
From: cathy curling
Sent: 30 September 2024 22:09
To: Planning
Cc: Chris Curling
Subject: CONFIDENTIAL regarding 2023/0856/P and 2022/2975/P
Attachments: Photo 1.jpg; Photo 2.jpg; Photo 3.jpg; Photo 4.jpg; Photo 5.jpg

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Dear Planning Officer,

Please can you exercise your discretionary power and offer us the opportunity to comment, if Ms Jones, or her representative, use Section 73 of the Town and Country Planning Act 1990 to apply to vary or remove the condition

‘The side door and window facing towards no.13 Nassington Road shall be fully obscure glazed. The obscure glazing shall be retained in perpetuity thereafter unless otherwise agreed in writing by the Local Planning Authority.’

on the planning permission, 2023/0856/P. In the interests of fairness, we should not be deprived of the opportunity to assess and comment on any proposal put forward by Ms Jones. The fully obscure glazing condition is essential to protect our privacy.

Background:

At one point in the planning, Ms Jones, herself, argued for the obscure glazing condition, to The Planning Inspectorate, stating she *‘would accept pre-commencement conditions for the provision of details, to install obscure glazing to the side elevation. The provision of obscure glazing would, in turn, provide mutual privacy. Such conditions are considered necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable.’* We could not put it better.

The Inspector from The Planning Inspectorate carried out a site visit and stated *‘...without the use of obscured glazing on the west elevation, I conclude that the proposal would result in unacceptable harm to the living conditions of residents of 13 Nassington Road due to a loss of privacy.’*

Greatly appreciated by us, the Chief Planning Officer added the fully obscure glazing condition to the planning permission granted.

Ms Jones accepted the fully obscure glazing condition when she:

1. chose not to appeal the condition;
2. chose not to submit a revised or new planning application and
3. proceeded with the building work, now substantially completed.

The new extension sits on a significantly raised plinth comprising a brick and glazed structure. The elevated position is just over 1 metre higher than the paving stones that were there. Together, with the 1 metre

elevated position of the extension, clear glazing would allow current and future occupants, and visitors, to look directly back towards our home and see us in our living/dining room from a few feet away (photo 2 and 3); and look down and see us, on our patio or sunbathing a few feet away (photo 1).

We hope very much that our neighbour will install fully obscure glazing, even at this late stage. We write to you to emphasise why the alternatives would not achieve the same effect. We imagine and hope, the comments below correspond to your reasons for making fully obscure glazing a condition of granting planning permission.

Please find below our objections to proposals that Ms Jones might put forward.

(1) A 2 metre high x 3 metre wide fence, from the new elevated floor level, not the ground level.

A fence would not be enforceable because:

1. Fences deteriorate and fall apart over time.
2. Fence repair is not a legal obligation, even if it's falling apart.
3. It can be easily removed after an Enforcement Officer inspects; and can be easily reattached before a re-inspection, and so forth.
4. Indeed, there was no fence in situ when the planning application was made (EX_03 and SP_01). However, a fence was then attached, prior to the site visit by the Inspector from The Planning Inspectorate. The fence has since been removed.
5. Given the above, it is foreseeable a fence would not remain attached.

(2) Obscure glazing up to 1.7 metres (5 foot 7 inches) to the side door and window.

1. Clear glazing above 1.7 metres, would allow current and future occupants, and visitors, who are taller than 5 foot 7 inches, to look directly, through the clear glazed section, back towards our home and see us in our living/dining room from a few feet away. (From the clear glazed section, side door and window, they would also still be able to look down and see us, on our patio or sunbathing a few feet away.)
2. Even with fully obscure glazing on the west elevation overlooking 13 Nassington Road, there is extensive clear glazing providing extensive views of the rear garden and sky. The clear glazing is 5.93 metres wide x 2.49 metres high on the south (west) elevation; 5.93 metres long x 1.5 metre wide on the roof; and there are 2 clear glazed roof light wells and a clear glazed window on the east elevation.

(3) Obscure film applied to the clear glazing.

Obscure film would not be enforceable because:

1. Obscure film can be easily removed after the Enforcement Officer inspects; and can be easily reapplied before a re-inspection, and so forth.
2. Sections of obscure film have been removed, to reveal clear glazing, on the lower half of No.15's front elevation ground floor windows (photo 4 and 5). Of course, this can be done. However, it is

noteworthy that this allows the person inside to overlook others without being seen, protecting their privacy but not others.

3. Given the above, it is foreseeable that sections, or all, of any obscure film applied to the clear glazing, on the rear west elevation, would be removed.

In conclusion, we ask the Planning Officer not to vary or remove the fully obscure glazing condition. The unacceptable loss of privacy to us, as the current inhabitants, and to all future inhabitants of 13 Nassington Road, would result in unacceptable harm to our living conditions and cause significant harm to amenity/to the character and appearance of our home, set in a conservation area.

Kind regards,
Cathy and Chris Curling