

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 14/04721/VAR

Ward:
Plaistow And Sundridge

Address : Treesway Lodge Road Bromley BR1
3ND

OS Grid Ref: E: 541231 N: 170380

Applicant : Mr Spencer Clifford

Objections : YES

Description of Development:

Application to vary Condition 5 of planning permission reference 14/01529 from 'Within two months of the date of decision notice all flank windows shall be incapable of being opened and shall be obscure glazed to a minimum of privacy level 3 (using five levels of privacy with 5 providing the most obscure in line with the Permitted development for householders - Technical guidance) and shall subsequently be permanently retained as such' to 'All flank windows at first floor level should be obscure glazed and openable in order to allow for natural ventilation. In the roofspace the three lower rooflight windows should be obscured glazed and permanently fixed shut'.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Chain
London City Airport Safeguarding
London City Airport Safeguarding Birds
Metropolitan Open Land
Open Space Deficiency
Sites of Interest for Nat. Conservation

Proposal

This application seeks to vary Condition 5 of planning permission reference 14/01529

The relevant Condition 5 reads 'Within two months of the date of decision notice all flank windows shall be incapable of being opened and shall be obscure glazed to a minimum of privacy level 3 (using five levels of privacy with 5 providing the most obscure in line with the Permitted development for householders - Technical guidance) and shall subsequently be permanently retained as such'

The application seeks to vary the Condition to read "All flank windows at first floor level should be obscure glazed and openable in order to allow for natural ventilation. In the roofspace the three lower rooflight windows should be obscured glazed and permanently fixed shut".

Location

The application site is a detached dwelling house located on the east side of Lodge Road. The surrounding locality is predominantly residential in nature, characterised by detached dwellings set back from the highway by substantial front gardens with many mature trees which gives a semi-rural appearance. From the road the land rises to the east and to the west; houses to each side of the road are in an elevated position.

The road is unadopted and the land to the rear is designated as Metropolitan Open Land. The access road to Sundridge Park Manor is to the rear of the site.

Comments from Local Residents

Comments have been received from local residents and are summarised below; the full texts and photographs are available to view on file:

- request for openable windows at first floor to allow for natural ventilation - House has eight air-conditioning units so provision for adequate ventilation in place
- inference that the four upper windows in the roofspace be left as they are - openable and clear glazed
- opening and non-obscure glazed windows will allow a view into adjacent house
- lack of privacy for enjoyment of garden
- request for enforcement action to comply with conditions

Planning Considerations

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

BE1 Design of New Development
H8 Residential Extensions

SPG1
SPG2

Planning History

There is a substantial planning history relating to the site. The most relevant to this application is planning permission ref. 14/01529 Increase in roof height to include front dormer and elevational alterations, two storey rear, part one/two storey sides and first floor and single storey front extensions (Revision to planning ref. 13/00074 to include additional ground floor rooflights, additional second floor rooflights.

Rooflights to garage with barn hip ends. Widening of front elevational windows and correction to boundary location). This was a retrospective application (with additional revised plans received). This application included Condition 5 (the subject of this application) and which is referred to above. The reason for the condition is: 'Reason: In order to comply with Policies BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties'.

The planning history also includes:

- planning permission ref. 12/01581 which granted consent for the increase of the roof height to include front dormer and elevational alterations, two storey rear part one/two storey sides and first floor front extension.
- two applications for consideration of a detached double garage to the front of the site with habitable accommodation above. One was withdrawn and the other, ref. 12/03288 was refused.
- planning permission, ref. 13/00074, which sought revisions to the previous approved application, ref. 12/01581, to include a single storey front extension (for a garage).
- refusal of retrospective application, ref. 13/03887, for revisions to permission ref. 13/00074, to include additional rooflights to the ground floor and second floor and alterations to the garage roof design, alterations to the front fenestration and corrected boundary details.
- A separate part retrospective application for the installation of 8 air conditioning units with enclosure, ref. 14/00682, was refused on 15/5/2014 and subsequently allowed on appeal.

