

ITEM NUMBER: 5b

23/02781/ROC	Removal of Conditions 4 and 5 attached to planning permission 21/03742/FHA (Single Storey Rear and Side Extension and Loft Conversion)	
Site Address:	17 Vicarage Lane, Kings Langley, Hertfordshire	
Applicant/Agent	Mr Smith/Mr Amankwah	
Case Officer:	Robert Freeman	
Parish/Ward:	Kings Langley	Kings Langley
Referral to Committee:	The application is referred to the Development Management Committee given that the recommendation would be contrary to the view of the Parish Council	

1. **RECOMMENDATION** – That conditions 4 and 5 are removed.

2. **SUMMARY**

2.1 The conditions applied to this permission are neither reasonable nor necessary to ensure the adequate protection of the residential amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011 and accordingly should be removed.

3. **BACKGROUND**

3.1 Planning permission was granted for the construction of a single storey side/rear extension and the conversion of the loft including the construction of two dormer windows under planning permission 21/03742/FHA by the Development Management Committee at the meeting of the 16th December 2023. Condition 5 was added by Members in addition to those suggested by the case officer.

3.2 This permission was subsequently implemented without the inclusion of obscure glazing contrary to conditions 4 and 5 attached thereto resulting in enforcement cases E/22/00190/NAP and E/23/00190/NAP

4. **PROPOSALS**

4.1 An application has been submitted to remove Conditions 4 and 5 thus resolve outstanding enforcement matters in respect of the site.

4.2 Condition 4 states

“The high level window at ground floor level in the southern elevation of the rear extension hereby permitted shall be non-opening and permanently fitted with obscured glass.

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021)”.

4.3 Condition 5 states:

“The two dormer rear facing windows at roof level hereby approved shall be permanently fitted with obscured glass.

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021)”

5. REPRESENTATIONS

Consultation responses

- 5.1 These are reproduced at Appendix A.

Neighbour Responses

- 5.2 These are reproduced at Appendix B

6. CONSIDERATIONS

Policy and Principle

- 6.1 The use of planning conditions on the grant of planning permission needs careful consideration to ensure that any conditions applied to the development meet the six tests set out within the NPPF. These tests indicate that conditions need to be; necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other aspects.

Condition 4

- 6.2 This condition requires a high level window within the flank elevation of the side/rear extension to be non-opening and fitted with obscure glazing in the interests of the privacy of the neighbouring property and for the sake of clarification does not extend to the provision of obscure glazing within the roof glazing thereto.
- 6.3 The cill height of the window would be some 1.95m (6.4ft) above finished floor level within the extension and by its nature does not allow views out onto neighbouring land. Furthermore it is evident that changes in floor level of the extension would not be desirable and are extremely unlikely to occur given the internal finishes thereto. Officers would strongly contend that obscure glazing is not necessary nor reasonable above this height to ensure that the amenities of neighbouring properties are retained in accordance with Policy CS12 of the Core Strategy and Saved Appendix 7 of the Local Plan 1991-2011. For these reasons the condition would not meet the tests within the NPPF and accordingly should not have been applied to the grant of planning permission.

Condition 5

- 6.4 This condition requires the dormer windows installed in the rear elevation of the property to be obscure glazed in the interests of the privacy of neighbouring properties.
- 6.5 This condition is not considered to be reasonable or necessary in this instance for the following reasons:
- The application property benefits from permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended) Under Schedule 2 Part 1 Class B, the dwelling could add up to 40m³ to the roof space without planning permission and without any requirement to obscure glaze rear facing windows.

- It can be clearly demonstrated that the view from the dormer windows provides no material change in overlooking of the neighbouring properties to that provided from first floor windows within the rear elevation of the property
- There are a number of neighbouring properties with clear glazed dormer windows at roof level within Vicarage Lane.
- The windows do not provide views into properties at Common Lane, including Old Wicks, which is located a substantial distance to the north of the application property and in excess of the 23m back to back distance within Saved Appendices 3 and 7 of the Dacorum Borough Local Plan 1991-2011.
- The gardens of neighbouring properties would be equally overlooked from other properties in Vicarage Lane.

6.6 The dormer windows do not, in my opinion, result in any material loss in privacy to the neighbouring properties and as such would not be harmful to the amenities of these properties. There would be no conflict with the requirements of Policy CS12 of the Core Strategy nor Saved Appendix 7 of the Dacorum Borough Local Plan 1991-2011.

Other Concerns and Issues

6.7 The neighbouring property at No.19 has raised concerns that the use of glass in the roof of the single storey extension allows views from the kitchen/dining area up towards their bedroom windows. The current planning conditions do not extend to the provision of obscure glass or any other material being used in the roof of the extension permitted and I do not consider the use of clear glass to the roof to be a breach of any planning condition. Furthermore, I do not consider that the nature of the roof material results in any loss of privacy to the neighbouring property.

6.8 As the development has been completed there is no need to re-impose Condition 1 (commence within 3 years) or Condition 3 (materials). However, Condition 2 (approved plans) needs to be added for clarity as to what would be granted planning permission.

7. RECOMMENDATION.

7.1 That permission is **GRANTED** for the removal of conditions 4 and 5 attached to planning permission 21/03742/FHA.

7.2 That permission is **GRANTED** subject to the following condition:

Condition 1: The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

- **192_PP-001-3_P1 Site Location Plan**
- **192_PP-002-3_P1 Proposed Block Plan**
- **192_PP-110-3_P2 Proposed Ground and First Floor Plans**
- **192_PP-111-3_P3 Proposed Loft Floor and Roof Plans**
- **192_PP-211-3_P3 Proposed North and South (side) Elevations**
- **192_PP-210-3_P3 Proposed Rear Elevation**

Reason: For the avoidance of doubt and in the interests of proper planning.

APPENDIX A: CONSULTATION RESPONSES

Consultee	Comments
Kings Langley Parish Council	Objection due to potential overlooking/lack of privacy

APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
15 Vicarage Lane	<p>With regard to the extension in the roof, making it a dormer window, which on the original plan was going to be a bathroom, hence the need for obscure glass in the dormer windows. But, as we know during building work this was changed to a bedroom and the bathroom is in the roof on the front of the house! So no matter what I or anyone says I'm sure this will not be changed! But we have absolutely no privacy in our back garden at all.as our neighbour tells us he can see us in our garden!</p> <p>With regard to the windows in the roof of the single extension, these should be obscure as our neighbour at number 19, can see into their kitchen /diner, likewise they can look up into her bedroom! So no privacy at all for either neighbour.</p>
19 Vicarage Lane	<p>I live at the adjoining the property in question. The one story side extension at no. 17 Vicarage Lane has a glass roof as well as side windows and has been built just a few feet below my bedroom window. As such, there is a clear line of sight from within the extension up into my bedroom and vice versa. I have marked up pictures which clearly demonstrate this fact which I would be keen to share with you/other decision makers within the planning department. I would also be happy/keen to accommodate a visit to further illustrate the issue. Suffice to say, this has had a significant detrimental impact on my privacy and therefore my comfort in my own home (of 16 years). As such, any remedial action that can be undertaken to address this impact on my privacy should be enforced.</p>
Old Wicks, Common Lane	<p>The dormer windows overlook our garden and house. This is particularly emphasised due to the gradient of the land and is more evident in the winter when the leaves drop. We didn't object originally to the proposals because our privacy was to be protected by the obscured glass. We knew the planning permission had not been</p>

	<p>adhered to because we were able to see the inhabitants in the loft room of the house from our house. The lack of obscured glass has considerably impacted on our privacy and we feel the glass should be obscured as per the approved plans.</p>
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