

CONSULTATION SUMMARY

Case reference number(s)

2017/5600/P

Case Officer:

Leela Muthoora

Application Address:

Flat 1 and Flat 2
1 Evangelist Road
LONDON
NW5 1UA

Proposal(s)

Installation of two new windows to side elevation of Flats 1 and 2 (Class C3).

Representations

Consultations:	No. notified	0	No. of responses	3	No. of objections	2
					No of comments	0
					No of support	0

Summary of representations

(Officer response(s) in italics)

The owner/occupiers of No. 3 have objected to the application on the following grounds:

1. I am strongly objecting to this proposal as it directly effects my property, number 3, next door. The wall of no 1 Evangelist is actually the boundary of my property and the proposed two windows would directly overlook my garden and are very close to the side of my own house. None of the submitted plans show this proximity and how intrusive this is. It would be merely inches from where I work in my back yard! In addition, extra noise from not one but two windows so

close to me is also of great concern. It would also prevent my extending my property to the edge of my boundary should I wish to do so in the future.

2. I object to the application on the grounds that the proposed windows will open directly onto the adjacent garden at No. 3 Evangelist Rd of which I am the owner.

I believe it is not advisable nor permitted to have windows on a dividing wall that directly open onto adjoining properties.

This is a flank wall that forms the boundary and, as this wall is a party wall, it forms part of the boundary wall between the two properties.

If this application were to go ahead this would prevent any potential to extend the building, or build a new dwelling in the space occupied by No. 3 Evangelist Rd, between the two houses.

Officer's response

The windows would be positioned within the flank elevation of the subject property which forms the boundary between no. 1 and no. 3. Whilst the positioning of the proposed windows results in the potential for overlooking, the direct views out of the proposed windows would be of the windowless flank wall of no. 3. The buildings are positioned at an angle to each other resulting in indirect views which reduces overlooking that would result in unacceptable harm the extent of a refusal. The garden of no. 3 includes existing soft landscaping to the boundary which acts as reasonable privacy screening. There is an existing window at third floor level of the side elevation and windows at upper levels of the rear elevation of the subject building and the surrounding properties fronting Highgate Road and College Yard. On balance, the proposals are not considered to result in further harm to the amenity of the neighbouring property than is already experienced at present.

The Council have attached a planning condition to secure the mitigation measures of obscured glazing and fixed so the windows are non-openable at a height less than 1.6 metres above the finished floor level to reduce potential overlooking of number 3's garden. Drawings submitted state the lower sash first floor window would be 1.15m from the internal finished floor level and the top sash would be 1.6m from the internal finished floor level.

The drawings submitted do not show the proximity to the neighbouring building, however, this was assessed from the site visit

made on 09/08/2018. According to the elevation drawings provided the proposed first floor window would be 2.7m from the external ground level of the subject building. From observations made at the site visit, this would be positioned in close proximity to the roof of the existing garden building at no. 3 which also abuts the boundary wall of no. 1. As the window would be to a non-habitable room and conditioned as fixed glazing below 1.6m it is considered to mitigate the impact of any additional noise from the bathroom to this structure.

Whilst the installation of the windows would prevent any future development to be built against the boundary wall at this height, any development to a side elevation at upper floor levels that abuts the neighbouring property would be unlikely to comply with Camden Planning's Design Guidance.

The Party Wall Act 1996 covers party wall matters and boundary walls.

Recommendation:- Grant planning permission