



## Appeal Decision

Site visit made on 21 August 2018

by **L Fleming BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29<sup>th</sup> August 2018

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**Appeal Ref: APP/X1925/W/18/3196530**

**29 Haselfoot, Letchworth Garden City SG6 4DE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr Lee Varley against the decision of North Hertfordshire District Council.
  - The application Ref 17/04019/FPH, dated 10 November 2017, was approved on 12 January 2018 and planning permission was granted subject to conditions.
  - The development permitted is a first floor rear extension and single storey rear extension following demolition of existing garage.
  - The condition in dispute is No 4 which states that: The proposed windows at first floor level on the east facing elevation of the extension hereby permitted shall be permanently glazed with obscure glass; and non-openable unless above a height of 1.7m from the finished floor level of the room which they serve.
  - The reason given for the condition is: To safeguard the privacy of the occupiers of the adjacent dwelling.
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### Decision

1. The appeal is dismissed.

### Background and Main Issue

2. Planning permission for the extensions included a condition requiring the first floor windows in the east facing elevation to be permanently obscure glazed. The reason given for imposing the condition is to safeguard the privacy of neighbouring residents, specifically the occupants of No 27 Haselfoot (No 27).
3. The main issue is therefore whether the condition is reasonable or necessary in the interests of safeguarding the living conditions of the occupants of No 27 with particular regard to privacy.

### Reasons

4. I acknowledge there is an existing window at first floor level in the side elevation of the appeal dwelling facing No 27. I note the appeal property is set further back from the road than No 27 and thus the proposed new first floor side window serving the proposed bedroom will not be directly opposite No 27. I also note that the occupants of No 27 have not objected to the proposal or any of the windows being clear glazed. I have also considered the detailed photographic evidence submitted with the appeal.
5. However, in my view the proposed first floor master bedroom window in the east facing elevation without obscure glazing would afford views into parts of

the private rear garden of No 27 and towards the first floor side windows of No 27 which serve main habitable rooms. I acknowledge the existing first floor bedroom window in the east facing elevation of the appeal property already has a similar view. However, this does not justify an additional viewpoint so close to the neighbouring property windows and looking out over part of the rear garden having the effect of further reducing the privacy enjoyed by the occupiers of No 27.

6. Thus without the first floor windows in the east facing elevation being obscurely glazed I find the proposed extension would be harmful to the living conditions of the occupants of No 27 with particular regard to privacy.
7. I therefore find the condition is necessary and reasonable and its imposition is in accordance with the development plan, specifically saved Policies 28, 57 and 58 of the North Hertfordshire District Local Plan No.2 with Alterations (1996) which seek to ensure good design and safeguard the living conditions of nearby residents.

### **Conclusion**

8. For the reasons given having had regard to all other matters raised I conclude that the appeal should be dismissed.

*L Fleming*

INSPECTOR