Conclusions

The main issues relating to the application are the effect that the variation of condition would have on the amenities of the occupants of surrounding residential properties.

As noted above there is a complex planning history relating to this site, including a number of retrospective applications.

The application requests variation of condition so that all flank windows at first floor level should be obscure glazed and openable in order to allow for natural ventilation. Neighbour objections regarding overlooking are raised and also note that there are a number of air-conditioning (ac) units serving the property. It is not clear from the submitted information as to whether these ac units serve the first floor bathrooms. In any event the size and design of windows as installed, if openable, would allow a level of overlooking in to adjacent sites as to result in an unacceptable detrimental impact on neighbouring amenities.

The application requests that in the roofspace as permitted the three lower rooflight windows should be obscure glazed and permanently fixed shut. There have been on-going concerns with the requirement of the upper panes being obscure glazed and fixed shut. The windows as installed were considered as part of a retrospective application. The issues were discussed in the previous report relating to application ref. 14/01529 'The planning report for ref. 13/03887 considered the upper panes in

detail and a relevant excerpt follows: 'When considering treatment of the upper panes it is noted that the lower edge of the upper frame measures 1.790m from the floor level. Permitted development guidance for roof lights in a side elevation roof slope is that they must be obscure glazed and either non-opening or more than 1.7m above floor level. It is understood that the upper panes will be electronically operated and will have a restricted opening of approximately 20cm. Although the previous permission gave consent for three rooflights the configuration of those now installed is considered to result in a greater impact for neighbours. Members may consider for the upper panes to be acceptable on the basis they too are obscure glazed'. Revised plans received now indicate obscure glazing to the upper panes and therefore on balance may be considered acceptable'.

Following discussion at Committee it was considered, on balance, that these windows were acceptable on the premise that they were obscure glazed and fixed shut. The applicant's supporting statement proposes "... the top three windows on each flank are above head height (as shown on plans provided with the application) it is submitted that the applicant should be able to open these top three windows for ventilation and if required have these clear glazed as no overlooking would be possible from them...". No indication of restricted opening has been referred to in this current application.

It is acknowledged (as previously) that these windows are at a higher level and a careful balance has to be made as to the degree of overlooking that may be afforded from these windows and the impact on privacy and amenity for nearby occupiers. The three combined roof lights do form a significant area of glazing and it is the cumulative impact from the number of flank windows that forms part of the considerations for this proposal. It may be the case that air conditioning units serve these upper rooms; additional information is requested and any updates will be presented to Members at Committee. It is also noted that these windows are secondary windows serving these habitable rooms. Permission was granted (ref. 14/01529) subject to safeguarding conditions and mindful of the cumulative impact of the number of windows to the flank elevations. Therefore, on balance, and in the interest of protecting neighbouring amenity it is considered that the requirement for Condition 5 should be on-going.

Neighbour concerns continue to be raised in respect of the overlooking and photos have been supplied to emphasise these concerns. These are available on file for viewing.

Velux windows to en-suites at second floor (loft level) were previously specified as obscured glass and fixed shut (non-openable). This is considered necessary due to the potential for overlooking that will arise in the event the windows are openable.

The rooflights at ground floor have previously been specified as being fixed shut (non-openable) in order to address concerns about impact on amenity.

