


Enforcement Delegated Report		Receipt date:	25/08/2020
Officer		Enforcement Case	
Angela Ryan		EN20/0674	
Breach Address		Photos & Other material	
Flats 1, 2, 4, 5, 6, 7, 8, 9, 10, 12, 19, 21, 100, 101, 102, 104, 105, 107, 108, and 110 Regency Lodge Adelaide Road London NW3 5EE		On file	
Authorised Officer Signature			
 <div>28/03/2024</div>			
Alleged Breach			
<p>Unauthorised removal of the original steel windows and replacement with UPVC framed windows</p>			
Recommendation(s):		<p>That the Borough Solicitor be instructed to issue a Listed Building Enforcement Notice under Section 38 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and officers be authorised in the event of non-compliance with the notice to prosecute under section 42 of the said Act, or appropriate power and/or direct action under section 178 in order to secure cessation of the breach.</p>	
Site Description			
<p>Regency Lodge occupies the trapezoidal site at the south end of the Swiss Cottage triangle, which was redeveloped in the 1930s, with the Odeon Cinema site immediately to the north. The site is bounded by Avenue Road to the east, Adelaide Road to the south and Finchley Road to the west. The site is occupied by a carefully designed scheme of inter-war flats with a parade of shops and underground garage which was Grade II listed in 2006. The building is not in a conservation area.</p> <p>The building dates from 1937-8 and was designed by Robert Atkinson and A.F.B. Anderson in the Moderne style. The elevations are composed of brown and sandy buff bricks, with artificial stone bands and dressings supported on a steel frame, with flat roofs, and steel casement windows. Courtyard layout of 9 linked blocks, 6 storeys high, with narrow entrance in centre of south side. Individual lift and staircase services to groups of flats to minimise corridor lengths; separate trades' stairs and lifts characteristic of the period. Horizontal emphasis, characteristic of the Moderne style, is provided by artificial stone bands at window head and sill levels, with bold semi-circular bays at the block ends of the south range, and many casement bays with curved corners, two linked bays forming the main central feature above the entrance from the courtyard. The top storey, although similar in plan to the lower floors, is treated as an attic, with windows in individual artificial stone surrounds, and not banded. The roof is typically flat which further emphasis the horizontal proportions but there are a lot of overruns and equipment at roof level, some of which are visible in the long views on approach from the east, south and west.</p>			
Investigation History			
<p>09/10/2020- Letter sent to Trustees of the Eyre Estate (Freeholder) highlighting the breach and enquiring whether they have knowledge/information in respect to the flat numbers and contact details of the Leaseholder of those flats where windows have been changed to UPVC</p>			

12/10/2020- Letter sent to then Managing Agent Josphe Prendergast highlighting the breach and enquiring whether they have knowledge/information in respect to the flat numbers and contact details of the Leaseholder of those flats where windows have been changed to UPVC

16/10/2020- E-mail received from Offender Agent (Savills) advising that they act on behalf of the Eyre Estate and whilst the Freehold of the building is owned by the Eyre Estate, the building is held on a headlease and had no direct day to day management responsibilities. That the building is being managed by Highdorn and the e-mail was copied to a Faisal Miah and Ben Dixon who would be able to assist. 25/11

25/11/2021- Letters sent to the trustees of the Eyre Estate (Freeholder) and the then Managing Agent Josepjh Prendergast again highlighting the breach and confirming that ultimately the Council requires all the unauthorised UPVC windows to be replaced with crittall or aluminium windows. I again enquired whether they had any knowledge/information in respect to the flat numbers and contact details of the leaseholders of those flats where the windows have been changed to uPVC windows subsequent to 2006.

07/02/22- E-mail received from Managing Agent (Olga Polunia) confirming that she manages flats 3, 5, 7, 19, 21, 26, 35, 39, 42, 48, 55, 60, 61, 62, 65, 68, 70, 77, 80, 82, 86, 91, 94, 98, 107.

07/02/22- E-mail received from a Jasmine Lowes – Managing Agent confirming that she would try and gather the information requested and will send as soon as possible. She also confirmed that she managed flats 22, 28, 31, 58, 81, 84, 93 & 97 so any correspondence for these flats should be sent to her. She also requested an extension to provide the information by the end of the month.

