

1. INTRODUCTION

- 1.1 This Supplementary Planning Guidance note (SPG) will be one of a series of three that relate to housing development. The others address affordable housing (due summer 2004) and domestic extensions (due late 2004). This note sets out the Council's objectives for space about new dwellings including the need for privacy, daylight standards, and environmental considerations.
- 1.2 The distance between buildings and the treatment of the spaces around them have an important effect on the appearance of an area and the quality of life for its residents. Sufficient space should be provided to meet the outdoor needs of the household including children's play, hobbies, outdoor relaxation, drying washing, greenery and car parking. Such activities do not have to take place in private spaces, but may take place in communal garden areas such as landscaped areas around buildings, formal play spaces and so on.
- 1.3 Outlook from a dwelling is allied to privacy and both are necessary for quality of life in dwellings. Whilst an adequate standard of privacy may be achieved by the use of fencing or landscaping, consideration will need to be given to the outlook that would then be achieved, as an enclosed or cramped outlook from habitable rooms is likely to be oppressive.
- 1.4 Where dwellings have private outdoor space, enough space should be provided to accommodate any permitted future extensions to the property whilst retaining areas for planting to create a suitable setting for the various activities that take place in the 'outdoor room'.

2. CONSULTATION

- 2.1 Consultation took place on the draft Design Guide between 2 February and 19 March 2004. This took the form of a press release and article in the Sentinel on 12 February 2004, a copy of the document on the Council's website with an electronic response form and copies were placed in each library in the Borough.
- 2.2 Copies were also sent to all of the Parish Councils, neighbouring authorities, the House Builders Federation, the private sector developers with significant extant permissions locally and the local registered social landlords who are house builders.
- 2.3 The SPG was adopted by the Borough Council on 21 July 2004 following consideration by the Council's Cabinet and Planning Committee.

3. POLICY CONTEXT

- 3.1 Government policy clearly encourages high densities for housing development. Although the Borough Council believes that encouraging high density in all locations is not necessarily appropriate, there are locations where it is clearly an advantage. These include the most sustainable locations, generally within the urban area and close to town and district centres.
- 3.2 Where high density development is proposed, good design is particularly important as are the requirements for appropriate levels of privacy and space. The guidance lays down acceptable standards which should be observed in all developments.
- 3.3 This SPG supports the policies in the Local Plan 2011 with regard to residential development. Those dealing specifically with design matters are S15, S16, S17 and should be consulted separately. This guidance note updates the SPG referred to in paragraph 2.37 of the Newcastle-under-Lyme Borough Council Local Plan 2011 adopted October 2003. Whilst applications should be determined in accordance with the policies of the development plan, the SPG may be taken into account as a material consideration. The Secretary of State will give substantial weight, when making decisions on matters that come before him, to SPG which derives out of, and is consistent with, the development plan, and has been prepared in the proper manner. However, applications should be consistent with other plan policies, in terms of location, design access, parking, etc and adherence to these standards alone is no guarantee of approval.

Supplementary Planning Guidance: Space Around Dwellings

3.4 All applications will be considered on their individual merits but must clearly demonstrate that the objectives set out below are met. However, applicants should note that meeting all of the objectives below will not guarantee that planning permission be granted if the proposal is contrary to other policies.

3.5 Attention is also drawn to the Staffordshire Residential Design Guide produced by the County Council.

4. AIMS AND OBJECTIVES

4.1 The Council's key objective is that adequate standards of privacy, light, public and private open space should be built into all new housing developments. The following aims have thus been set to meet the objective.

1. The privacy of the occupants of a dwelling should be considered from within a dwelling: the freedom from being overlooked from a neighbouring dwelling (especially from first floor windows) and from a street or footpath outside.
2. Where there is a private garden area reasonable privacy should be provided.
3. Developments that might appear overbearing from adjoining properties should be avoided.
4. House design and estate layout should incorporate the principle of Solar Gain (maximising the heat gain from sunlight), which can reduce the amount of heating required by 50%-80%.

