Appendix 16 – Residential Amenity Design Guidance

March 2012
Appendix 16

Design and Sustainability SPD

Residential Amenity Design Guidance

Contents

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1.0 Introduction

1.1 People living in their houses or flats can expect to enjoy a good level of residential amenity. This amenity is influenced by a range of factors such as private outdoor space, privacy, outlook and natural light. The relationship of buildings to each other and their individual design can have a significant impact on these factors and on residents’ comfort.

1.2 The objectives of the Design Guidance are:

a) to ensure that new dwellings provide an appropriate amount of amenity space;

b) to ensure that new and existing dwellings benefit from an appropriate degree of privacy; and

c) to ensure that new and existing dwellings receive appropriate levels of natural light and have an appropriate outlook.

1.3 Most of this guidance comprises qualitative principles which new development should follow. There are a number of quantitative standards which are to be applied flexibly according to the needs of the site and the context and character of the surrounding area.

1.4 This Design Guidance applies to new dwellings, conversions to form new dwellings, and how they affect existing properties. Guidance on how extensions to existing properties can impact on amenity space, privacy, light and outlook is separately contained in Appendix 13 ‘Extending Your Home and Replacement Dwellings’ of the Design and Sustainability Supplementary Planning Document (SPD).
1.5 This Guidance provides detail on Policy E1 of the Basingstoke and Deane Borough Council Local Plan (2006) which states that: “Proposals for new development will be permitted provided that they are of a high standard of design, make efficient use of land, respect the amenities of neighbouring occupiers, and do not result in inappropriate traffic generation or compromise highway safety.”

1.6 The emerging Core Strategy for the Borough’s Local Development Framework places great emphasis on the need to secure an improvement in the quality of design. In addition to the layout and appearance of places, this commitment to good design involves ensuring that ‘liveable’ places are created with a high quality of residential amenity.

1.7 Applying this Guidance will involve balancing its advice with other policies which affect the detailed design of development. These include: policies and documents which reinforce local distinctiveness such as the Village Design Statements and the Urban Character Study; and specific guidance affecting housing developments such as Appendix 7 ‘Places to Live’ and Appendix 9 ‘Sub Divisions and Houses in Multiple Occupation’ in the Design and Sustainability SPD.

1.8 Support for the issues addressed in this Guidance is also contained in national planning policy and guidance. Planning Policy Statement 1 ‘Delivering Sustainable Development’ (2005) sets out the government’s overall approach to delivering good design (see paragraph 34). Planning Policy Statement 3 ‘Housing’ (2011) provides advice on residential amenity in new housing (Paragraphs 14 and 16). The Code for Sustainable Homes (DCLG 2006) gives useful advice on how the provision of private space and daylight can contribute to more sustainable development.
2. Residential Amenity Space

Principles

Provision of Residential Amenity Space

A1 New housing development is required to provide amenity space to meet the recreational and domestic needs of the occupants. Depending on the type of dwelling proposed, amenity space is required to provide for passive recreational activity such as sitting out, for active recreational activity such as play space for children and gardening, and for other outdoor requirements such as drying clothes.

Private Gardens for Houses

A2 The following minimum garden sizes will be required subject to the flexibility set out in paragraph 2.6:

<table>
<thead>
<tr>
<th>Number of bedrooms:</th>
<th>Minimum Garden Size:</th>
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<tbody>
<tr>
<td>1 and 2 bedrooms</td>
<td>50 square metres</td>
</tr>
<tr>
<td>3+ bedrooms</td>
<td>60 square metres</td>
</tr>
</tbody>
</table>

A3 Each dwelling should have a minimum garden depth of 10 metres subject to the flexibility set out in paragraph 2.6.

Amenity Space for Flats

A4 New flatted development should provide amenity space for all occupants within the curtilage of the building. This may be in the form of outdoor private space for ground floor accommodation, balconies for accommodation above ground floor level, or communal amenity space. Alternative provision such as where there is good access to public open space, or in the form of roof gardens, may be considered on its merits. Regard should be paid to the detailed considerations set out in paragraph 2.7 below.

