

OVERLOOKING

Guidelines for report and consent to vary Building Regulation 84



Legislative Provision 84

Overlooking

- (1) A habitable room window or raised open space of a building on an allotment must not provide a direct line of sight into a habitable room window or on to a secluded private open space of an existing dwelling on an adjoining allotment.
- (2) In the case of a direct line of sight from a habitable room window, the line of sight is any line measured from a height of 1.7m above the floor level of the habitable room and contained within the space enclosed by—
 - (a) a vertical plane measured at an angle of 45 degrees from each side of the window; and
 - (b) a horizontal plane 1.7m above the floor level of the habitable room; and
 - (c) the ground level below; and
 - (d) a horizontal distance of 9m from the window.
- (3) In the case of a direct line of sight from a raised open space, the line of sight is any line measured from a height of 1.7m above the floor level and along the perimeter of the raised open space to any point within a horizontal distance of 9m from the raised open space and extending 45 degrees beyond any point where the perimeter of the raised open space meets a wall of a building.
- (4) In the case of a secluded private open space, the horizontal distance of 9m referred to in sub regulation (2)(d) or (3) is to be measured at ground level.
- (5) A habitable room window complies with this regulation if—
 - (a) in the case where a habitable room window provides a direct line of sight into a habitable room window of an existing dwelling on an adjoining allotment, it is offset a minimum of 1.5m from the edge of one window to the edge of the other; or
 - (b) it has a sill height at least 1.7m above floor level; or
 - (c) it has obscure glazing in any part of the window below 1.7m above floor level; or
 - (d) the direct line of sight is obscured by a permanent and fixed screen that has no more than 25% of its area open.
- (6) A raised open space complies with this regulation if the direct line of sight into the habitable room window or on to the secluded private open space on the adjoining allotment is obscured by a permanent and fixed screen which has no more than 25% of its area open.
- (7) A window referred to in sub-regulation (5)(c) may be able to be opened provided that when open the obscure glazing does not permit a direct line of sight on to the secluded private open space or into the habitable room window referred to in sub-regulation (1).

- (8) This regulation does not apply to a new habitable room window or raised open space that faces a property boundary if—
- (a) there is a visual barrier at least 1.8m high at the boundary; and
 - (b) the floor level of the room or the raised open space is less than 800mm above ground level at the boundary.
- (9) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.
- (10) In this regulation:

“**raised open space**” means a landing with an area of more than 2m², a balcony, a terrace, deck or a patio;

“**secluded private open space**” means any part of private open space on an allotment

- (a) which is screened for at least 90% of its perimeter by a wall, fence or other barrier that is at least 1.5m high and that has no more than 25% of its area open; and
- (b) which is primarily intended for outdoor recreation activities.

Minister’s Guidelines

Objective

To limit views into existing secluded private open space and existing habitable room windows.

Decision Guidelines

The reporting authority may give its consent to an application for a building permit for a single dwelling, which does not comply with Regulation 84 of the Building Regulations 2018, if –

- (a) the proposed building will not significantly impact on the amenity of existing dwellings on nearby allotments and or any associated secluded private open space; or
- (b) the building will not significantly increase the level of existing overlooking of habitable room windows of existing dwellings on nearby allotments and or any associated secluded private open space.

Information Required

An application to Council for report and consent for Regulation 84 must include:

- An application must be applied for via Council's portal along with payment of the application fee.
- A site plan showing all existing buildings, the location of the proposed work and details of nearby buildings on the adjoining properties (scale 1:200).
- An overlooking diagram showing overlooking arcs and all proposed screening.
- Elevations showing existing and proposed buildings (scale 1:100).
- The location and extent of the noncompliance with the regulations must be clearly shown on the plans and all relevant details and dimensions must be provided.
- A full copy of title including a plan and a copy of any covenants or agreements listed on the title.
- A written submission giving supporting reasons for the dispensation to be granted.
- A response in writing to each of the Minister's Guidelines that are applicable.

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