

Delegated Report		Analysis sheet		Expiry Date:		09/10/2015	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		1.10.15	
Officer				Application Number(s)			
Charles Thuaire				2015/4685/P			
Application Address				Drawing Numbers			
28 Belsize Lane London NW3 5AB				See Draft Decision Notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Variation of condition 4 (windows on 1st and 2nd floor side elevations to be obscure glazed and fixed shut) of planning permission 2010/3112/P dated 23.3.11 (renewal of permission for the erection of a new 3-storey plus basement dwelling house), to allow windows to be tilt-and-turn with obscured glazing and restricted openings.							
Recommendation(s):		Grant permission					
Application Type:		Variation or Removal of Condition(s)					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							

Consultations

Adjoining Occupiers:	No. notified	54	No. of responses	03	No. of objections	03
			No. Electronic	00		
Summary of consultation responses:	Plus site notice and press advert. 3 neighbours at 26 Belsize Lane all object; consulted again after receipt of revised/additional plans placed on website- 2 flats continue to object. Serious loss of privacy to flats 6m away which have enjoyed privacy for over 60 years due to blank side elevation of previous house; no justification for removal of condition; mechanical ventilation is provided so no need to open the windows; restrictors can easily be bypassed or removed and are not proposed to all windows, so views will be possible; detailed criticisms of plans/sections and restrictor specs; no details of obscure glazing. <i>(Response- see paras 3.1 - 3.3)</i> Revision- no consults					
CAAC/Local groups* comments: *Please Specify	Belsize CAAC- not consulted					

Site Description

The site originally had a 2 storey detached dwellinghouse but is now demolished and works have started on site to implement the latest permission for a new house of contemporary design. It is on the north side of Belsize Lane within Fitzjohns/Netherhall conservation area.

Relevant History

2008/0285/P- 29.4.08- pp granted for the erection of a new 3-storey plus basement dwelling house with bronze cladding (Class C3)

2010/3112/P- 23/03/2011- pp granted with S106 - Renewal of planning permission dated 29.4.08 ref 2008/0285/P for the erection of a new 3-storey plus basement dwelling house with bronze cladding (Class C3)

2014/4163/P- 01/08/2014- NMA approved- Reconfiguration of basement level, erection of side ground floor extension, enclosure to rear first floor terrace, revision to internal layouts, and amendments to fenestration and cladding, as an amendment to planning permission reference 2010/3112/P dated 23/03/11 for the erection of a new 3-storey plus basement dwelling house with bronze cladding.

Relevant policies

LDF Core Strategy and Development Policies

CS1 - Distribution of growth
CS5 - Managing the impact of growth and development

DP26 - Managing the impact of development on occupiers and neighbours

CPG 2015

London Plan 2015 with alterations since 2011

Assessment

1. Proposal-

1.1 The proposal is to vary the condition 4 requiring certain side windows in both flank elevations to be obscure glazed and fixed shut to protect the privacy of neighbours. The sides of the new house would face windows in the flank elevations of 26 Belsize Lane (a Victorian property divided into flats) to the east and Belsize Court (a 1930's block of flats) to the west.

1.2 Condition 4 states-

The proposed two 1st floor windows on the east side wall and the proposed two 1st floor bedroom windows and 2nd floor study window on the west side wall shall be obscure glazed and fixed shut below a point 1.7m high above finished floor level prior to first occupation of the house; they shall be permanently retained and maintained as such thereafter.

1.3 The applicant now wishes these windows to be openable to a certain degree to allow ventilation into the rooms. The windows would be either tilt only or tilt-and-turn and would open outwards by 100mm with restrictions to prevent any further opening. The windows would continue to be fully obscure glazed and of the same design. The affected windows and rooms are as follows-
West side wall facing Belsize Court- 2 windows to 1st floor bathroom and study; one window to 2nd floor bedroom.

East side facing 26 Belsize Lane- 2 windows to 1st floor toilet and bathroom.

