

DELEGATED FILE NOTE

CASE OFFICER: ...Vicki Wood.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02146/S73	Remove Condition Number 3 (Obscure glazing) of planning permission reference 20/02656/FPH granted on 29/03/2021.	15 Garden Lane Royston Hertfordshire SG8 9EH

Submitted Plan Nos

2020-15 GL - A115 T2 2020-15 GL-A116

1.0 Policies

1.0 **Local and National Policy**

1.1 **National Planning Policy Framework 2023 (NPPF)**

Section 2 – Achieving sustainable development

Section 12 – Achieving well-designed and beautiful places

Section 14 - Meeting the challenges of climate change, flooding and coastal change

1.2 **North Hertfordshire Local Plan 2011-2031 (NHLP)**

Strategic Policies

Policy SP1 – Sustainable Development in North Hertfordshire

Policy SP9 – Design and Sustainability

Development Management Policies

Policy D1 – Sustainable design

Policy D2 – House extensions, replacement dwellings and outbuildings

Policy D3 – Protecting living conditions

1.4 **Supplementary Planning Document**

North Hertfordshire Design Guide 2011

2.0 **Relevant Site History**

- 2.1 Planning application referenced 20/02656/FPH was granted conditional permission for extension and renovation of existing dwelling involving excavations under existing footprint to provide two additional storeys - a ground and upper ground floor; two storey side extension; raised garden to south elevation with covered car parking area and bike store below; new retaining wall to south boundary; addition of solar panels to front and rear roof slopes; replacement roof incorporating rear and front roof lights; external render to all elevations; alterations to fenestration, levelling of rear garden and ancillary works following demolition of existing rear extensions. At the time of assessing the application, the case officer was mindful of the objections received in respect of loss of privacy and made reference to this in the officer report which reads as follows: *'I note the neighbour's concern with regards to the loss of privacy to the side windows. With the exception of kitchen and study window on the south elevation which will look out on the front driveway area of no.17, and the snug room window on the north elevation which will outlook on the retaining wall and rear garage wall of the neighbour no.24 The Warren, I have recommended a condition requiring all other side flank windows to be obscure glazed to protect privacy to the neighbours.'* The condition subsequently added to the approval reads as follows:

'With the exception of the kitchen and study windows on the south elevation and the snug window on the north elevation, all other windows on the two side flanks walls must be installed as obscure glazed and thereafter retained as such.

Reason: To protect privacy to the neighbours.'

3.0 **Representations**

3.1 **Site and Neighbour Consultation** – Four objections have been received, two from no.50 Garden Lane and one from nos.48 and 17 Garden Lane which raise the following concerns:

- ☐ Loss of privacy from the larger window openings and removal of obscure glazing.
- ☐ No justification for removal of the obscure glazing.
- ☐ The application does not address the breach of planning control re: changes to sizes of window openings.

3.2 **Royston Town Council** – Object to the application on the grounds of complete disregard of the planning conditions and that the removal of obscure glass would be detrimental to the privacy of neighbours.

3.3 The application has been called into Planning Committee by Councillor Brown should a recommendation be for approval on the grounds of loss of privacy to neighbouring properties.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 At the time of the previous planning submission granted under 20/02656/FPH, No.15 could be described as being a detached, pink brick, 1960s era split bungalow built into the hillside on the western side of the road. To date, building works have commenced and are on-going with unauthorised changes having taken place involving some changes to window opening sizes and some windows having clear glazing installed in place of obscure glazing.

4.2 **Proposal**

4.2.1 The application seeks to remove Condition 3 (Obscure glazing) of planning permission reference 20/02656/FPH granted on 29/03/2021.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

The impact that the proposed development would have on the living conditions of neighbouring properties.

Design

- 4.3.2 The objectives of the National Planning Policy Framework (NPPF) include those seeking to secure the creation of high quality, beautiful and sustainable buildings and places (Section 12 – Achieving well-designed and beautiful places). Paragraph 131 of the NPPF states that “*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable communities*”. In this regard, Policy D1 and D2 of the North Hertfordshire Local Plan are consistent with the objectives set out within the NPPF.
- 4.3.3 Given that the application is in respect of the removal of a planning condition, the actual design of the windows cannot be considered as Condition 3 refers to obscure glazing requirements and not design. However, Policy D1 makes reference to achieving high quality design for all development and that ‘...*good quality design is essential for health and well-being.*’ Policy D2 ‘*requires that consideration be given to the effect that a proposal may have on the living conditions of neighbouring occupiers...*’ In the circumstances, given the material impact in terms of loss of privacy to neighbouring properties, I do not consider that the removal of the requirement to install obscure glazing is acceptable and would be contrary to both local and national planning policy.

Impact on Neighbouring Properties:

- 4.3.4 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy D3 of the NHLP.
- 4.3.5 Four objections have been made to the application by neighbouring properties plus an objection from Royston Town Council and the Ward Councillor. The concerns raised are reasonable and justified. No details have been submitted to give grounds for the need to remove the requirement to install obscure glazing as specified by Condition 3 attached to 20/02656/FPH.
- 4.3.6 To remove the obscure glazing would be contrary to Policy D3 of the North Hertfordshire Local Plan and the aims of design policies D1 and D2 as stated at para 4.3.3 in that the living conditions of neighbouring properties would be adversely affected should obscure glazing not be installed. Condition 3 has been included on the approval notice as a mitigation measure to ensure such harm arising from overlooking is avoided and therefore the points set out under para 2.1 remain relevant and that the application to remove this condition is not supported.

Environmental Implications:

- 4.3.7 Section 14 of the NPPF sets out how the planning system should support the transition to a low carbon future. The principles set out in Section 14 are reflected in Policy D1 of the North Herts Local Plan, which sets out that development proposal should take all reasonable opportunities to reduce energy consumption and waste, retain existing vegetation and propose new appropriate planting, and future proof for changes in technology and lifestyle.
- 4.3.8 The proposed development, would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF and Policy D1.

4.4 Conclusion

- 4.4.1 In the absence of material planning reasons to the contrary, it is my view that planning permission is **REFUSED** and enforcement action be taken to ensure the breach of planning control regarding the size of window openings and any associated glazing is remedied in order to ensure compliance with the approved scheme.

5.0 Recommendation

- 5.1 That planning permission be **REFUSED** for the following reason:

1. The removal of obscure glazing would give rise to unacceptable adverse overlooking and consequential loss of privacy to the occupiers of neighbouring dwellings nos. 17 Garden Lane and 24 The Warren contrary to the aims of Policy D3 of the North Hertfordshire Local Plan 2011-2031 and Section 12 of the NPPD 2023.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 8 November 2024	