

# London Borough of Bromley

Report No.  
DRR/10/00119

PART 1 - PUBLIC

Agenda  
Item No.

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Title:	<b>25 LYNWOOD GROVE ORPINGTON KENT BR6 OBD.</b>		
Decision Maker:	<b>Plans Sub-Committee No.2</b>	Decision Date:	<b>04 Nov 2010</b>
Decision Type:	Urgent	Non-Executive	Key
Budget/Policy Framework:	Within policy and budget		
Chief Officer:	Chief Planner		
Contact Officer:	Tim Bloomfield, Development Control Manager Tel: 020 8313 4687 E-mail: tim.bloomfield@bromley.gov.uk		
Ward:	Bromley Town		

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## 1. SUMMARY

- 1.1 Planning permission was granted under ref. 09/02017/FULL6 for roof alterations to incorporate a side dormer extension at 25 Lynwood Grove. A condition imposed on this grant of permission required details of the window including materials, method of opening and glazing be submitted to and approved in writing by the Local Planning Authority before any work commenced. The windows were to be installed in accordance with these details and retained as such thereafter.
- 1.2 On 29<sup>th</sup> March 2010, it was brought to the Council's attention that works had commenced at the property but were not in accordance with the approved plans in that the window was of a different design and location. In addition, the window was installed without the relevant planning condition being discharged.
- 1.3 The approved plans and dormer window as installed on site differ as follows:
  1. Window within dormer relocated further towards the rear of the property.  
  
Window design approved with four panes of relatively equal size in cross design – windows installed on site are three large panes with a small fan light.
- 1.4 Details of the windows which are considered to be inadequate to discharge condition 3 of permission are as follows:
  2. The level of obscurity of the glazing is considered inadequate
  3. The method of opening is considered to be inappropriate

## 2. RECOMMENDATIONS

1. No further action taken regarding the relocation of the window or its revised design.

2. Glazing to be replaced with panes of a higher level of obscurity (equivalent to level 5) in accordance with details submitted to the Council 14<sup>th</sup> September 2010.
3. Method of opening to be altered to allow most westerly window to open towards the front of the property, the lower middle and easterly windows to be fixed but with opening fanlight.

### **3. COMMENTARY**

- 3.1 A planning application was submitted in July 2009 for roof alterations to incorporate a side dormer. Letters were sent to adjoining neighbours and objections were received in relation to overlooking and loss of privacy.
- 3.2 Following discussions with the applicant, permission was granted under delegated powers on 21<sup>st</sup> September 2009 with a condition attached relating to the method of opening and glazing for the flank window. This condition stated as follows:  
*Details of the proposed window including materials, method of opening and glazing shall be submitted to and approved in writing by or on behalf of the Local Planning Authority before any work is commenced. The windows shall be installed in accordance with the approved details and retained as such thereafter.*
- 3.3 On 29<sup>th</sup> March 2010, it was brought to the Council's attention that works had commenced at the property without certain conditions being discharged. Furthermore, the works being carried out were not in complete accordance with the approved plans.
- 3.4 On 27<sup>th</sup> April, the application site was visited and photographs taken. The applicant was advised that the method of opening and glazing were not acceptable and that further details should be submitted in order to discharge the relevant condition.
- 3.5 A further visit was carried out on 10<sup>th</sup> May 2010 in order to assess the impact of the window on the neighbouring property.
- 3.6 On 24<sup>th</sup> August 2010, a letter was sent to the applicant requesting the details in order to discharge condition 3 of the planning permission to be submitted by 14<sup>th</sup> September 2010. Details relating to the opening of the window and a new obscure glazed panel were submitted on 14<sup>th</sup> September 2010.
- 3.7 On 24<sup>th</sup> September, the Council wrote to the applicant advising that whilst the level of obscurity for the window was acceptable, further details were required in relation to the means of opening of the window. No further details have been submitted.
- 3.8 It is considered that the revised design of dormer window, by reason of the method of opening, results in an unacceptable degree of overlooking of the neighbouring property, and therefore fails to comply with Policies BE1 and H8 of the Unitary Development Plan. The level of obscurity of the panel submitted to the Council is considered to be sufficient and should be installed in place of the existing glazing.
- 3.9 In light of the above it is recommended that enforcement action be authorised to ensure the agreed level of obscure glazing be installed and the method of opening to be altered to allow the most westerly window to open towards the front of the property, the lower middle and easterly windows to be fixed and the fan light to be openable as existing. Whilst the design and position of the window differs from the approved plans, it is considered that providing obscure glazing in accordance with the submitted details and method of opening are enforced, this would not result in material harm to the neighbouring property.

#### 4. POLICY IMPLICATIONS

4.1 UDP Policies BE1 and H8 are relevant.

<b>Non-Applicable Sections:</b>	Financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	Enforcement files contain exempt information, as defined in Schedule 12A of the Local Government (Access to Information) Act 1985, and are therefore not available for public inspection.

Ref: DC/KE/09/02017/FULL6