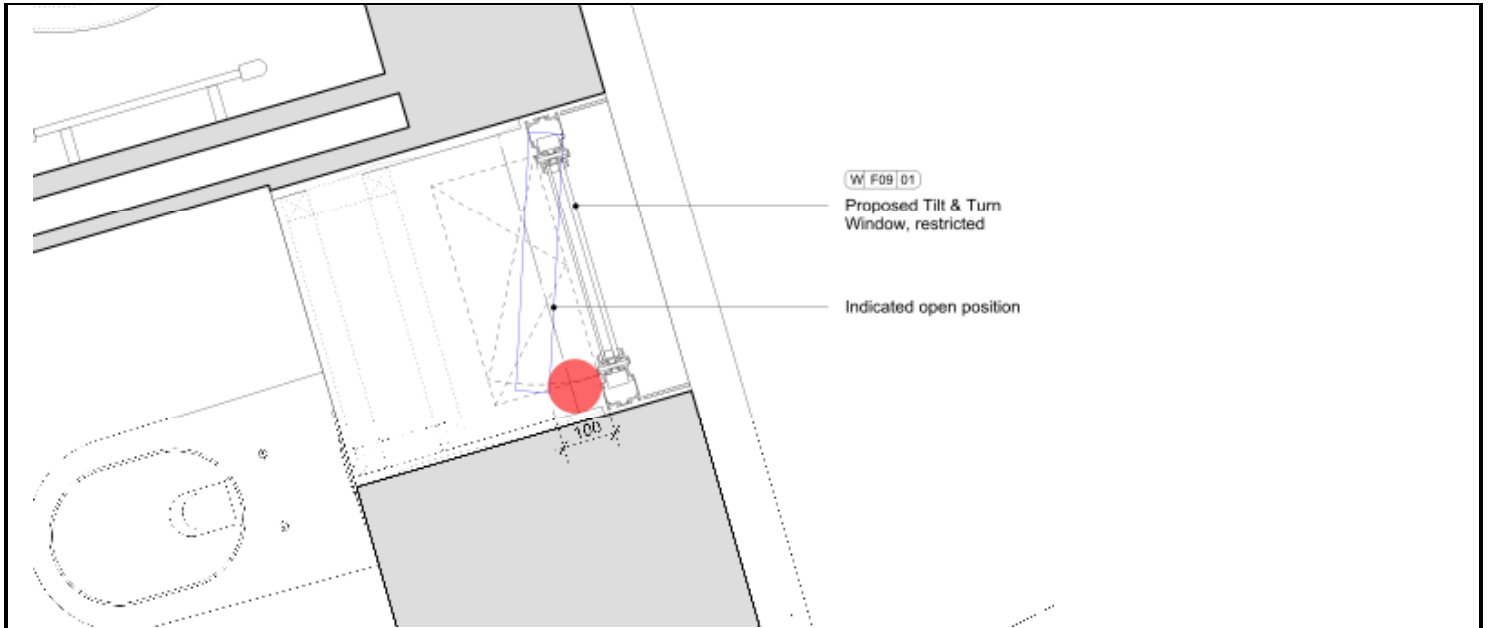
1.4 Revision- the windows will now open inwards; more information to explain extent of opening and confirm that restrictors apply to all windows.

2. Issue- impact on amenities of neighbours

3. Assessment-

3.1 The proposed design has been carefully considered to ensure that there is no overlooking of neighbours; the sole intention of the variation is to allow natural ventilation to mainly bathrooms. The openings will be restricted by 100mm and furthermore, as revised, will be inwards only which will make it impossible to see outwards. The original sections showed that the window itself does not open past the external facade of the building, thus it would not be possible to overlook any neighbouring property or indeed view out of the building at all. The revised section showing an inward opening window (see extract below) clearly shows that the resulting gap of less than 100mm wide between window pane and internal wall is such that it is impossible to gain any view between the opened window pane and its surrounding fixed frame; this situation is the same whether the window is turning inwards from one side or tilting inwards from the top frame (see photo below of example of a view from a bathroom window). Restrictor mechanisms will be used to ensure that the window cannot be physically opened any further than 100mm and the retention of such features shall be secured by condition.

3.2 Even if a greater gap was achieved on turning windows to allow a person's head to squeeze between the pane and wall and look outwards with a partial view, it would be such an acute angle that no view would be possible into windows opposite. With tilting windows, even without restrictors, it would be virtually impossible to view out due to the nature of the upward inward opening.



Detailed plan showing opening extent



Example of view through outward tilting window with 100mm gap

3.3 It is considered that these variations are acceptable. The sections clearly demonstrate that no views are possible at all outside the house because of the nature of openings and the size and location of the gaps against the thick window frames. Consequently the privacy of neighbours will be protected. It should be noted that in the case of the 2 windows facing no.26, they are narrow and 0.5m wide and only serve a toilet and bathroom so not intensively used; the toilet window directly faces an angled bay window of a habitable room in the flank wall of no.26; the bathroom window directly faces a blank wall, although there are 2 sash windows above at 2nd floor level.

4. Recommendation- vary the condition no.4 wording as follows-

'4. The proposed two 1st floor windows on the east side wall and the proposed two 1st floor bedroom windows and 2nd floor study window on the west side wall shall be obscure glazed below a point 1.7m high above finished floor level and inward opening by a maximum of 100mm, as shown on the

details hereby approved, prior to first occupation of the house; they shall be permanently retained and maintained as such thereafter. The proposed restrictor mechanisms shall be provided to all the opening windows in accordance with the details hereby approved and retained permanently'.

DISCLAIMER: Decision route to be decided by nominated members on 30th November 2015. For further information please go to www.camden.gov.uk and search for 'members briefing'