When this guidance applies

2.1 This guidance applies to gardens and amenity space which are located towards the private aspect of a dwelling. This will usually be to the rear of the dwelling but occasionally include side gardens. Front gardens may be required for character and amenity reasons, but will not contribute towards minimum amenity space provision. Any contribution by roof gardens to the minimum sizes of amenity space can only be considered if it has been demonstrated that they are a genuine and safe alternative to other forms of on-site provision. This will have regard to the likely occupants of the housing, such as children as well as adults, and their recreational needs.
2.2 The areas occupied by garages and car parking are excluded from these amenity space requirements. Areas for bin and cycle storage, conservatories and outbuildings are also excluded from the required area for amenity space unless it is clearly demonstrated that sufficient amenity space remains to meet the needs of the occupants. The rear or side gardens of dwellings should allow for the storage of wheeled bins which can be taken to the collection area via paths and gates to the side or rear. It should not be necessary for wheeled bins to be taken through a dwelling to the collection area. Developments should not provide for wheeled bins to be stored at the front of the property unless a design solution is proposed which significantly limits the impact of the storage of bins on the streetscene.

2.3 This guidance also applies to conversions to residential accommodation. Amenity space should be provided for conversions consistent with the size and location of the dwelling. Applications should propose areas of residential curtilage within the same planning application which seeks approval for the principle of conversion. However, it is recognised there are some circumstances where different levels of amenity space may be provided depending on the particular character of the building; and where there are other benefits, such as converting the upper storeys of town centre shops to flats.

2.4 The particular requirements of this guidance do not apply to specialist housing such as sheltered units. The amenity space requirements of these other types of accommodation will be considered individually.

2.5 This guidance applies to assessing what size should remain of an existing garden when new development seeks to encroach on existing garden land.

How to apply this guidance

2.6 Variations to the requirements for garden space for houses set out above may be permitted through Design and Access Statements if it is demonstrated that any of the following considerations apply:

a) The guidance given on the size of back gardens for houses are minimum areas. However, the size of a garden will also be dependent on the character of a development and its surrounding area. For example, in lower density areas dominated by landscaping and substantial gaps between houses, then gardens larger than the above minimum sizes may be required. Where higher density development is permitted, then less amenity space can be considered where this meets a particular need or choice of lifestyle.

b) The size of amenity space should be appropriate to the character of the dwelling. For example, larger dwellings, such as 3, 4 or 5 bedroom detached houses, will usually require gardens considerably in excess of the above minimum sizes.
c) Garden sizes can vary where this is necessary to protect the historic interest and setting of designated and undesignated heritage assets such as listed and locally listed buildings and conservation areas.

d) Developments may offer a range of garden sizes to accommodate the differing demands of householders. Exceptionally, gardens below the minimum sizes may be considered where it is demonstrated that this meets a particular need or choice of lifestyle. For example, it may be appropriate to include a limited number of smaller gardens for those dwellings which are likely to accommodate small households such as the elderly.

e) Gardens and amenity space should be of a shape and size which can practically accommodate the activities for which they are intended such as sitting out, drying clothes and children’s play space.

f) Gardens and amenity space should be practical and level where possible. Some terracing or modest slopes can contribute to both the natural topography of a development and the amenity areas provided that the activities supported by the area as set out in out in Principle A1 can be accommodated.

g) The requirements for gardens and amenity space should not include substantial areas of existing trees, hedges and other vegetation which merit protection by virtue of contributing to the character and public amenity of an area and thereby take away from the area of useable amenity space.

h) Wherever practicable, gardens or amenity space for flats should receive reasonable levels of direct sunlight. Where this is not practical and these areas are sited to the north or north east of the building, then consideration will be given to requiring additional garden or amenity space to compensate for a reduced level of sunlight.

i) There is nearby and easily accessible, public open space of a suitable type and capacity to accommodate some of the amenity space needs of the housing. Private amenity space should be provided within the curtilage of the development. The use of public areas to contribute to private amenity space will only be allowed for houses as an exception where it is demonstrated that it is within easy reach for the residents and that it can provide space for informal relaxation.

j) Side gardens may contribute to the minimum provision of amenity space, as set out in Principle A2, but only where it is demonstrated that their size and shape genuinely contribute to meeting the passive and active recreational needs of the occupants. A back garden depth of less than 10m can be considered in these circumstances but only where it is demonstrated that this is appropriate to the character of the house and wider area, and does not result in harm to other aspects of amenity such as loss of privacy.
Appendix 16

