

Sofie Fieldsend

Our ref: 2712-GM

13 March 2023

Dear Sofie

2023/0431/P- Flat A, 45 Lancaster Grove, London, NW8

Further to our discussion regarding 45 Lancaster Grove, we write to discuss whether or not it is necessary to condition that obscure glazing is required above 1.7m in height.

This is further to your email dated 1st March 2023 where you highlighted that condition 8 of the previous planning permission on this site, (ref: 2020/2126/P) stated the following:

The ground floor windows and double doors on the western and eastern side elevations of the proposed extension hereby approved shall be obscure glazed to an internal height of 1.7m and shall be permanently retained and maintained thereafter.

You requested information as to why the existing proposals had not been built in accordance with this and offered us the opportunity to provide justification as to why as part of this application, this condition is not necessary.

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

As part of the previous application large element of glazing were proposed on both side elevations. The proposed glazing on the eastern elevation of the previous permission would have been located essentially on the boundary with number 47 Lancaster Grove. It is considered that due to the proposed proximity to the boundary and the scale of the glazing, that a planning



condition to minimise the potential impact that the proposals would have on the amenity of the neighbour at 47 Lancaster Grove meets the requirements of the six tests for planning conditions primarily that it was necessary to make the application acceptable.

We do believe however that the condition on the previous permission was not necessary in regards to the western elevation and therefore it is not necessary for such a condition to be placed on the current application.

The windows on the western elevation have been installed without the 1.7m obscure glazing internally and to our knowledge, there have been no neighbourly disputes or complaints about the impact on amenity since their installation.

The question is now whether or not the current proposals cause harm to the amenity of neighbours and whether or not the condition is necessary and compliant with the 6 condition tests as set out in the NPPF to make the proposed development acceptable.

Within the photographs supplied with the application, it can be seen in reflections from the glazing that there is existing fencing between the extension and the boundary with 43 Lancaster Grove. Furthermore, it shows that there is an existing bay window which is in closer proximity to the boundary fence between the two properties.

The fencing between the two properties measures roughly 1.8m in height which is higher than the previous condition required the obscure glazing to be.

Given this, it is considered that the boundary fencing provides a much more effective screen which protects the amenity of number 43. The topography of the area also means that 43 Lancaster Grove sits slightly lower than the application site meaning the effectiveness of the existing fencing is increased.

The windows in the extension have two slightly different distances from the boundary fence and therefore 43 Lancaster Grove. The window closest to the rear elevation measures around 5.1m to the boundary fence, with the other window being around 5.5m from the boundary fence. This is considered to be a suitable separation distance from the boundary to ensure, when compounded by the existing fence, that there will be no increase in the level of overlooking from the ground floor.

Furthermore when we consider that there is an existing bay window located around 1.8m from the boundary, it is considered that the internal glazing would be redundant as the original bay window would result in a certain level of overlooking.

Fundamentally, the question is now whether or not a condition similar to that found on the previous permission is considered to meet all six tests for planning conditions.

Our view is that due to the set back from the 1.8m boundary fence, the topography of the properties and the existing bay window, that the suggestion to internally glaze the windows from 0.0m to 1.7m internally is not necessary or reasonable and therefore fails to meet two of the tests set out above.



This is because the existing context on site does not result in a harmful level of overlooking which harms the amenity of neighbours.

Based on the evidence above, we would request that this condition is not imposed on the proposed development associated with this planning application.

We would request that if you have any queries, that you do not hesitate to get in contact.

Yours faithfully,

Geoff Megarity

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