

**NORTHAMPTON BOROUGH COUNCIL  
CORPORATE DIRECTOR – CUSTOMER AND SERVICE DELIVERY**

**PLANNING COMMITTEE - 30 NOVEMBER 2005**

Application No:     **N/2005/1054**  
Location         :     **5 Freehold Street**  
Proposal         :     **Variation of condition no.3 of planning permission  
N/2000/101 to permit clear glazed windows to third floor  
(roof top extension) to elevation facing Freehold Street and  
obscure glazing up to 1.6 metres to elevation facing Elysium  
Terrace**  
Officer          :     **Mr Geoff Wyatt**

**Recommendation:**

**APPROVAL** subject to conditions and for the following reason:

It is considered that the alterations to the proposed obscure glazing will not result in undue detrimental effect upon the amenities of the occupiers of adjoining and nearby residential properties in accordance with Policies E20 and H20 of the Northampton Local Plan.

**Site Description and History:**

The Development Control Sub Committee of 19 July 2000 approved the conversion (N/2000/101) of a vacant commercial building to 45 flats with a roof top extension for a further 10 flats. The legal agreement was signed and planning permission issued on 2<sup>nd</sup> March 2005. Condition no.3 of that permission states:

“The windows on elevation located on the main floors facing Elysium Terrace and Freehold Street shall be glazed with obscure glass up to 1.8 metres before the development hereby permitted is first occupied and they shall thereafter be retained in that form at all times.”

The condition prevents the overlooking of nearby properties. Work has commenced on the conversion and extension to the building. It is still proposed to have obscure glazing up to 1.8 metres on the elevations on the ground, first and second floors facing Elysium Terrace and Freehold Street.

**Planning Policy:**

Northampton Local Plan Policies B14, E20, H7 and H20.

**Representations:**

The Council received 22 letters of objection on the original submission of clear glazing to both elevations of the roof top extension facing Elysium Terrace and Freehold Street.

**3 (x2), 4, 5, 6, 7, 8 (x2) and 9 Elysium Terrace  
21 (x3), 22(x2) St Georges Place  
2, 4, 6, 8 (x2), 16, 28 and 30 Freehold Street**

The reasons for objection are:

- i) invasion of privacy
- ii) lack of consistency
- iii) detrimental effect upon Barrack Road Conservation Area
- iv) increased noise and pressure on parking.

A revised plan was then submitted showing obscure glazing up to 1.35 metres only on the windows of the roof top extension facing Elysium Terrace. The neighbours were reconsulted and 7 letters of objection from nos. 3 (x2), 5, 6, 7, 8 and 9 Elysium Terrace received objecting to the proposed revision on the grounds that it would invade their privacy. 5 of the objectors have suggested that the windows are obscured to a height of 1.6 metres.

One letter of support from no.4 Elysium Terrace was also received.

After further negotiations with the applicant, a revised scheme has been submitted showing obscure glazing up to 1.6 metres on the elevation facing Elysium Terrace and clear glazing facing Freehold Street. The neighbours were again reconsulted and no representation has so far been received.

### **Appraisal:**

It is considered that obscure glazing up to 1.6 metres on the elevation facing Elysium Terrace is an acceptable compromise. It provides the occupiers of the flats in the roof top extension with a better outlook from their properties but also prevents any significant intrusion into the rear of the properties in Elysium Terrace. It would appear from the letters received from many of the occupiers of those properties that obscure glazing up to a height of 1.6 metres would be acceptable. Due to the steep angle between the roof top extension and the properties in Freehold Street, the clear glazing of the three proposed windows in that elevation is not considered to create a significant overlooking problem.

### **Conditions:**

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990.

(2) The windows in the ground, front and second floors on the elevations facing Elysium Terrace and Freehold Street shall be glazed with obscure glass up to 1.8 metres from flat floor level, the windows in the roof top extension on the elevation facing Elysium Terrace shall be glazed with obscure glass up to 1.6 metres from flat floor level and the windows on the roof top extension facing Freehold Street shall be glazed with clear glass. Full details of the proposed obscured glazing shall be first submitted to and approved in writing by the Local Planning Authority. All forms of obscure glazing shall be completed before first occupation of the proposed flats and retained in that form thereafter.

**Reason:** In the interests of the amenities of occupiers of nearby residential properties.

**(3)** All painting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** In the interests of amenity and to secure a satisfactory standard of development.

**(4)** Access should be provided to the building hereby approved and facilities provided, for people with disabilities in accordance with the details shown on the approved plans, implemented concurrently with the development, completed prior to the development being first brought into use and thereafter maintained.

**Reason:** To ensure satisfactory access for people with disabilities to the development.

**(5)** Full details of the method of treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the flats hereby permitted and thereafter maintained.

**Reason:** To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development.

**(6)** A minimum of six flats shall be provided fully complied with the Council's mobility standards.

**Reason:** To ensure the provision of adequate facilities for persons with disabilities.

**(7)** Full details of facilities for the secure of bicycles shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced, provided prior to the development being first brought into use and maintained thereafter.

**Reason:** To ensure the provision of adequate facilities.



Name: Becky Gittins  
 Date: 17th November 2005  
 Scale: NTS  
 Use: Planning Support  
 Project: Location Plan

Title  
**5 Freehold Street**

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