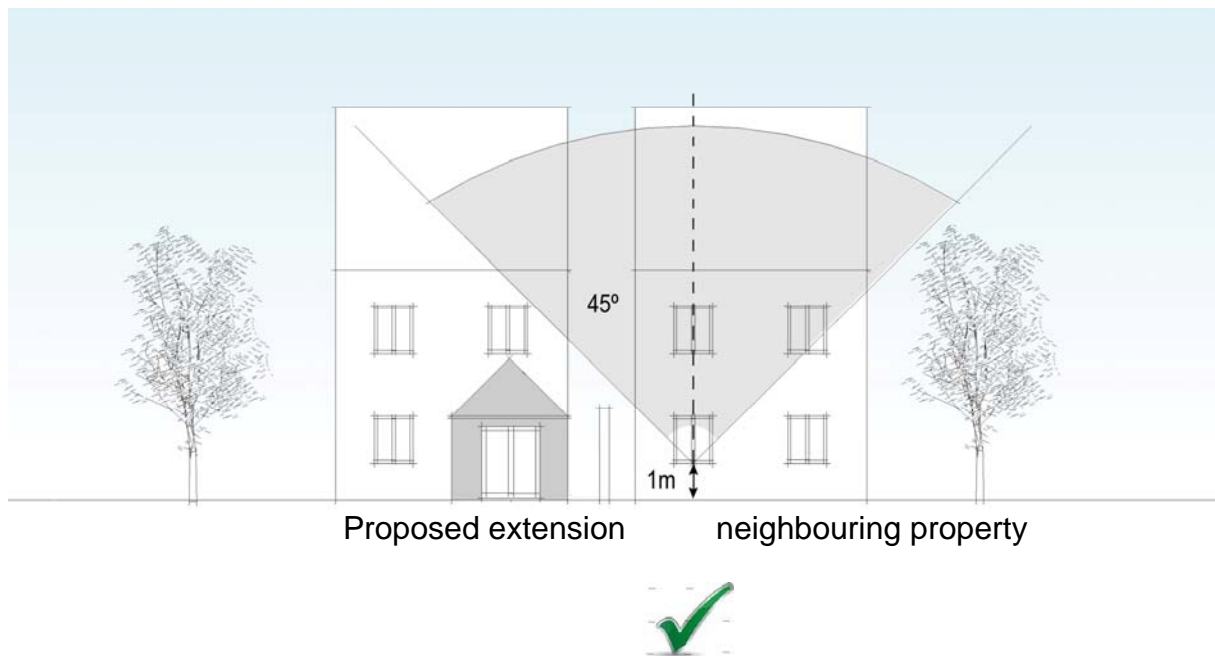
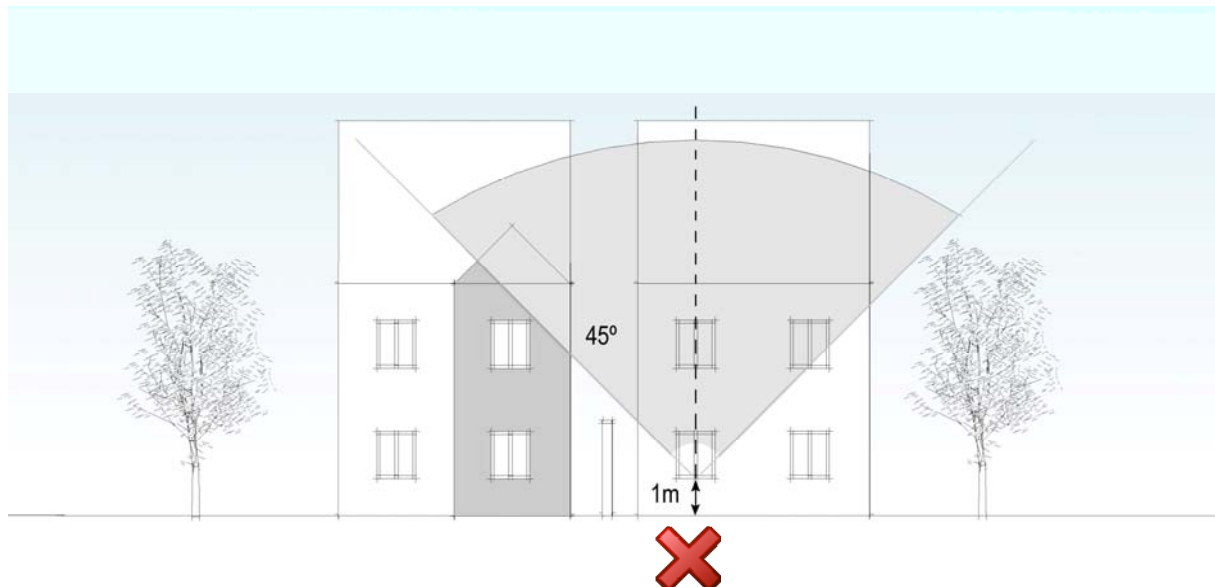