15/02/22- received an e-mail from Greg Wilson to confirm that he would be picking up issue from his colleague Jasmine Lowes that he had attempted to obtain this information, and have already contacted the current management block agents, Alliance Managing Agents, that week. In addition, he has also begun investigating the possibility, if there is indeed no consent from the Freeholder, to replace the windows, as suggested by Camden Council.

21/03/2022- E-mail received from Greg Wilson confirming that he had tried making contact with a firm of architects who have already acted on behalf of one of the current Tenants who, I believe, have already had their proposal approved by the council. That he had, had not response so would search for another firm. That he had been contacted by Alliance Managing Agents LTD, who informed him that they were attempting to pull together all of the flats who have this issue with a view to undertaking the works on the tenants behalf and recharging them. That he has struggled to obtain the details behind how this happened or more specifically who made the decision behind undertaking the change without permission.

08/06/2022- E-mail received from Managing Agent Ola Polunina (Freshwater) who confirmed that she is currently working on the specification of works and budgeting for the replacement of the windows. That they are major and costly works therefore it will take a while to have everything ready.

08/06/2022- E-mail received from Greg Wilson informing that he had not heard back from the Managing agents, and are taking the matter back and have been liaising with contractors who are investigating the matter for him. That there is an argument to say that several flats that they manage had UPVC windows prior to the listing of the premises but are looking to replace them all. That architects had been lined up to begin the planning process and he is currently seeking a quote for an approximate value of what it will cost their clients.

14/07/2022- E-mail received from Jonathan Nicholls (Agent) acting on behalf of flats 22, 28, 31, 58, 81, 84, 93, 97 who confirmed that he was of the opinion that a new planning and listed building consent application for each property should be made. This would propose that new glazing is installed – to replace the existing windows.

14/09/2022- letter sent to Trustees of the Eyre Estate, highlighting the issue again and advised that since my last letter sent applications had been submitted for flat numbers 22, 28, 31, 52, 58, 81, 84, 93, and 97, Regency Lodge. That there had been no response regarding the remaining flats. That I had tried liaising with the Managing Agent for flat 3, 5, 19, 21, 26, 35, 39, 42, 48, 55, 60, 61, 65, 68, 70, 77, 80, 82, 86, 91, 94, 98 and 107 Regency Lodge, but have had no response since 7th February 2022. I suggested that they consider a comprehensive phased window replacement programme/scheme for all windows in the block that are currently uPVC and are not subject to planning and listed building consent applications in order to see this breach resolved,

15/11/2022 - Planning Contravention Notice (PCN) issued to the Trustees of the Eyre Estate. I have had no response to date.

24/10/2023- Letter sent to Owners informing that the Council still intend taking enforcement action against those properties where uPVC windows have been installed.

Relevant policies / GPDO Category

National Planning Policy Framework (2023): Paragraph 59 & Chapter 16

The London Plan (2021): Policy D4(Delivering Good Design)

Camden Local Plan (2017)

A1 Managing the impact of development

D1 Design

D2 Heritage

Camden Planning Guidance

CPG- Design 2021: Chapters 1, Housing

Assessment

Planning history:

14/02/2012- Listed building consent granted for replacement of all existing original single glazed steel-framed windows with new, steel-framed, double-glazed Crittall windows. (Ref: 2011/5547/L). It would appear that the 1930's steel windows were to be replaced with double glazed crittall windows, but it appears that the consent was never implemented.