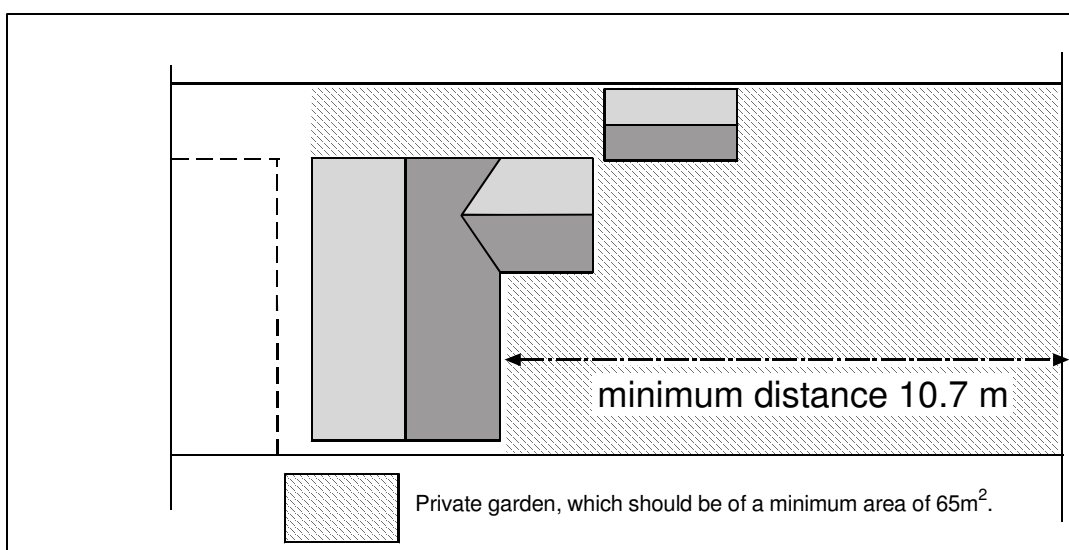
5. DEVELOPMENT CONSIDERATIONS

5.1 This guidance sets out standards for spaces around new dwellings, looking first at privacy, then daylight standards and finally at solar gain and environmental considerations. These standards relate primarily to conventional housing layouts, but it is noted that orientation and topographical, design and layout factors may create situations whereby the standards should be relaxed.

Use of personal space

5.2 Houses of 3 bedrooms or more are considered to be generally designed for family occupation. In such circumstances the provision of outdoor space is considered important for family outdoor activities such as children playing, drying washing, sitting out, gardening and provision of a shed and greenhouse. Designers are free to propose garden areas larger than the minima provided for in the guidance.

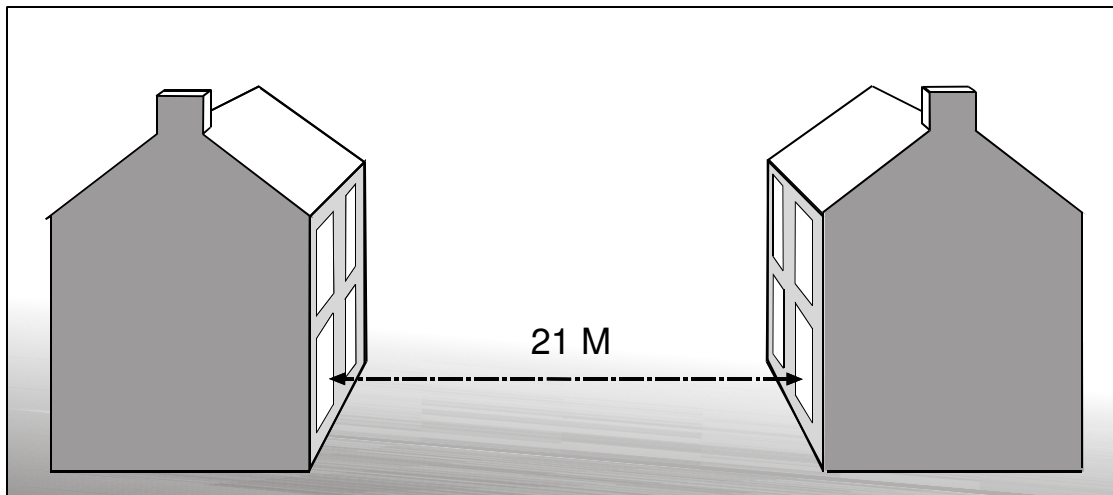
SD1. Where houses have three or more bedrooms, a private garden should be provided with a mean length of at least 10.7 metres (35 feet) and an area of at least 65 square metres (700 square feet) excluding the area of the garage space (as specified in Policy T19) or occupied by any other outbuilding.



