

SECTION '2' – Applications meriting special consideration

**Application No :** 12/00677/FULL6

**Ward:**  
**Bromley Town**

**Address :** 9 Bromley Avenue Bromley BR1 4BG

**OS Grid Ref:** E: 539517 N: 170020

**Applicant :** Edna Rouhan

**Objections :** YES

**Description of Development:**

Two storey side extension (Amendment to permission 08/03802 alteration to glazing of windows)

RETROSPECTIVE APPLICATION

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds

**Proposal**

- The proposal seeks retrospective permission for alteration to glazing of windows in an extension granted planning permission under ref. 08/03802.
- Planning permission was previously granted for a two storey side extension, which had a single door in the southern (rear) flank elevation, and a double-pane window measuring approximately 1.25 metres in width and approximately 1.3 metres in height. This application was approved by members, with the addition of Condition 4 stating in effect that the window in the eastern elevation serving the utility room shall be obscure glazed and permanently retained as such.
- Following this planning approval, the window in the eastern flank elevation which serves the utility room was altered in size and an additional window was inserted into the southern (rear) flank elevation adjacent to the single door (under a non-material amendment). The window in the eastern flank elevation now measures 1 metre in height and approximately 1.25 metres in width, and the window in the southern flank elevation measures approximately .
- With a non-material amendment application, if they are granted, the conditions attached to the original application are carried across and must still be complied with. This appears to have caused confusion with the applicant, who proceeded to install a clear-glazed window in the eastern

flank elevation which did not comply with Condition 4 of the original planning approval.

- The current application therefore seeks to regularise the development on site, by seeking planning approval for a clear-glazed window in the eastern flank elevation.

## **Location**

The application site hosts a part one/two storey detached dwellinghouse, located on the southern side of Bromley Avenue.

## **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- disappointed that the matter has arisen again;
- original permission was granted with specific condition that the window in the eastern flank elevation was obscure glazed;
- no attempts have been made to comply with this condition;
- the window in question overlooks home and garden of Number 7, and would create a confrontational situation where none existing before;
- now seriously overlooked from this window;
- can now see directly into new extension and all activities within the utility area, so much so that can see through this window into the north facing elevation onto the street below;
- being on patio in front garden is like being in a goldfish bowl;
- drawings 004A (drawing No. 2) and 102 (drawing No. 3) show a reduction in size of the Eastern window by 300mm. However it is suggested that the newly installed window is the same size as in the original drawing, thus there seems to have been no reduction in size;
- request that the original Planning Consent be adhered to and that obscured glazing be installed immediately;
- have provided photographs to illustrate the issues highlighted.

## **Comments from Consultees**

No internal consultations were made.

## **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

BE1 Design of New Development  
H8 Residential Extensions

## **Planning History**

Permission was granted for a two storey side extension under ref. 08/03802. As previously mentioned, this was granted subject to conditions including that the window in the eastern flank elevation be obscure glazed and permanently retained as such, unless previously agreed in writing by the Local Planning Authority.

## **Conclusions**

Members may consider that the main issues relating to the application are the effect that the clear-glazed window has on the privacy and residential amenity of the occupiers of the host dwelling and in particular of the residents of the neighbouring property, No. 7 Bromley Avenue.

When planning permission was previously granted under ref. 08/03802 for a two storey side extension, this was done so on the basis of a number of conditions that were attached to the approval. These related to commencement of development, matching materials, trees, and obscure glazing. It can be seen that the only outstanding issue at present is the obscure glazing condition, and the current application seeks to address this matter.

A site visit was carried out to the neighbouring property, No. 7 Bromley Avenue, and photographs are available on the planning file for Members to view. These show the relationship between the neighbouring property, No. 7, and the window in question in the eastern flank of No. 9. The neighbour at No. 7 has raised concerns relating to direct overlooking into existing windows at No. 7, loss of privacy for the existing patio area at No. 7 due to the clear-glazing, and overlooking of the garden area.

The conclusion that appears to have been reached in the determination of the original 2008 application was that the window in the eastern flank elevation, provided it is obscure glazed, was acceptable and unlikely to lead to a detrimental impact upon the amenities of the neighbouring residents. However as this window has now been altered to clear glazing, Members Views are requested to determine whether the clear glazing in the eastern flank elevation is acceptable and does not lead to a detrimental impact upon the privacy and amenities of the residents of No. 7 Bromley Avenue, or alternatively whether the alteration from obscure glazing to a clear-glazed window in this location gives rise to an unacceptable degree of overlooking and loss of privacy to the residents of the host dwellinghouse and No. 7 Bromley Avenue, by reason of direct overlooking.

Background papers referred to during production of this report comprise all correspondence on files refs. 08/03802 and 12/00677, excluding exempt information.

## **RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED**

- |   |        |  |
|---|--------|--|
| 0 | D00002 | If Members are minded to grant planning permission the following conditions are suggested: |
| 1 | ACK01  | Compliance with submitted plan   |

**Reason:** In order to protect the amenities of the residents of Number 7 Bromley Avenue and to comply with Policies BE1 and H8 of the Unitary Development Plan.

**Reasons for granting permission:**

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

BE1 Design of New Development  
H8 Residential Extensions

The development is considered to be satisfactory in relation to the following:

- (a) the appearance of the development in the street scene;
- (b) the appearance of the development in relation to the character of the area;
- (c) the relationship of the development to the adjacent properties;
- (d) the character of development in the surrounding area;
- (e) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (f) the outlook of occupiers of adjacent and nearby properties;
- (g) the privacy of occupiers of adjacent and nearby properties;
- (h) the housing policies of the development plan;
- (i) and having regard to all other matters raised including concerns from neighbours.

D00003 If Members are minded to refuse planning permission the following grounds are suggested:

- 1 The clear-glazed window in the eastern flank elevation of the two storey side extension granted permission under 08/03802 gives rise to undesirable overlooking of the neighbouring property, resulting in lack of privacy and amenities for the residents of Number 7 Bromley Avenue, contrary to Policies BE1 and H8 of the Unitary Development Plan.

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