

Planning Application 23/06321/FUL - 34 Findhorn Place EH9 2JP

OBJECTION from Grange Association

23 November 2023

We have reviewed planning application [23/06321/FUL](#) and submit this objection, relating to the proposed south-facing window at the upper ground floor level, which will overlook the neighbouring property to the South, with direct sight into the rear windows. We also challenge the loss of sunlight from the proposed height of the extension.



Proposed rear elevation

The properties in Findhorn Place are not parallel, as the road has an inflexion point at the junction with Dick Place, opposite the application site. Thus, the southern boundary of the application site is not parallel to the side wall of the house. Moreover, Findhorn Place slopes downwards markedly towards the south, such that No 36's datum ground level is well below that of No 34. The visualisation reproduced above captures this reasonably, showing the boundary wall which is less tall on the north side (No 34) than on the south side (No 36).

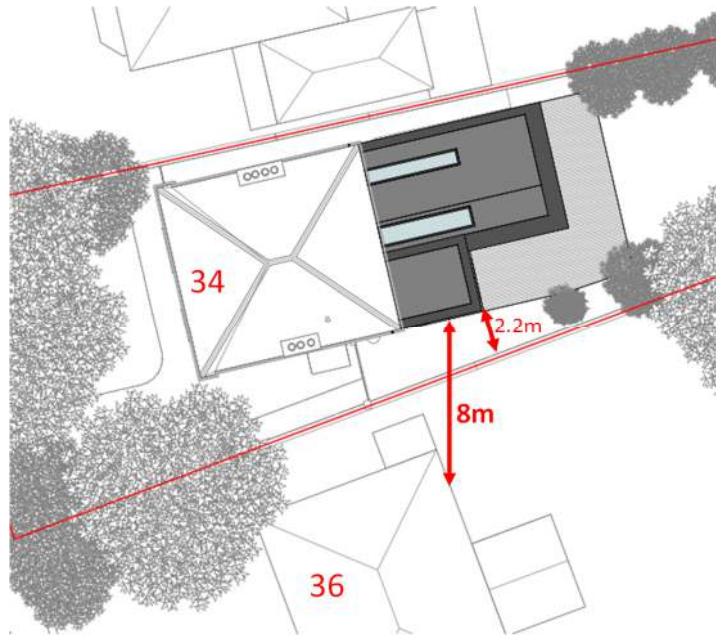
Overlooking

The proposed guest bedroom window at first-floor level ("upper ground floor" in the documentation) would be about 8m from the windows in the rear of No 36 and would be well above the boundary wall providing a vantage point over the garden of No 36 and its rear windows.

The proposals would be in breach of the [Householder Guidance](#) (page 14), which states:

"People value privacy within their homes windows either have to be spaced sufficiently far apart so that it is difficult to see into a neighbouring property or windows have to be angled away from one another. 18m is the minimum recommended distance between windows, usually equally spread so that each property's windows are 9 metres from the common boundary."

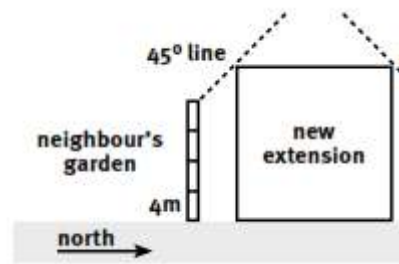
Because of the orientation of the neighbouring properties (i.e. not parallel) the proposed side window of No 34 would look into the rear windows of No 36. While the Householder Guidance does not protect side windows, it does provide protection from intrusion into windows to the front and rear. This proposal would create a vantage point just 8m from the rear windows of No 36 and so contravenes the Householder Guidance.



Proposed South Elevation (View from No 36 Findhorn Place)

Loss of sunlight

The [Householder Guidance](#) (page 13) includes the illustration to the right, showing that any new extension to the north should not impinge on a line at 45° from a point 4m above the ground level in the neighbour's garden (i.e. not the ground level in the application site). The current application includes the drawing below, claiming that the 45° test is met, but only from the ground level in the application site. The test would fail if measured from the ground level of the neighbouring property to the south.



We therefore request that the applicants be invited to modify the proposals to:

- (a) Omit the window on the south side of the proposed bedroom at first floor level; and
- (b) Adjust the plans (by reducing the height, setting further back, or rotating the extension to be parallel to the southern boundary) to satisfy the 45° rule when measured from the ground level of the neighbour to the south.

In the absence of such modifications, we request that the application be refused.

**Grange Association
23 November 2023**