Privacy

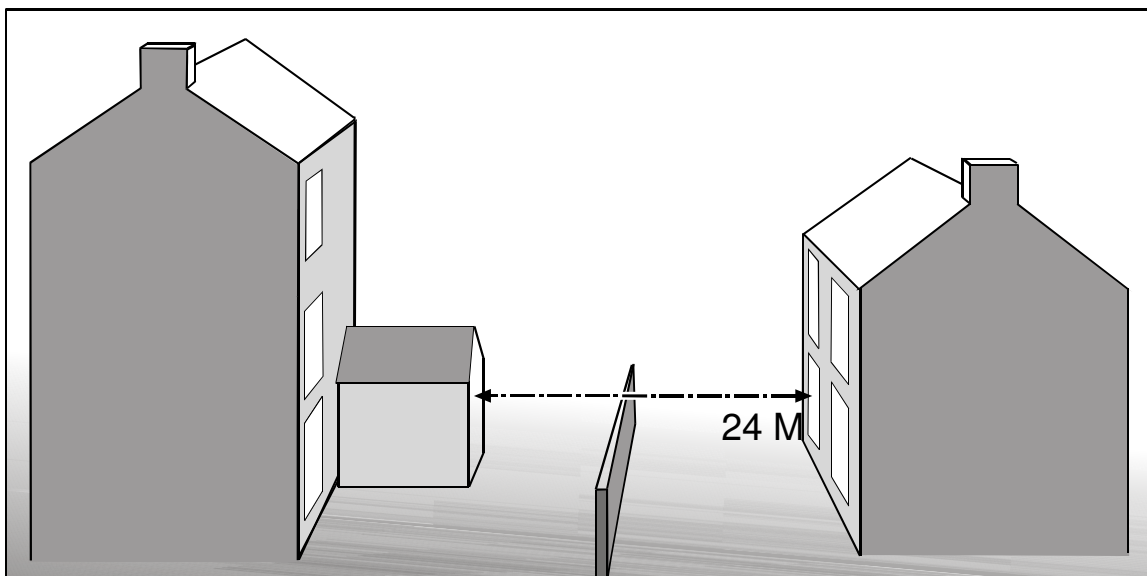
5.3 Whilst space in new housing developments is often at a premium, individual dwellings should be sited and designed in such a way which provides a maximum degree of privacy for the benefit of occupants. Privacy remains a fundamental objective for the majority of people, particularly as far as the lounge, dining room, kitchen and principal bedrooms are concerned.

SD2 For a one or two-storey building facing a building of the same height, at least 21 metres should be maintained between dwellings where the facing walls contain windows of principal rooms.



5.4 Principal windows are defined here as the largest windows of a lounge, dining room, dining kitchen or 2 largest bedrooms. This applies equally for front and rear elevations unless the space between is occupied by a public highway (see below). A conservatory may be considered as a principal room where the primary purpose of the conservatory is to provide the main lounge, dining room or dining kitchen. Where there is alternative accommodation which could, without structural works, provide the same function as the conservatory, such as a reception room being used as a bedroom or study which could function as a lounge or dining room, it is unlikely that the conservatory would be considered as a 'main' functional room.

SD3. Where one or both facing dwellings are over two storeys high the distance between principal windows will be 21m plus an additional set back of 3 metres for each additional storey.