Illustration D

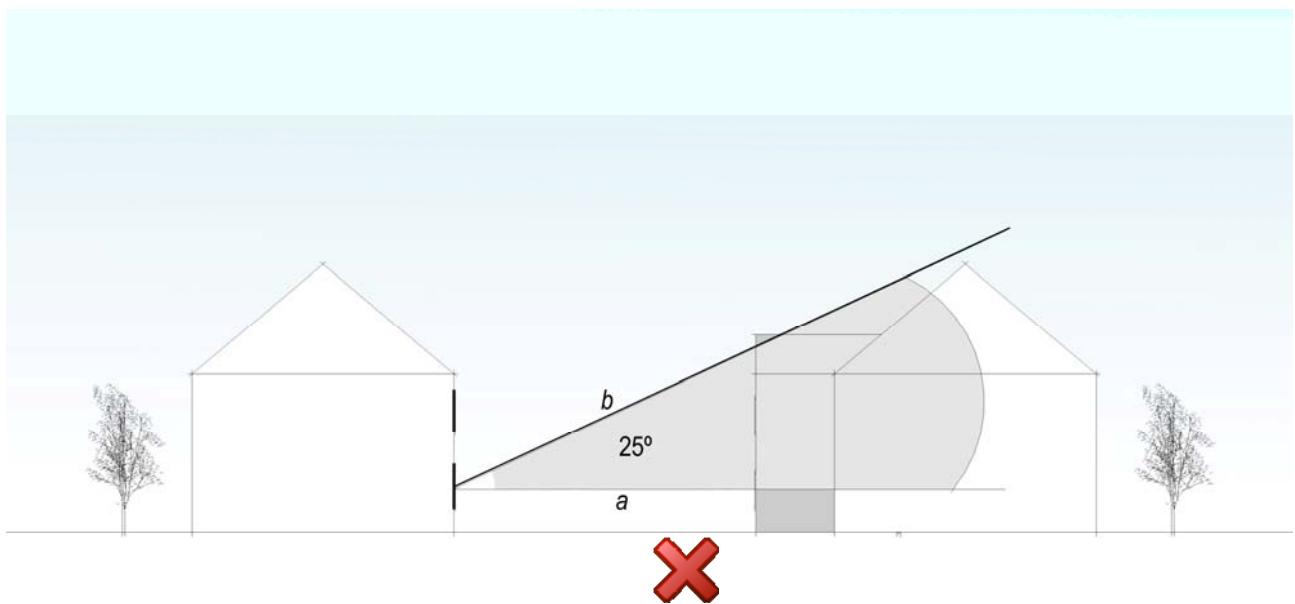
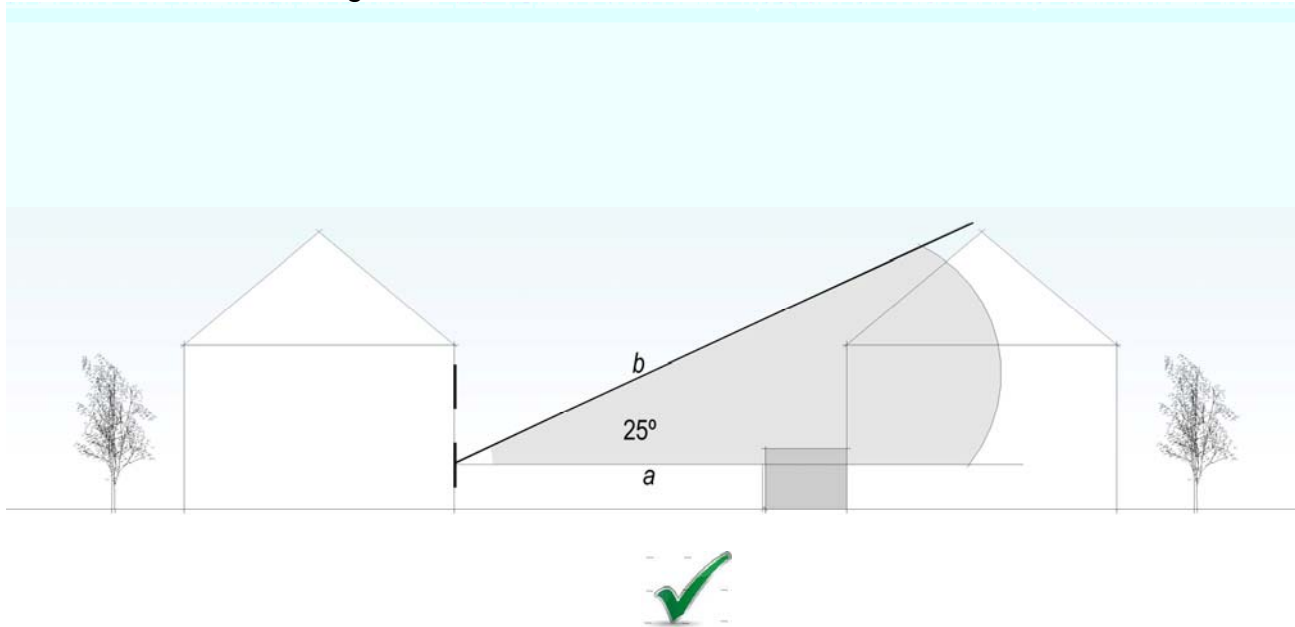


