

Application No:	Consultees Name:	Received:	Comment:	Response:
2021/3028/P	William Frankel	03/08/2021 16:09:02	OBJ	Please note we emphatically object to this application to remove the restriction that windows should be fixed shut and incapable of being opened.

At the time of the original planning application for the two new houses, the developer and his professional advisers endeavoured to persuade the planning officer to agree and recommend approval that the windows should not be fixed shut but be capable of being opened. The architect has confirmed this to us. It is clear that the planning officer rejected that proposal. The recommendation by the planning officer and which was the basis for planning approval for the two new houses clearly included a recommendation that one of the planning restrictions and conditions (Condition 19) was not only must the windows have obscured and non see through glazed glass but the windows should be fixed shut and be incapable of being opened. Presumably the notes of discussions at the time of the original planning application and the planning officer's recommendations and the planning committee deliberations will confirm this. The developer clearly represented, and emphasised, as part of the planning application process that for the privacy protection of our neighbouring home these windows would be fixed shut and not capable of being opened.

The developer has previously attempted to remove planning condition 19 and withdrew that application when the then planning officer expressed concern about such an application.

Nothing has changed. It is ridiculous and implausible for the developer and his professional advisers to now argue that although fixed closed windows is environmentally the correct approach during the winter months it is better to have windows that can be opened during the summer months. The windows are a particularly sensitive part of this housing development. The three very large first floor windows of the larger house that face East and are only a few metres from our boundary look straight into the principal living rooms, bedrooms, bathroom and glass topped and glass sided conservatory on the West side of our house. It is most unfortunate that planning consent was granted which allows windows so close to our boundary and which detract from our privacy. To allow these windows to be opened, even partially as is now proposed by the developer, will have a seriously additional adverse impact on our privacy. We will also have unattractive bathroom noises and smells coming through slightly open windows.

There was good reason why the planners, when considering the original planning application, imposed restrictions that the windows should have non see through glass and be fixed shut and incapable of being opened. There is no good reason to remove that planning condition and restriction. This is a developer trying to have his cake and eat it. He realised that if he had insisted on having windows not fixed shut and capable of being opened he may have had his original planning application for the houses rejected. He therefore agreed the planning condition that the windows be obscured non see through glazed glass and that the windows be fixed shut and not capable of being opened. He is now coming back for a second bite of the apple.

I would strongly urge that this application be rejected in its entirety.

William Frankel - 25a Frognal London NW3 6AR