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Planning Department
Camden Council
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BY EMAIL

Dear Sir/ Madam,

Denmoss House, 126-136 Camden High Street, London, NW1 0LU

I write to submit an application, on behalf of Concise Property Management Ltd and L.C. Lamerton Ltd for a Certificate of Lawfulness for Proposed Use or Development (CLPUD) under Section 192(1) of the Town and Country Planning Act 1990.

The key issue, and purpose of this CLPUD is whether the works constitute development as defined at Paragraph 55 of the TCPA. It is considered that as a like-for-like replacement, in visual terms and significant upgrade in practical terms, that the proposal would not meet the statutory definition of development and that a CLPUD can be issued to confirm that planning permission is not required in this case.

In support of this application the following documents have been submitted:

- Site Photos
- Site Location Plan (ref: 3248-001 Rev A)
- Existing Site Plan (ref: 3248-002 Rev A)
- Existing Ground Floor Plan (ref: 3248-003 Rev A)
- Existing First Floor Plan (ref: 3248-04 Rev A)
- Existing Second Floor Plan (ref: 3248-005 Rev A)
- Existing Third Floor Plan (ref: 3248-006 Rev A)
- Existing Fourth Floor Plan (ref: 3248-007 Rev A)
- Proposed Site Plan (ref: 3248-009 Rev A)

- Window Schedule (ref: 3248-008 Rev A)

The Site

The site comprises Denmoss House, 126-136 Camden High Street, a former department store located within the Camden Town Conservation Area. The building is identified within the Camden Town Conservation Area Appraisal and Management Strategy (2006) as a 'Focal Building' and a 'Positive Building', i.e. a building that makes a particularly notable positive contribution to the conservation area, but is not subject to a statutory listing, nor is it identified on the local list.

The existing windows are single glazed timber sliding sashes that are currently in a state of disrepair. Difficulty in accessing the existing windows atop of the flat roof shop front has made maintenance particularly difficult. In addition, the cost of erecting scaffold cantilevered over the shopfronts is extremely costly and would be cost prohibitive to the Applicants on a long-term basis. The submitted photos illustrate the state of the existing windows, that if left in situ, will have a negative visual impact on the wider Conservation Area.

Planning History

The site has a significant planning history by virtue of its previous commercial use in a centralised location within Camden Town. These applications are available to view on the Council's Public Access.

The Proposal

As set out above, the proposal comprises the replacement of the existing windows with bespoke aluminium framed, powder-coated counterparts that have been designed by The Heritage Window Company to reflect the appearance of existing sash windows.

The proposed windows are of a more durable material that will not require periodic repainting to maintain. The proposed windows would also introduce additional glazing to improve the energy efficiency of the building.

Legislative Context

Section 55 of the Town and Country Planning Act 1990 sets out that 'development' encompasses the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in use of any building or other land. The Act specifies that the following operations are not considered to comprise development of the land:

The following operations or uses of land are not considered 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.

Building operations which do not materially affect the external appearance of a building do not amount to 'development'. The term 'materially affect' has no statutory definition but is linked to the significance of the change which is made to a building's external appearance.

Assessment of Proposal

Noting the above discussion, the windows shall be a like-for-like replacement, in visual terms, and provide substantive improvements to the building.

The proposal seeks to remove poor quality windows that are in a state of disrepair. As previously discussed, to replace the existing windows with timber-frame counterparts would result in a similar deterioration in the short term due to the issue of maintenance. As a result, the Applicants are seeking a more innovative, but sensitive solution to the required window replacements.

The submitted information evidence demonstrates, on the balance of probabilities, that there will be no perceivable change in the external appearance of the building. Details of the type, shape, size and placement of the windows has been provided. Precedent images shown on the Proposed Site Plan (ref: 3248-009 Rev A) illustrate how the bespoke design will materialise. It is not considered there would be a perceivable change in the external appearance of the windows due to their bespoke design.

Taking the above together, the replacement windows are not considered to materially change the external appearance of the building and would not meet the statutory definition of 'development' as defined at Section 55 of the TCPA, thus exempting the need for planning permission.

Conclusions

The Applicants have submitted detailed plans and evidence to clearly demonstrate that, on the balance of probabilities, the proposed window replacements will have no material effect on the external appearance of the building. The proposal would not fall within the statutory definition of development and therefore does not require planning permission.

I trust the submitted information provides sufficient information to positively determine this CLPUD application. However, should you require anything further, please do not hesitate to contact me.

Yours faithfully,



Elisabeth Lucas
Assistant Planner