2.2 Opposite buildings and the 25-degree test

The 25-degree test considers the impact of buildings located opposite each other. The amount of daylight inside a room will be reduced if proposed buildings are located too close to existing windows.

First, draw a cross section view of the affected property and the proposed development you want to build. Make sure that your drawing reflects any changes in ground levels. Then draw a straight level line out from the middle of the affected window (see line a) and another line from the same window at an angle of 25 degrees (see line b). If the proposed development crosses line B then it is likely to result in a significant loss of light to the existing building and will therefore be unacceptable.

Illustration E: The 25-degree test



After we have applied the 45 and 25 degree tests, we will also take account of the particular circumstances of the site. This might include orientation, differences in ground levels, existing structures, boundary walls or fences and the distance between affected windows and the extension.

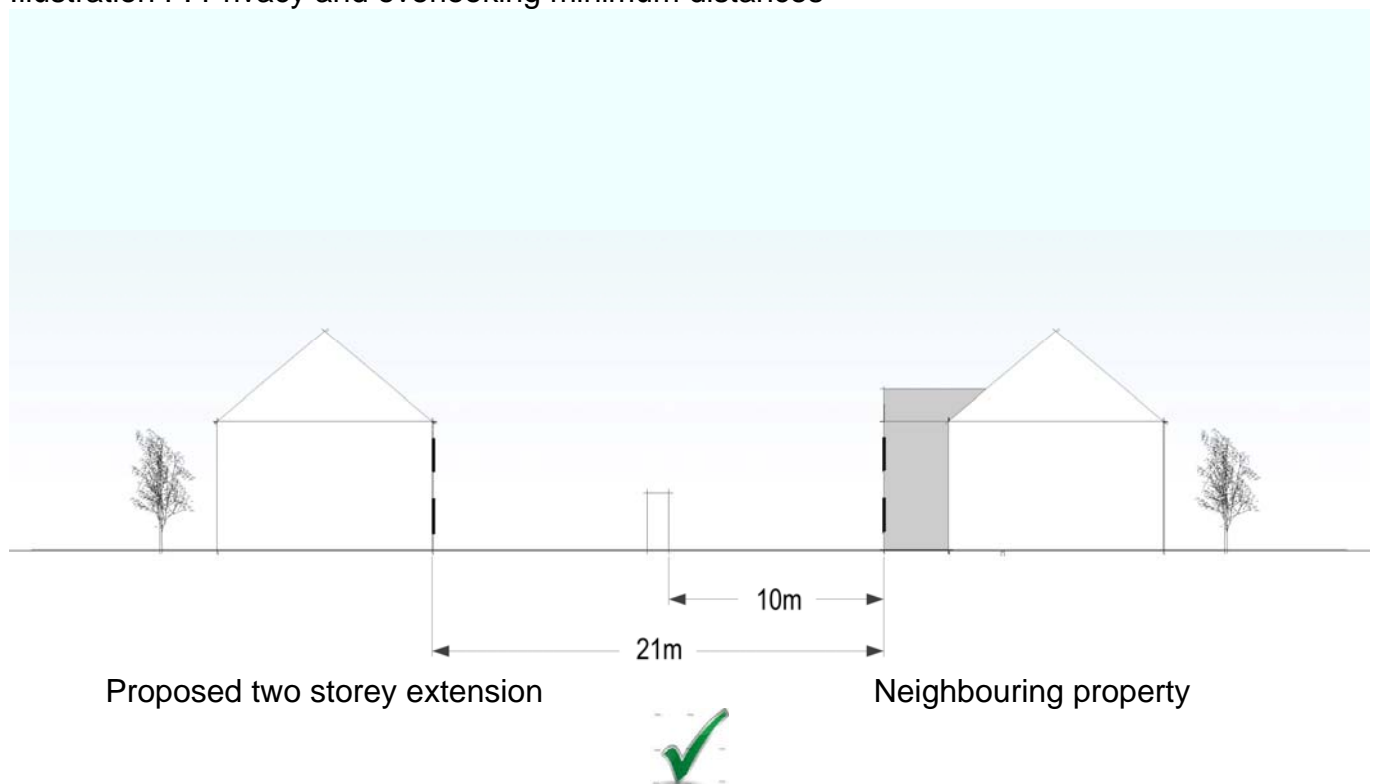
3. Privacy and overlooking

A poorly designed development may harm the living conditions of a neighbouring property through loss of privacy or excessive overlooking.

3.1 The 21 metre and 10 metre rules

