

**DISCLAIMER**

Decision route to be decided by nominated members on Monday 30<sup>th</sup> November 2009. For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	27/11/2009
		N/A / attached	<b>Consultation Expiry Date:</b>	n/a*
<b>Officer</b>			<b>Application Number(s)</b>	
Tania Skelli-Yaoz			2009/4178/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Builders yard land adjacent to 9 St. Martins Close LONDON NW1 0HR			See decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
		Edward Jarvis 24/11/09		
<b>Proposal(s)</b>				
Approval of details pursuant to Conditions 2, 4 and 6 of planning permission reference 2004/1287/P for the change of use from a storage yard (Class B8) to a single family dwelling house (Class C3) comprising the erection of a 4-storey two bedroom dwelling with terrace at rear third floor level.				
<b>Recommendation(s):</b>		Approve details		
<b>Application Type:</b>		Approval of Details		

<b>Conditions:</b>	Refer to Draft Decision Notice					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>05</b>	No. of responses No. Electronic	<b>03</b> <b>02</b>	No. of objections	<b>03</b>
<b>Summary of consultation responses:</b>	<p>*Whilst no consultation will normally be undertaken on approval of details applications, it has transpired that this particular application was consulted on with some adjoining occupiers, who were probably previous objectors to the substantive application. The consultation was done in error, and therefore it should be noted that only some AOs were consulted on this application. Notwithstanding, the responses that have been received are summarised as follows:</p> <p><u>Occupiers at 10 St Martin's Close, 10 St Martin's Almshouses [in Bayham Street] and 45 Pratt St have objected with concerns over:</u></p> <ol style="list-style-type: none"> <li>1. The approved planter on third floor level intended for the protection of privacy has disappeared from the drawings or is different from approved.</li> <li>2. The Lumisty film quality is not guaranteed to protect privacy.</li> <li>3. Windows could be opened to defeat the obscure glazing anyway.</li> <li>4. The privacy studies relate to houses to the back of site only, and not to those adjacent.</li> <li>5. Lack of full consultation.</li> <li>6. Concerns over the capacity of the site for a new house.</li> <li>7. Wish to view glazing material.</li> </ol> <p><b>Officers' comments:</b></p> <ol style="list-style-type: none"> <li>1. <i>The planter is shown as approved following a revision to the drawings.</i></li> <li>2. <i>Please see 'assessment'.</i></li> <li>3. <i>Windows are proposed as fixed shut.</i></li> <li>4. <i>Please see 'assessment'.</i></li> <li>5. <i>Please see note below*.</i></li> <li>6. <i>Planning permission has now been granted – see 'history'.</i></li> <li>7. <i>Please see 'assessment'.</i></li> </ol>					
<b>CAAC/Local groups comments:</b>	No response received.					
<b>Site Description</b>						
<p>The application site is an end-of-terrace area previously used as a builders' yard. The planning permission listed below is now being implemented. The site is not in a CA.</p> <p>Adjacent to the site and to its rear are residential properties of a traditional arrangement with windows, some to habitable rooms, overlooking the site.</p>						
<b>Relevant History</b>						
<p>2004/1287/P planning permission for the change of use from a storage yard (Class B8) to a single family dwelling house (Class C3) and the erection of a 4-storey two bedroom dwelling with terrace at rear third floor level was granted on 20/12/2004.</p>						

## Relevant policies

### Replacement UDP 2006

SD1, SD6, B1 and B3

### Camden Planning Guidance 2006

## Assessment

The principle of the residential development with windows facing the rear of the Pratt Street properties has been established in the pp listed above. This application deals with additional details requested as part of conditions 2 and 6. Confirmation was also received with regards to condition 4, as follows;

**Condition 2:** *The details of the windows to be used on the building shall not be otherwise than as shall have been submitted to and approved by the Council before any work on the site is commenced on the relevant part of the development. Such details shall include methods of opening where appropriate and a sample of the proposed glazing. These parts of the development shall not be carried out otherwise than in accordance with the details thus approved.*

Methods of opening are not shown, as the proposed windows are fixed shut. This is an amendment from the original pp in order to address overlooking concerns. A sample of the glazing has not been submitted, as the applicant has confirmed that the windows are frameless. Large scale details of the proposed fenestration have been submitted, which illustrate a simple frameless glazing method of modern appearance to include large sheets of glass to both elevations. This is considered acceptable and in keeping with the original pp. The proposal is considered to comply with policies B1 and B3.

**Condition 4:** *No meter boxes, flues, vents or pipes other than rainwater pipes, shall be fixed or installed on the street elevation of the building.*

The applicant has confirmed that this is being complied with.

**Condition 6:** *Details of obscure glazing for windows in the rear elevation of the dwelling, hereby approved, shall be submitted to and approved in writing by the Council prior to commencement of any development on site. These parts of the development shall not be carried out otherwise than in accordance with the details thus approved.*

Site is directly opposite no. 45 Pratt and also overlooks nos. 43 and 47 Pratt Street, but not directly. It is also noted that no. 43 is unlikely to have windows to habitable rooms in its rear elevation, except possibly a kitchen at second floor level, but it is unclear if this room can be considered habitable. In any case, as stated above, both nos. 43 and 47 are not directly overlooked. The main concern with this condition therefore lies with the protection of no. 45.

A proposed material known as 'Lumisty' is proposed to be used to address the obscured glazing requirement. 'Lumisty' is described as a material which is applied to clear glazing and appears completely obscured when viewed directly towards or through. It becomes clear when viewed from an angle – thereby not affording direct views onto windows opposite. This is demonstrated in the sample and material enclosed as submitted. The proposal includes the application of a strip of 'Lumisty' material to the average eye-level height both at rear first floor and second floor level. The 'Lumisty' strip has been confirmed to be visible from the outside of the property and therefore, for the purpose of enforcement, should the strip be removed this would be visible and apparent from the opposite terrace. It is therefore considered that the proposed arrangement will protect the amenity of no. 45 and the adjoining properties.

It should be noted that no such protection as above has been proposed for the ground floor rear elevation as the glazed doors can be opened at any time for access to the garden. Moreover, the garden is surrounded by a relatively high brick wall, which restricts levels of overlooking to a greater degree than would be the case in a

typical garden. This is considered acceptable.

The third floor rear elevation is also not proposed to be protected with obscured glazing for the reason of the approved balcony, which would allow a person stepping out to it and accessing views despite any obscured glazing. Moreover, a previously approved planter which sets future occupiers away from the edge of the balcony by some 900mm-1m has been retained as such and shown on the drawings. This is considered acceptable.

It is also noted that a mansard roof has recently been approved at no. 45 Pratt Street (ref. 2005/1246/P dated 27/07/2005). Whilst this did not include a balcony, it also was not conditioned to obscure windows to its rear. It is also considered that, whilst the subject site comprises a new residential use; the types of openings and overlooking that will result are similar in character to the remainder of the adjacent terrace and the one opposite, and the development therefore results in a typical residential relationship between the rears of terraces.

Accordingly, the details submitted pursuant to Condition 6 comply with policy SD6.

It is recommended to approve the above details.