21/01/2022 – permission and listed building consent **Flat 51** – 20/05/2022- Installation of Crittall style aluminium double glazed windows to flat. (Ref: 2021/2504/P & 2021/3219/L)

Current applications are being considered in relation to flats 22, 28, 31, 36, 52, 58, 81, 84, 93 and 97 consent granted for the installation of Crittall style aluminium double glazed windows

Issues:

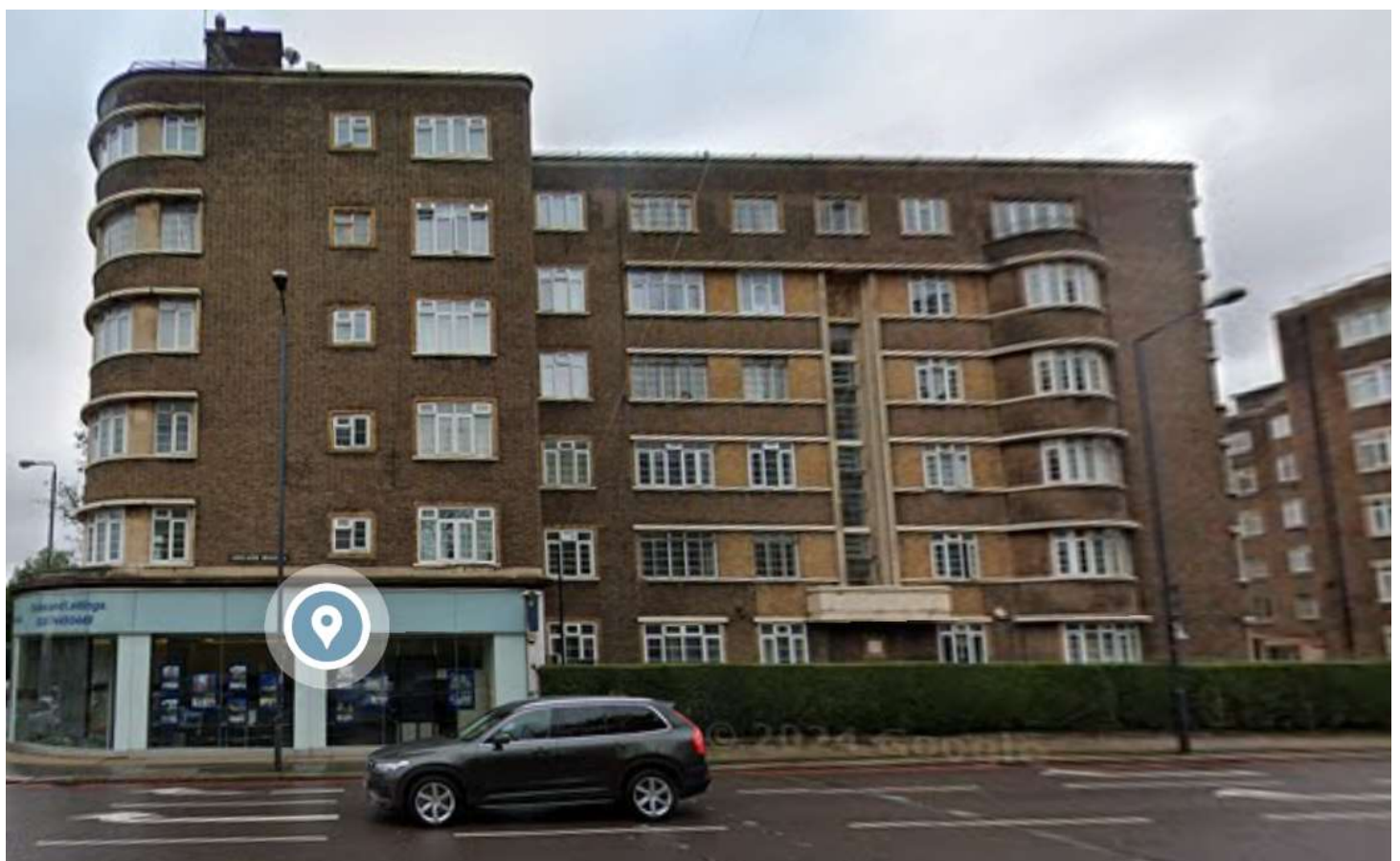
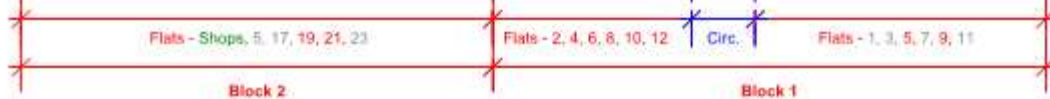
The development is a grade II listed building. Since the building was listed in 2006, number of the original steel windows have been removed from various flats and have been replaced with UPVC framed windows without consent, which are considered to be an inappropriate replacement for this grade II listed building.