The privacy of neighbouring properties can normally be preserved by maintaining a distance of at least 21 metres from a new first floor window to existing habitable room windows and 10 metres between overlooking first floor windows and neighbouring gardens (see Illustration F).

Illustration F: Privacy and overlooking minimum distances

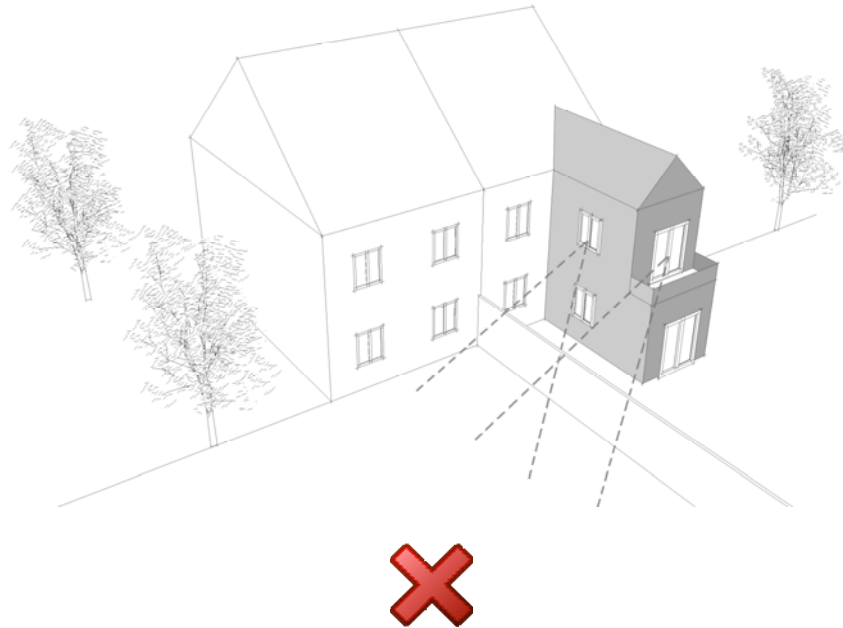


These distances may have to be increased in instances where there are differing ground levels between properties as the perception of overlooking can be greater where ground levels differ.

3.2 Windows, balconies and decked areas

Windows, balconies and decked areas should be positioned so that they do not directly look into nearby windows of neighbouring homes or their gardens at close distances. Illustration G below shows two examples of first floor windows that are located too close to neighbouring properties

Illustration G: Privacy and overlooking



4. Detailed design solutions that preserve the living conditions of neighbours

In addition to the above rules there are various ways to design development in order to reduce impact on the living conditions of neighbours. However, the design should remain sympathetic to the appearance of the original building and should take into consideration the character of the area.