Provision of amenity space for flats

2.7 The provision of amenity space for flats should have due regard to the following detailed issues:

a) Where balconies are provided, they should provide enough space for two people to sit out comfortably. They should preferably receive some direct sunlight and preferably look out onto a pleasant view. Balconies should not give rise to overlooking towards neighbouring properties. The need for balconies may be waived where their appearance may be out of character with the streetscene. 'Juliet' balconies will not contribute to the provision for balconies as set out in this guidance.

b) There are no quantitative requirements for the size of communal amenity space for flats or for private, outdoor space for ground floor flats. Each case will be considered on its merits. However, the space should provide enough room for the residents of the flats to sit out comfortably. In the case of private, outdoor space for ground floor flats which can provide family accommodation, there should be enough space for children’s play. The amenity space should provide a degree of privacy and receive some direct sunlight where practicable. These areas should be separate from other areas which serve the flat such as car parking.

c) Waiving the need to provide balconies or amenity space within the curtilage of the flats can be considered if there is alternative provision in the form of nearby public open space. Private amenity space should be provided within the curtilage of the development. The use of public open space in lieu of on site provision will require the applicant to demonstrate that the open space is sufficiently accessible and of a type to provide a genuinely usable alternative to provision within the curtilage of the building. This will require consideration of what residents are likely to occupy the housing (such as whether there are likely to be children as well as adults) and how safe and far away is the route to the public open space.
3. Privacy

Principles

A5 New housing development should ensure that the privacy of both new and neighbouring dwellings is protected.

A6 Minimum back to back distances will be required as follows subject to the flexibility set out in paragraph 3.3:

<table>
<thead>
<tr>
<th>Storey height of building:</th>
<th>Minimum back to back distances:</th>
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<tbody>
<tr>
<td>2 storeys</td>
<td>20 metres</td>
</tr>
<tr>
<td>3 storeys</td>
<td>28 metres</td>
</tr>
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</table>

For buildings of 4 storeys or more, a greater back to back distance may be required depending on the merits of the case.

How to apply this guidance

3.1 The best way of ensuring privacy for new and existing housing is to ensure that windows do not look onto private areas. These private areas include habitable rooms (living rooms, dining rooms, bedrooms), kitchens and patio areas in gardens immediately adjoining the building.

3.2 Where habitable rooms face the rear of a dwelling, then the guidance set out in Principle A6 will apply (see Figure 1).

Figure 1: Back to back privacy distances
3.3 Variations to the requirements for back to back distances set out above may be permitted if it is demonstrated that any of the following considerations apply:

a) Where there is a change in level between buildings, then the back to back distances may have to be increased.

b) Where the backs of houses face each other at an angle (typically 30 degrees or more) it is less likely that people will be able to see directly into each others’ homes and the minimum back to back distances described above may be reduced (see Figure 2). The application of this ‘rule of thumb’ should avoid the creation of an overlooking and overbearing relationship towards residents sitting out in a back garden where a number of backs of houses and gardens cluster together.

![Figure 2: The '30 degree' rule of thumb](image)

c) The requirement for minimum back to back distances may be relaxed where the impacts on privacy can be reduced. This may occasionally be achieved, for example, through the use of: obscure glazing and restricted openings; the siting of habitable rooms within an internal floor layout; directional windows; the positioning of ancillary outbuildings; or existing mature trees and landscaping. It will not be acceptable for a habitable room to only have windows which are obscure glazed.

d) Back to back distances may have regard to the character of an area. For example, provided that it could be demonstrated that there would be no material harm to amenity, then shorter distances than those stated above could be considered in those inner urban areas typified by higher densities. Similarly, greater distances may be required in some suburban and rural areas where the predominant character of the area exhibits greater separation distances. Distances may vary where this is necessary to protect the historic interest and setting of designated and undesignated heritage assets such as listed and locally listed buildings and conservation areas.
3.4 The separation distance between private areas and the side wall of a neighbouring building may be less than the standards set out in Principle A6 above provided that there is no direct overlooking. However, the traversing of the rear of a residential curtilage by a side wall, for example by a 2-storey blank wall, should be avoided where this causes an overbearing impact.

