SUPPLEMENTARY PLANNING GUIDANCE NOTE

2: Provision of Private Open Space in New Residential Developments

PROVISION OF PRIVATE OPEN SPACE IN NEW RESIDENTIAL DEVELOPMENTS

1.1. This report is one of a series of guidance notes intended to be used in conjunction with, and as a supplement to the relevant policies contained in the Borough-Wide Local Plan, to govern the provision of private open space in new residential areas and to ensure an element of privacy for the occupiers of new dwellings.

1.2. Private open space is that area directly associated with an individual dwelling and its occupiers. In the case of traditional family housing (i.e. a dwelling which has bed spaces for at least one adult and one child - not including flat/maisonette type accommodation) private open space is the garden area, both front and rear. However, in the case of non-family accommodation, such as flats or old persons accommodation it is likely that the space associated with the dwellings will be a mixture of private and communal open space. The term 'private open space' does not necessarily relate to the ownership of the space; it may refer to how the space is used, and by whom.

1.3 It is acknowledged that areas of private open space are used in a variety of ways. This document seeks to take this into account in establishing and explaining the minimum quantitative standards which should be provided per dwelling according to the basic requirements of the user. It also seeks to positively encourage the developer to provide private open space areas of high quality; this can be achieved by paying particular attention to its location in the layout and design of new residential development, and by ensuring adequate privacy, amenity, daylight and sunlight (see Department of the Environment publication 'Sunlight and Daylight', planning criteria and design of buildings').

PRIVACY AROUND NEW DWELLINGS

2.1. It is important to achieve privacy and freedom from overlooking in all new residential developments, not only between the rooms of houses, but also between gardens and other such private areas. Except in developments at a very low density, this can only usually be achieved by careful design of house types and layout.

2.2. In all new residential developments the developer will be expected to produce a design whereby, at an absolute minimum, spacing of 21.3m (70 ft) can be achieved between the main windows (i.e. excluding bathroom, w.c. or boxrooms etc.) of directly facing dwellings across both the front and rear gardens (see diagram one).

Diagram One

2.3. However, in certain cases where dwellings and rear gardens are comparatively small (i.e. terraced houses) the Local Planning Authority reserves the right to require a higher minimum standard than would otherwise be the case. In these circumstances, the minimum spacing required would be 27.5m (90ft) between the main windows of directly facing dwellings (see diagram two). This higher standard would result in an increased garden area (because of the fixed plot width) and would therefore allow occupiers to be able to implement their permitted development rights by extending the property to the rear, without causing
significant detrimental effect to their neighbours and without a significant loss of private garden area, subject to maintaining the 21.3m separation after such works have been completed.

2.4. In order to further reduce 'overlooking' on corner plots the Local Planning Authority requires that a minimum distance of 6.1m (20ft) should be achieved between the main window(s) and the plot boundary, when measured at angles between 45 degrees and 90 degrees from the main window edge nearest the plot boundary (see diagram three).

and that a minimum distance of 4.6m (15ft) be achieved between the main window edge nearest the plot boundary and the plot boundary, where the main window is in a wall at right angles to the boundary (see diagram four).

2.5. However, it should be noted that such minimum standards outlined in paragraph 2.4. may be dispensed with where the internal cill height of the main window mentioned is 5' 6" minimum (1.675m) and where an alternative 'outlook' from the room is achieved elsewhere or is not considered necessary.

2.6. Where houses are to be built adjacent to undeveloped land, or existing property (where the main window(s) of the existing property are more than 10.7m (35ft) from the plot boundary) rear garden depths, measured at right angles to the main rear wall of the proposed dwelling, should not be less than 10.7m (35 ft) in order to safeguard the privacy of existing and future development (see diagram five).

2.7. However, where the development consists mainly of 'purpose-built' old persons accommodation (i.e. the dwellings are designed specifically for elderly persons and are unlikely to be occupied by families) where more communal Open Space is being provided, the Local Planning Authority may consider a reduction in the minimum rear garden depth per dwelling to 6.1m (20 ft).

2.8. In the case of two or three storey residential developments (i.e. houses) where the main window(s) of a dwelling directly face the flank wall of an adjacent dwelling, the minimum distance acceptable between
the dwellings would be 13.8m (45 ft) (see diagram six).

2.9. However, where the residential development consists of only a single storey (i.e. bungalows) the Local Planning Authority may decide in certain circumstances to reduce the minimum distance to 10.7m (35 ft) (see diagram seven).

2.10. Where the residential development comprises flat developments of three storeys or greater the minimum distance between buildings will normally be increased depending on site conditions.

PRIVATE AMENITY SPACE AROUND DWELLINGS

3.1. There are a number of activities that a family should be able to carry out within the confines of their property boundary and the garden size should therefore ensure that a minimum level of private amenity space is provided for each dwelling. Sufficient space should be provided for basic requirements such as a clothes drying line, a garden shed, a family sitting out and children's play area, as well as a general purpose area (as shown in figures 1 to 4) so that each could be accommodated adjacent to the dwelling at the same time.
3.2. In addition space should also be allowed for extensions which may reasonably be expected to be made by the owner as 'permitted development' (see Appendix One). In general the overall rear garden area should not be less than 65 square metres (700 square feet) (see diagram eight) to allow for these provisions.

3.3. However, in the case of flats, maisonettes or other non-family accommodation special consideration may be given to the space around dwellings standards and where communal open space provision will also be made available in the development, the minimum rear garden area standard per dwelling may be relaxed to 25 square metres (270 square feet) at the discretion of the Local Planning Authority, depending on site conditions.

3.4. These standards assume a rear garden area of practical shape and situated on a flat site. Additional rear garden area will be required if the space includes parts which are unusable because of their shape, excessive slope or which because of their aspect are usually shady, damp or cold, or overshadowed by significant trees.

4.1. In conclusion, it should be noted that these standards are expressed as a minimum, and in assessing the level of private open space provision, developers will be expected to have regard to the spatial character of residential properties in the vicinity. The standards outlined above should not be used in anyway as an excuse for allowing a reduction in private open space provision to the detriment of the character of an area.

4.2. However, each case will be considered on its merits. Exceptions to the minimum space standards may be considered by the Head of Planning, where the innovative design and layout of a scheme and its relationship to the site and its characteristics, provides a satisfactory degree of daylight, sunlight and privacy between buildings.