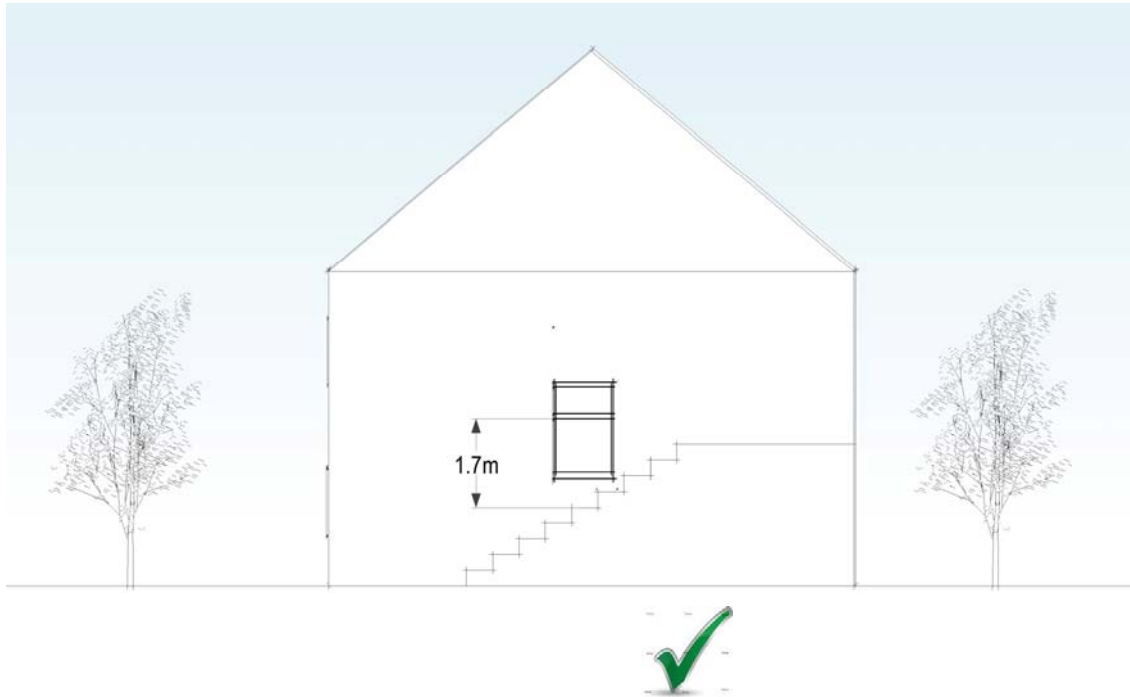
4.1 Use of obscured glazing

In limited circumstances it is possible to preserve privacy and prevent overlooking through the use of obscured glazing. However, it would not be appropriate for example to use obscured glazing for a window which is the main or only window serving a bedroom or other habitable room. Obscured glazing could be used for a window that serves a landing or bathroom.

Obscured glazing is normally rated on a scale of 1-5, with 5 providing the most privacy. To preserve privacy and prevent overlooking windows should be obscure glazed to a minimum of level 3. Obscured glazing does not include one-way glass.

When using obscured glazing to preserve the privacy of neighbouring properties careful consideration should also be given as to how privacy will be maintained when the window is open. The parts of the window that can open should be at least 1.7 metres above the floor of the room in which the window is installed. Where the window is on a staircase or landing the 1.7 metre measurement should be made from the stair or point on a landing immediately below the centre of the window, upwards to the opening part of the window.

Illustration H: Locating opening parts of a window that uses obscured glazing



4.2 Other design solutions

Other methods that can be used to preserve the living conditions of neighbouring residents include the following:

- Moving the window to another side of the development where overlooking would not be a problem.
- Re-organising the layout so non-habitable rooms (which use obscured glazing) are in the walls where overlooking is a problem.
- Using a high-level window with a windowsill that is at least 1.7 metres above the floor of the room in which the window is installed (care needs to be taken on prominent walls if a window at that height would appear out of character with existing windows).
- In the case of offending ground-floor windows, installing screen fencing or walls less than 2 metres in height around the boundary of the property.
- Using of high-level roof lights. Roof lights will only overcome privacy issues where they are positioned high enough in the roof slope.
- Putting the extension on another part of the building. For instance, a side extension may be more acceptable than an extension at the back of a property.

Design solutions that result in proposals that are unsympathetic to the appearance of the original building or the character of the area will not be supported. We recommended therefore that you seek our written advice before you submit your planning application.

5. Conclusion

Development proposals that do not abide by the principles set out above are likely to be refused planning permission.

Please bear in mind that this document relates only to the impact of the development upon the living conditions of neighbouring residents. When we receive planning applications for residential development we will also have to consider other material planning issues. This may include, for example, matters relating to the appearance of the development, flooding and drainage, highway safety, sustainability and ecology. We recommend therefore that you seek our written advice before you submit a planning application.

Due to the nature of their work, our planning officers are often out of the office and are not normally available to receive telephone calls directly. However, we do have a duty planning officer available during office hours to respond to general, non site-specific, queries over the telephone.

We can provide site specific written advice for a fee. Details of this service can be found in our advice note called “Will permission be granted” which is available on our website.

Contact details

Email: dccomments@n-somerset.gov.uk

Tel: 01275 888 811

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Braille or audio formats on request.
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council information in languages other than English.

Please contact 01275 888 811