



Councillors Oliver Cooper, Tom Currie, and Stephen Stark (HAMPSTEAD TOWN WARD)

New house at 28 Belsize Lane - 2015/4685/P

Application for variation of planning condition 4 in original permission 2008/0285/P (April 2008) and in renewal permission 2010/3112/P (March 2011) - side windows

Dear Ward Councillors

We're writing as owner/occupiers of Flat 3, 26 Belsize Lane NW3 5AB - also on behalf of the three other flat owners in this building - because **we object strongly** to this proposal by our neighbour at 28 Belsize Lane to allow two previously fixed shut side windows to be opening windows. This is in conjunction with the construction of her new house (under way) on the site.

In principle we like the new house, and look forward to its addition to our local area. However, the owner, Mrs Vivien Bradley, has made no attempt to engage with us on this issue (or any other recent planning/construction issues) - rather the opposite. She has our full contact details.

These are first floor side windows with obscured glass - one of the windows is for a bathroom, and the other is for a WC. Mechanical ventilation is provided, as required by Building Regulations, and there's no good reason for these windows to open. A restrictor is proposed for one of the windows, but this is easy to bypass, and in practice both windows would be able to open fully, seriously affecting our privacy.

There are three planning permissions for the new house dating from April 2006, and they all require the side windows to be fixed shut. The previous house on the site, which was constructed in the 1960's, had a blank side elevation (no windows), so privacy and freedom from overlooking has existed for nearly 60 years. The applicant acquired this site and its planning permissions, in the full knowledge that these windows would have to be fixed shut. Now that the new house is being constructed, it's unreasonable and illogical to allow this fundamental planning requirement to be removed.

**We look to you to ensure that this application is refused.**

Please do let us know if you require any further information.

Kindest regards - Kitty & Michael

Michael & Kitty Brod  
Flat 3



26 Belsize Lane  
London NW3 5AB



**New house at 28 Belsize Lane - 2015/4685/P**

**Application for variation of planning condition 4 in original permission 2008/0285/P (April 2008) and in renewal permission 2010/3112/P (March 2011)**

Dear Charles (Thuairé)

Thanks for your 9th October email. We're replying as owner/occupiers of Flat 3, 26 Belsize Lane.

I have checked with the other flats in this building, and no-one received the notices from you about this application. You may want to take this up with your postal delivery company.

In principle we like the new house, and look forward to its addition to our local area. However, the owner of 28 Belsize Lane (Mrs Vivien Bradley) has made no attempt to engage with us on this issue (or any other recent planning/construction issues) - rather the opposite. She has our full contact details.

Turning to the current proposal to allow two previously fixed shut side windows to be opening windows, I've now downloaded the application drawings and information from the website - the relevant drawings from our point of view are:

- \* 0113-R1 - First Floor Plan - as originally approved.
- \* 0113-R3 - First Floor Plan - showing location of the two windows as above - with 1:10 proposed sections showing the 100mm opening limitation. W\_F09\_01 is the WC window - proposed as tilt/turn. W\_F09\_02 is the bathroom window - proposed as tilt only.
- \* 0212-R2 - East Elevation as originally approved (incorrectly labelled R1) with fixed side windows.
- \* 0212-R4 - East Elevation as proposed.
- \* Data sheet for Shuco AWS window opening restrictors.

We've looked at this information very carefully, and our view remains that our privacy will be seriously compromised by allowing these two windows to open. By way of explanation:

- \* it's now understood (not possible before the drawings were released) that the two windows will continue to have obscured glass. It would be appropriate for the type of obscured glass to be specified, to ensure that there is no direct visibility through the glass.

- \* On drawing 0113-R3, it's not possible to relate the two 1:10 window sections - labelled 2 and 3 - to the plan. The 100mm opening within the depth of the window reveals in both sections, is crudely and deceptively drawn. In reality, the depth of the window frame surrounds (not shown) in combination with the opening sash sections (shown), would allow much greater visibility through these windows than is suggested by the drawing, and this is probably why you have not been given proper working drawings which would show these sections in full detail.

- \* The Shuco AWS data sheet shows two types of restrictors - a detachable restrictor stay (DRS) and a detachable restrictor key stay (DRKS). It's not clear which stay is proposed, but the DRS stay can be released by hand, and the DRKS requires only a simple key to release it, so it's very easy to bypass the restrictors and for the window to open fully. The ABA covering letter appears to confirm that the WC window has a 'turn' restrictor stay, and that the bathroom window has no restrictor stay at all. This does not provide any assurance that the window opening would be restricted to 100mm - also please see below.

- \* Both of the Shuco restrictors can be easily removed from the window frames - they have simple screw fixings - which is another reason why no assurance is provided by these proposals.



\* The Shuco restrictors are intended to provide 100mm clear opening width to comply with Building Regulations. Allowing for frame/sash thicknesses, the restrictor movement is 150/175mm, not 100mm as shown incorrectly on drawing 0113-R3. This means that, for the window fitted with the stay and assuming that the stay was not released/removed, the window would be able to open 50/75mm beyond the external face of the cladding.

\* As previously stated, there's no good reason for these windows to be allowed to open. This is because mechanical ventilation is already provided to the bathroom and WC - as required by Building Regulations whether or not they have opening windows.

\* Also as previously stated, Condition 4 in the original permission 2008/0285/P (April 2008) and in the renewal permission 2010/3112/P (March 2011) requires these two first floor windows to be obscure glazed and fixed shut permanently. This condition was also included in the unimplemented April 2006 planning permission for a new house, and is fundamental to the acceptability of the new house in relation to our amenities. The previous house on the site, which was constructed in the 1960's, had a blank side elevation (no windows), so this privacy and freedom from overlooking has existed for nearly 60 years. The applicant acquired this site and its planning permissions, in the full knowledge that these windows would have to be fixed shut. Now that the new house is being constructed, it's unreasonable and illogical to allow this fundamental planning condition to be removed.

**We therefore re-confirm our objection most strongly, to the proposed variation (removal) of this planning condition, because if permission is given now (nine years after the original permission for fixed windows) for these two windows to be allowed to open, our privacy will be seriously compromised.**

Michael & Kitty Brod  
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[REDACTED]