

<b>LDC Report</b>	24/09/2021
<b>Officer</b>	<b>Application Number</b>
Obote Hope	2021/3705/P
<b>Application Address</b>	<b>Recommendation</b>
Flat A 152 Agar Grove London NW1 9TY	
<b>1<sup>st</sup> Signature</b>	<b>2<sup>nd</sup> Signature (if refusal)</b>
<b>Proposal</b>	
Replacement of timber-framed sliding sash window to rear elevation with timber-framed sliding sash window.	
<b>Assessment</b>	
<p>The application site is a mid-terrace building, divided into two self-contained flats. No.152A comprises the lower and upper ground floor maisonette. At the rear of the property is a single storey out-rigger extension and associated staircase. The rear garden is divided between the two flats, with the top maisonette accessing the rear garden via a roof terrace and external stairs.</p> <p>The site is located within the Camden Square Conservation Area and the immediate surroundings are largely characterised by a unified residential streetscape with more variation in the scale of built development over the wider surroundings, mostly characterised by residential use.</p> <p>The application seeks confirmation that the replacement of a timber sash framed window with double glazed timber framed sash window at rear, upper ground floor level, does not constitute development and is lawful as such that planning permission would not be required.</p> <p><b><u>Planning History</u></b></p> <p><b>2014/2428/P</b> – Erection of part single part two-storey rear extension to lower ground and ground floor level with terrace to ground floor level. <b>Granted 08/07/2014</b></p> <p><b>2021/1727/P</b> – Erection of replacement rear boundary fence. <b>Granted 24/08/2021</b></p>	

## **Applicant's Evidence**

The applicant has submitted the following information in support of the applications:

- Image of the window before it was replaced
- Your Stairs Ltd manufacturing estimate of the window ref: 1290
- Image of the window after its replacement

The following plans were also submitted with the application:

- G-001 REVA Location Plan (OS Extract)
- G-002 REVA Block Plan
- G-005 Replacement window plan and elevation

## **Assessment**

Development is defined by Section 55 of the 1990 Town and Country Planning Act as 'the carrying out of building, engineering, mining or other operations, in, on, or under land or the making of any material change in the use of any buildings or other land'. For the purposes of this Act "building operations" includes;

- a) demolition of buildings;
- b) rebuilding;
- c) structural alterations of or additions to buildings; and
- d) other operations normally undertaken by a person carrying on business as a builder.

The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

- a) the carrying out for the maintenance, improvement or other alteration of any building of works which—
  - (i) affect only the interior of the building, or
  - (ii) do not materially affect the external appearance of the building.

The existing and proposed elevations demonstrate the replacement window is "like for like" and would not materially impact the external appearance of the building. The replacement window is acceptable as it matches the one it replaced in terms of design, glazing pattern, proportions, opening methods, materials and finishes, detailing and the overall size of the window opening.

The before and after images provided demonstrate the window's opening mechanisms, the window material, and traditional detailing; the only noticeable difference is the replacement window is painted white which is considered to not materially impact the external appearance of the building. Therefore, the works are not considered to fall within the 'meaning of development' requiring planning permission as defined by the Town and Country Planning Act 1990.

It is therefore considered that the application proposal is lawful and it is recommended that a certificate of lawfulness be granted.

### **Objection to the Proposal**

An objection was received from Flat B 152 Agar Grove stating the window replacement is not in accordance with the Camden's latest Planning Guidance for Home Improvements (2021) sets out the 'like-with-like' requirements.

The owner/occupier also stated that the window was replaced in 2019 and the replacement window differs in 'appearance' and 'size' and described as a 'faux' Victorian window. The windowpanes have a reflective coating which creates a 'mirror' effect on our side. In addition, the window differs in appearance from the *original sash windows in the rest of the property*, which are in keeping with the period character of the house.

Concerns was also raised in regard to privacy and security and Party Wall agreement.

### ***Officer's Response***

Unlike an application for planning permission, the issue of a Certificate of Lawfulness depends entirely on factual evidence on the history and planning status of the land or building and the interpretation of any relevant planning law. Therefore, in this instance, the planning merits of the development are not relevant to a Lawful Development Certificate. As discussed above in the assessment section the windows that was replaced is timber framed sash window, the photographic evidence and the manufacturers quote indicate that the window opening and the design of the window are similar to the window that was replaced.

Moreover, it was confirmed that the window was replaced in 2019. Therefore, any buildings or operations were "substantially complete" more than 4 years before the date of the application, and that any use (or breach of condition) has been carried on continuously for a period of 4 years.

It should also be noted that Party Wall matters and lease breaches are outside the purview of the planning department, and we cannot offer any comments on these issues.

**Recommendation: Grant Lawful Development Certificate**