

Our Ref: 19348/KM/wh
Your Ref: PP-09024715
Email: kmatthews@firstplan.co.uk
Date: 18 November 2021

Planning Department
London Borough of Camden
2nd Floor, 5 Pancras Square
c/o Town Hall, Judd Street
London WC1H 9JE

Dear Sir,

**VARIATION OF CONDITION 5 OF PLANNING PERMISSION REF: 2020/3937/P RELATING TO
OBSCURE GLAZING OF ROOFLIGHTS.
WORKSHOP REAR OF 38-52 FORTRESS ROAD, FORTRESS GROVE, LONDON, NW5 2HB**

We are writing to apply for a variation of condition under Section 73 of Town and Country Planning Act 1990, to enable a change regarding the requirement for obscure glazing to the rooflights. The change put forward is for the bottom row of rooflights on both sides to be half obscured glazed, with the rooflights nearest the building's ridge comprising clear glazing. All rooflights are proposed to remain fixed shut as required by the existing condition.

The following documents have been submitted in support of this application:

- Completed Application Forms;
- Site Location Plan;
- Application Cover Letter (this document)
- Proposed Roof Plan (drawing no.1014-PL-A-RF P2)
- Overlooking Study by BGY
- Site Photographs

Proposal

Planning permission was granted on the 15th December 2020 for the "*Variation of condition 3 (approved plans) of planning permission ref: 2017/4731/P dated 31/10/2017 for 'Installation of replacement roof to workshop building, alterations to entrance and replacement fenestration', namely to: Increase the height of the roof ridge by 100mm and alter the proposed roof material*"

The proposals seek to change the requirements of Condition 5 to allow for some of the rooflights to be clear glazed. Specifically, our client is proposing to only obscure glaze the bottom half of the bottom row of rooflights. Following numerous site visits and the production of additional architectural sections identifying areas of potential overlooking, it is considered that by half obscure glazing one set of rooflights, potential overlooking would be mitigated to an extent that it would sufficiently protect the enjoyment and amenity of adjoining occupiers.

The application therefore seeks to partially obscure glaze the rooflights on the bottom row with the rest being clear glazed as shown on submitted plan ref: 1014-PL-A-RF P1.

It is suggested the condition could be reworded as follows:

“The bottom half of the lower rooflights hereby permitted shall be obscure glazed as shown on plan 1014-PL-A-RF P2 and retained as such. All rooflights shall be fixed shut and thereafter permanently retained as such.”

Planning Policy Context

The development plan for the site comprises The London Plan (2021), the Camden Borough Local Plan (2017) and the Kentish Town Neighbourhood Plan (2016). The Camden Practice Guidance (2021) and the National Planning Policy Framework (2021) are also material considerations.

The Camden Borough Local Plan (2017)

Policy A1 (Managing the impact of development) of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The Council will grant permission for development unless this causes unacceptable harm to amenity.

Camden Practice Guidance (2021)

Paragraph 2.4 of the Planning Guidance states:

‘To ensure privacy, it is good practice to provide a minimum distance of 18m between the windows of habitable rooms in existing properties directly facing the proposed (either residential or non-residential) development, assuming a level topography. In instances where building heights, design or topography mean that opportunity for overlooking would be increased, it is advisable to increase this separation distance’

Paragraph 2.8 states:

‘Buildings could be positioned at an angle to each other so it is less likely that people will be able to see directly into neighbouring habitable rooms and gardens of neighbouring buildings. Careful consideration could also be given to the layout of windows, using obscure glazing to prevent overlooking if necessary. It will however not be acceptable for habitable rooms to have windows glazed exclusively with obscure glass, however.’

Planning Assessment

The requirement for the rooflights to be obscure glazed was added shortly before the original consent was granted, with the members briefing report commenting that the rooflights were not considered to cause overlooking. The reason for the condition was to *“prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.”*

Since the roof has been constructed the potential for overlooking has been looked at in much greater detail.

The submitted overlooking study demonstrates that by obscure glazing the bottom half of the lower row of rooflights, any views into neighbouring residential properties which could cause overlooking will be blocked, ensuring that the amenity of existing and future neighbouring occupiers is protected.

Views from the top half and the top row of rooflights are oblique and there is over 18 metres to the relevant windows when the angle is considered, ensuring privacy is retained.

The second floor balustrade and beam structures further obscure views, as shown in the submitted photographs.

The proposals should therefore be considered to comply with Policy A1.

Significantly, through allowing clear glazing where there is no overlooking, the office unit would provide a better office environment with some views of the sky. This will benefit the office workers and ensure the space positively contributes to the area which is supported by the NPPF and London Plan.

Conclusion

It is proposed to alter the glazing requirements of the rooflights by reducing the amount that is obscure glazed, so that a high quality office space is created whilst sufficiently protecting the amenity of adjoining occupiers. The layout will remain the same as approved and the rooflights will continue to be fixed shut on a permanent basis.

There will be no change to the overall scale of the building, and the general character and appearance of the roof will remain the same. The alterations will not breach any of the local authority's planning policies.

We trust you have sufficient information to enable a positive determination of this variation of condition application and we look forward to receiving confirmation that the application has been validated. In the meantime, should you require any further information please do not hesitate to contact me.

Yours faithfully



KATE MATTHEWS
Director