

WEST DUNBARTONSHIRE COUNCIL

Report by Director of Housing, Regeneration and Environmental Services

Planning Committee: 2 August 2006

Subject: The 45 Degree Code – A Fair Balance Between Neighbours

1. Purpose

- 1.1** To advise the Committee on the design guidance document “The 45 Degree Code – A Fair Balance Between Neighbours” and to recommend its adoption as supplementary planning guidance. This will strengthen its status as a material consideration and be used when assessing all domestic developments.

2. Background

- 2.1** The Committee were advised in February 2006, that Development Management had been drafting revised supplementary planning guidance aimed at those who intend to develop their home. This was necessary due to the large number of domestic planning applications submitted to the department over the last few years in which it has become evident that the current supplementary guidance to be read alongside the Dumbarton District, District Wide Local Plan is in need of review, and there is no supplementary planning guidance to be read alongside the Clydebank Local Plan.
- 2.2** The 45 Degree Code is in widespread use throughout the UK. It is a simple tool that is easy to use and understand by applicants and neighbours and has proved successful in ensuring high quality development.
- 2.3** As part of the preparation of this guidance a design forum was hosted by Development Management in which local architects and agents were offered a chance to comment on The 45 Degree Code and its likely impact upon domestic development. No formal feedback was received. The code was then tested on actual planning applications and proved to be a workable and effective design tool.

3. Main Issues

- 3.1** The 45 Degree Code is used to assess planning applications for new buildings and extensions to existing properties which might affect the outlook from, or daylight to, a nearby house or flat. The code aims to provide a fair balance between the wishes of those who want to build or extend and the people who adjoin the development site.

3.2 A theoretical line is drawn at an angle of 45 degrees from the nearest front or rear window of the house/flat that may be affected by the new building work, this window must be the main source of light to a 'habitable room'. Habitable rooms include living rooms, bedrooms, kitchens and conservatories but do not include rooms such as bathrooms, utility rooms, halls, landings or garages.

3.3 Proposed new building works should not cross this 45 degree line. If they do, the new building/extension would usually affect the outlook and daylight of the neighbour to the detriment of residential amenity. The point from which this imaginary line is drawn depends on what is going to be built. If the extension/building is going to be single-storey, the measurement is taken (and the line is drawn) from the mid point of the nearest ground floor window of the nearby house/flat. If it is a two storey proposal the line would be drawn from the quarter point of the nearest ground floor window.

4. Financial Implications

4.1 There are no financial implications.

5. Personnel Issues

5.1 There are no personnel Issues.

6. Conclusion

6.1 The 45 Degree Code will clearly define loss of amenity between neighbours and will be beneficial to applicants, agents and officers when issues of overdominance or overshadowing arise when assessing new developments. The code, when adopted, will be a material consideration and be used when assessing domestic developments.

7. Recommendation

7.1 **The Committee is invited to adopt the 45° code as supplementary planning guidance.**

David McMillan

Director of Housing, Regeneration and Environmental Services

Date: 21 July 2006

Wards Affected: All

Appendix: Nil

Background Papers: Nil

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