3.5 There are no minimum standards for distances between the fronts of dwellings across a street. Each case will be examined on its merits. However, care should be taken to avoid overlooking from the street into habitable rooms at the front of a dwelling. This can be achieved, for example, by setting back the front of a dwelling from the back of the pavement, or by siting front windows or even the whole building slightly higher. There may be some circumstances, for example where there is a strong historic context of buildings directly abutting the pavement, when it may be necessary to allow front windows to adjoin the street.

3.6 Conditions will be attached to any planning permission where this is necessary to ensure that there will be no loss of privacy. This may, for example, include conditions requiring the use of obscure glazing with restricted opening, or to prevent the insertion of new windows into blank walls. The application of these conditions should not prevent habitable rooms from having at least one clear glazed window.
4. Natural Light And Outlook

Principles

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<th>Natural Light and Outlook</th>
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<td>New housing development should provide a suitable outlook and level of natural light for both new and neighbouring dwellings.</td>
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</table>

How to apply this guidance

4.1 Dwellings should have sufficient daylight to allow the comfortable use of habitable rooms (living rooms, dining rooms, bedrooms), kitchens and patio areas in gardens immediately adjoining the building. ‘Daylight’ is defined here as the amount of ambient light received from all directions. Residents should also be able to enjoy an outlook of good quality from these rooms and spaces without adjacent buildings being overbearing.

4.2 Direct sunlight also makes a home more pleasant to live in. All dwellings should receive some direct sunlight in at least one habitable room in all months of the year. This is sometimes difficult, such as with single aspect flats which face north. In these cases, then consideration may be given to mitigating measures such as increasing the amount of daylight which can enter the rooms, such as through larger windows.

4.3 There are no quantitative standards to be applied in every case in order to assess the amount of daylight and sunlight and the impact on outlook. Nevertheless, there are several ‘rules of thumb’ which will inform the judgement to be made. One is the ‘25 degree rule’ (see Figure 3). This states that there is normally the potential to achieve adequate levels of daylight and outlook when no facing building breaks a 25 degree angle from the horizontal from a point 2 metres above the floor level (the normal height of windows). This will take into account changes in ground level.

![Figure 3: The 25 degree ‘rule of thumb’](image-url)
4.4 Another way of assessing the impact of neighbouring buildings on daylight and outlook is the ‘45 degree rule’. This states that there is normally the potential to achieve adequate levels of daylight and outlook when no part of a building cuts through a line radiating at 45 degrees from the centre of a window that lights a habitable room (Figure 4 below). Applying this rule will take account of the height of a proposed development as 2-storey developments, for example, have the potential for a greater impact. Any assessment of daylight and outlook will also take account of the impact of existing buildings and boundary treatments.

![Figure 4: The 45 degree ‘rule of thumb’](image)

4.5 There are a number of ways in which the desired levels of daylight can be achieved: careful orientation of housing with many of the habitable rooms facing south; window head heights could be raised; larger windows could be used; rooms could be shallower; dual aspect rooms could be provided; alternative sources of natural light other than windows could be considered such as light wells or skylights.

4.6 The canopies of trees can block out significant amounts of light depending on their relationship to a dwelling. New housing should therefore avoid the overshadowing of habitable rooms, kitchens and those parts of the garden closest to the house caused by tree canopies. Consideration of this matter should also take into account the potential for the canopy to increase in size over time and how the ultimate extent of the canopy may affect living conditions in a dwelling: this can lead to adverse pressure to remove trees of individual or group value which contribute to the character of an area. These issues should also be taken into account when choosing the type and siting of new planting as part of a development. Further advice is contained in the British Standard publication BS5837:2005 ‘Trees in relation to construction’.

4.7 If there is a potential adverse impact upon the levels of light enjoyed by properties, then planning applications may need to be accompanied by a daylight/sunlight assessment. Further guidance is provided in the Building Research Establishment publication “Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice” by PJ Littlefair. The extent and complexity of the assessment will need to be proportionate to the potential impact. Useful advice is also given on the provision of specific levels of daylight in the Code for Sustainable Homes.