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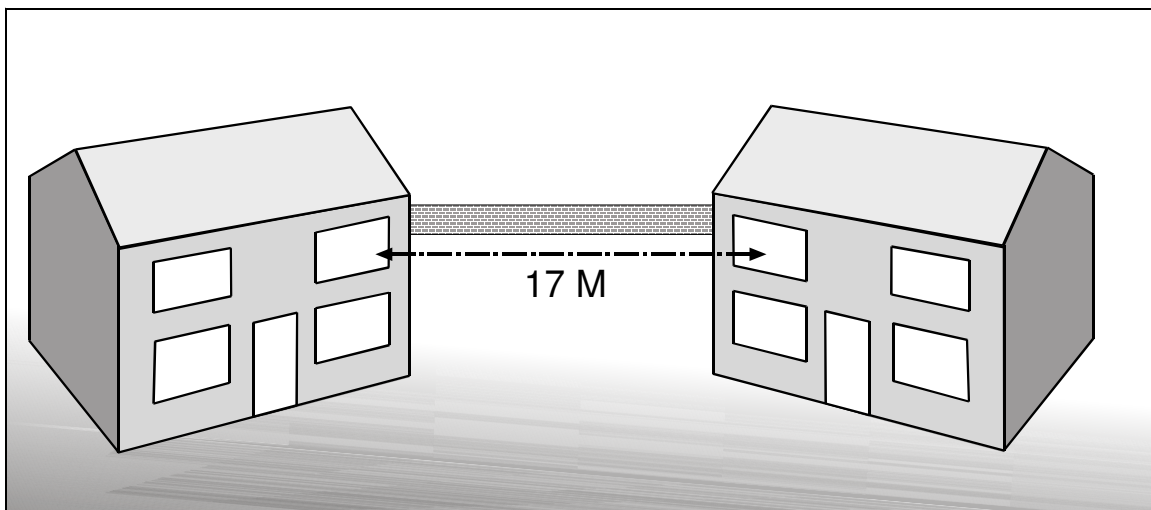
SD4. Where a two-storey dwelling faces a single storey dwelling, at least 21 metres should be maintained between dwellings where the facing walls contain principal windows unless the two-storey development is specifically designed to resolve overlooking.

SD5. Where buildings are separated by a public highway, the 21m standard should be relaxed.

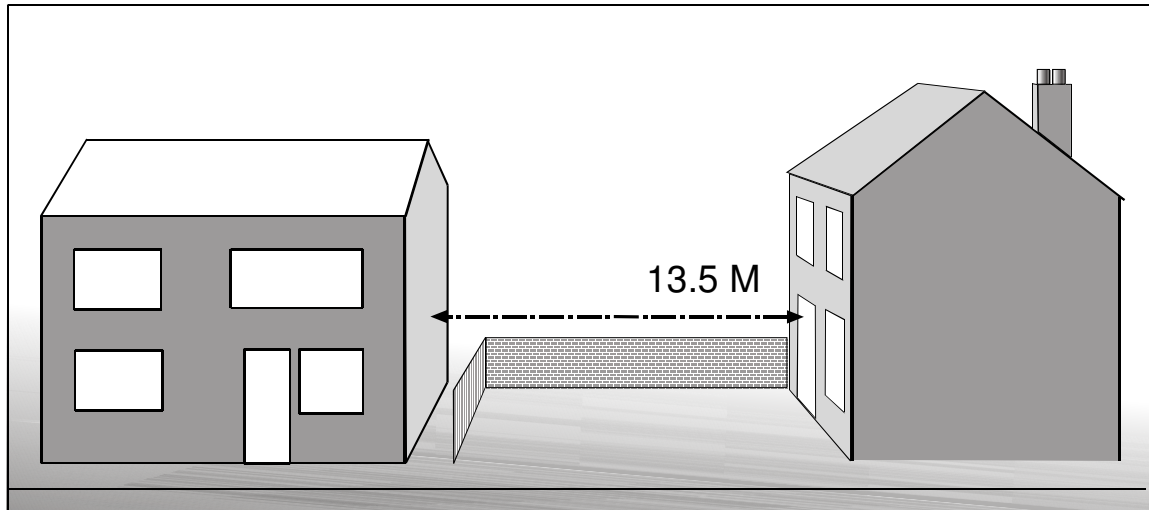
5.5 The 21m-separation standard should not be used when principal windows face a highway since this might force dwellings back from the highway. In areas where most of the dwellings front onto the footway this creates a very poor layout. Furthermore, the distance does not protect the privacy of occupants as it allows a longer period of visibility on the part of onlookers travelling along the highway.

5.6 In such circumstances, dwellings which have open frontages, such as those which are very close to, or directly abut the highway, may be designed so that principal areas of habitable accommodation face towards the rear of the dwelling where greater privacy can be afforded. Where circumstances do not allow all the principal rooms to be sited at the rear, the use of narrow windows on front elevations can help to reduce public views into front rooms. Alternatively, small front gardens that are bounded with walls or hedges will usually create a reasonable degree of privacy for accommodation sited at the front of the dwelling.