Due to the number, the size, the siting and the design of flank windows it is considered that to vary Condition 5 in the manner requested would give rise to an unacceptable degree of overlooking and loss of privacy and amenity to occupiers of adjacent properties and therefore the variation of Condition 5 should be refused.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

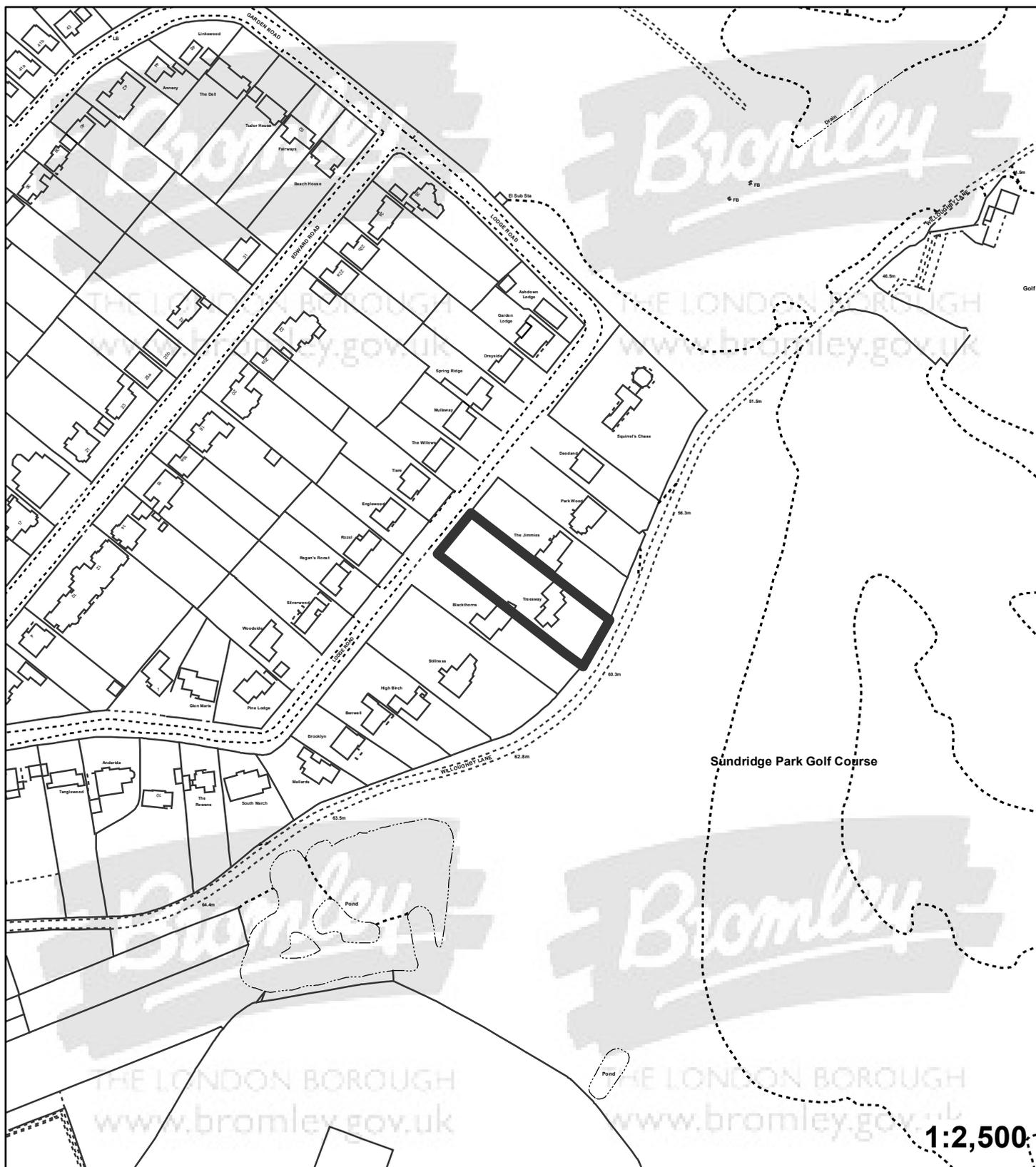
The reasons for refusal are:

- 1 The proposed variation to Condition 5 of planning permission ref. 14/01529 would result in a detrimental impact on neighbouring amenity by way of an unacceptable degree of overlooking and loss of privacy and amenity thereby contrary to Policy BE1 of the Unitary Development Plan.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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