SD6. Where principal windows do not directly overlook each other, but are not otherwise obscured, for example on angled development sites where windows are off-set, the 21m distance may be reduced to 17 metres, depending on height and topography.



SD7. Where principal windows face the wall of a two storey dwelling that contains no windows or windows which are occluded (such as bathrooms) the distance can be reduced to 13.5 metres. If the facing wall is three storeys high with no principal windows set into it, this should be no closer than 16.5 metres to a principal window, increasing by 3 metres for each additional storey. Where the facing wall is one storey, the distance between the blank wall and the principal window may be reduced to 10.7m.



- 5.7 Changes in ground level may contribute, in certain circumstances, to an effect similar to high buildings being located near lower buildings. In a situation where a development is on a higher level than existing dwellings, the impact of a two-storey development would be greater than if the site were flat.
- 5.8 These standards may be adjusted or reduced in particular circumstances including:
- proposals where permitted development rights, such as the right to extend a property without the benefit of planning permission have been removed;
 - schemes which demonstrate an imaginative layout that would create a pleasant environment, while offering alternative but sensitive and effective ways of achieving privacy for residents;
 - layouts which include terraced housing.
- 5.9 However, any innovative development must clearly demonstrate that the Council's aims for space about dwellings are met.

DAYLIGHT

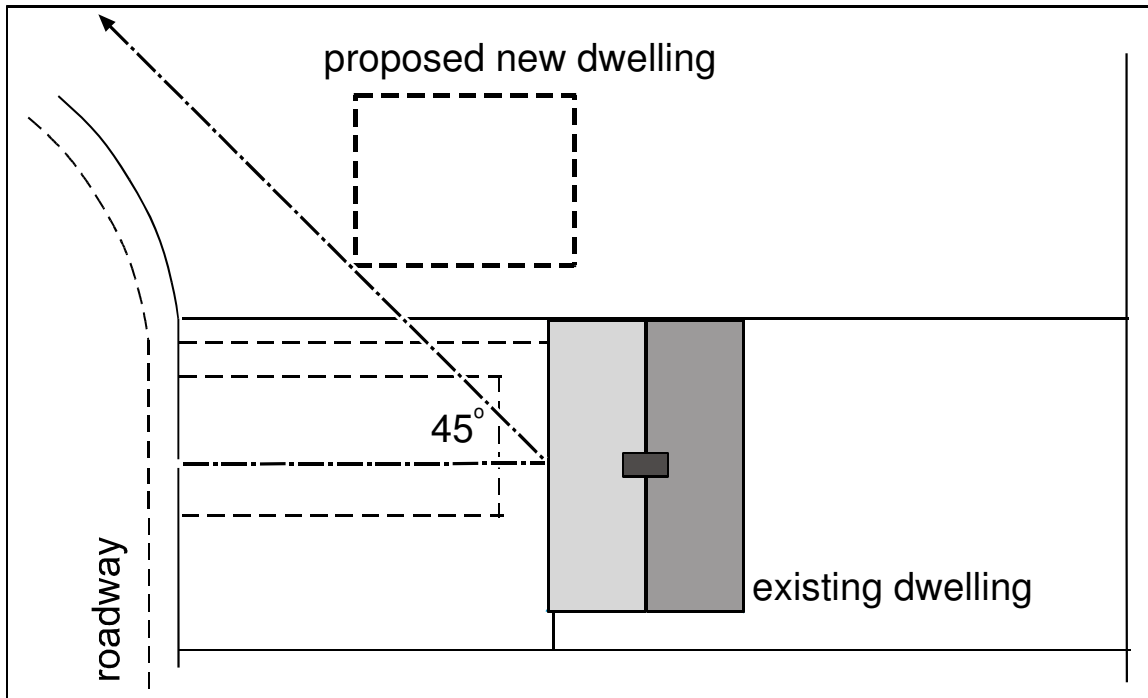
- 5.10 Layouts satisfying the requirements for space around dwellings will normally allow an adequate amount of daylight to reach principal windows of new dwellings. However in some cases, proposals for new development may comply with the latter requirements but may result in the significant reduction of daylight entering the principal windows of existing properties. This may be the case where ground levels are variable or where development is proposed in locations adjacent to (normally at right angles to) the principal windows of neighbouring properties. This can reduce the amount of daylight entering the rooms of existing properties resulting in an oppressive feeling for their occupants. Equally the outlook from windows may be unacceptably dominated by the siting of new buildings.
- 5.11 The guidance set out below is provided so that new buildings allow adequate daylight to reach the principal windows of adjacent properties. This is important even where the new building is not directly in front of the window. This guidance, as illustrated in the two figures below, will provide a guide for assessing this matter. However compliance with the guidance will not, in itself, always be sufficient to prove the acceptability of a scheme; there may be other factors that will be important in assessing the proposals.

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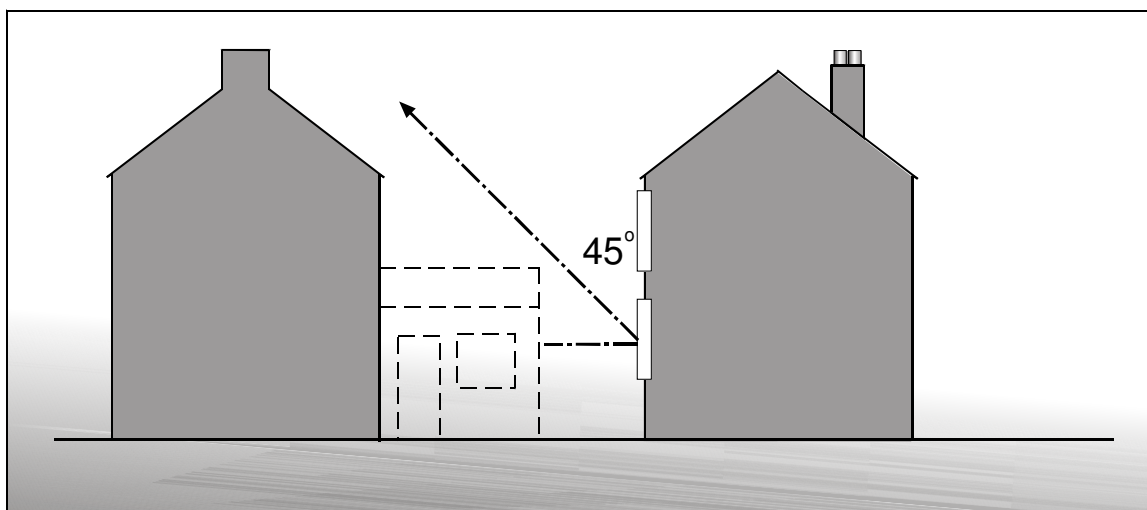
5.12 The point of origin on principal windows for all measurements for the guidance in these paragraphs will be the centre of the window or, in the case of a full height window (e.g. patio door), a point 2 metres above ground level on the centre line of the window will be used.

SD8. New buildings that are to be sited close to the principal windows of existing properties should be designed so that there is no obstruction to daylight beyond:-

- i) the horizontal angle of 45° measured on plan view from the mid point of the nearest principal window (see paragraph 15) of an adjacent property; and
- ii) the vertical angle of 45° measured on elevation from the mid point of the nearest principal window (see paragraph 15) of an adjacent property.



SD9. New buildings that are to be sited facing the principal windows of existing properties should be designed so that there is no obstruction to daylight beyond a vertical angle of 45° measured from the mid point of the nearest window(s) of any adjacent property.



SOLAR GAIN

- 5.13 Daylight standards may be relaxed where dwellings are designed with energy saving principles in mind by making maximum possible use of solar gain.
- 5.14 Dwellings should be orientated so that principal habitable rooms face south (up to 30 degrees west or east) to gain the maximum benefits from solar gain. This is particularly important in winter. The use of conservatories can help. On the northern side, large windows should be avoided. Wherever possible it is preferable to locate buffer spaces such as cloakrooms, bathrooms and stairs on this side of the dwelling.
- 5.15 Orientation and the detailed siting of buildings and the way their mass relates to each other, together with ground formation and landscape elements, can reduce the effects of wind and driving rain. The use of semi-detached and terraced housing can promote this.