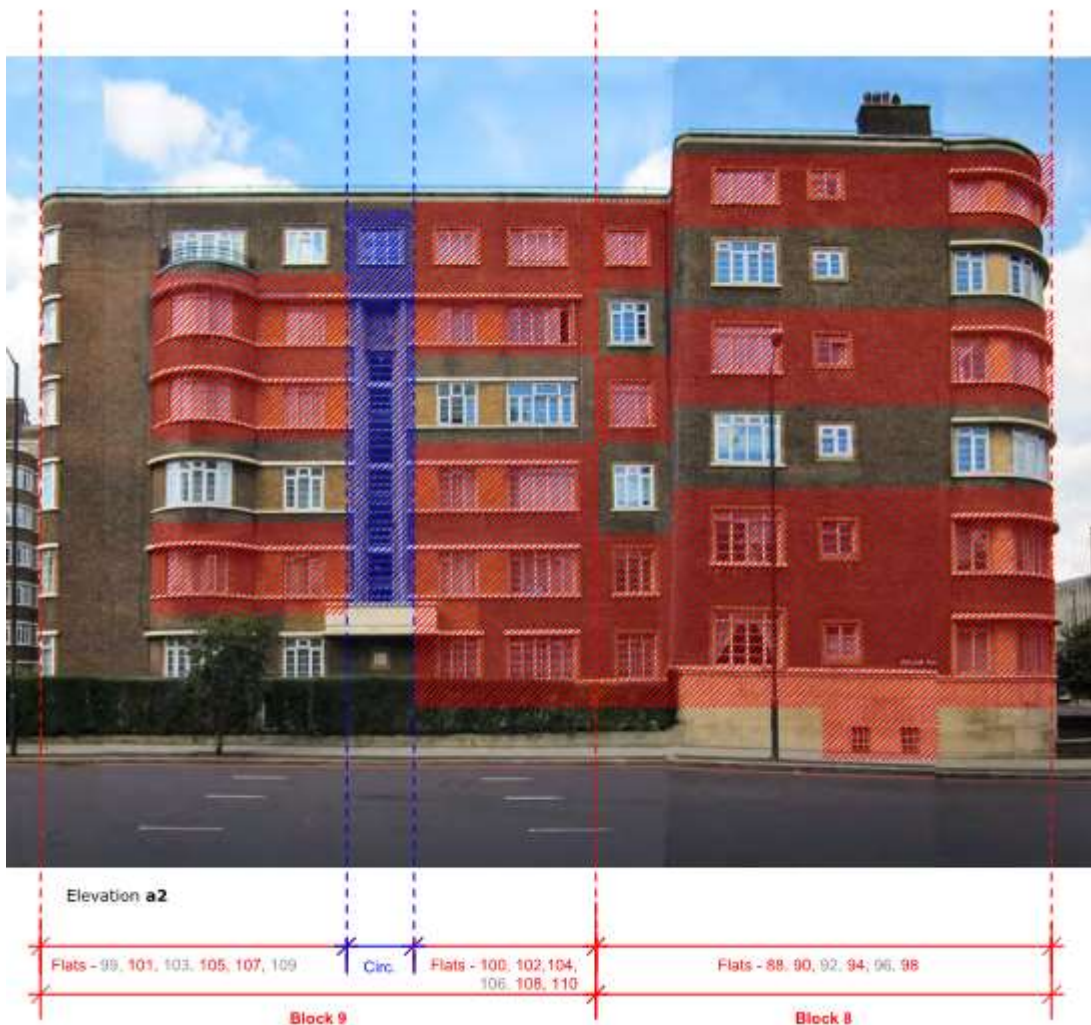
Whilst this report relates to flats 1, 2, 4, 5, 6, 7, 8, 9, 10, 13, 19, 21, 100, 101, 102, 104, 108, 108 and 110 (flat 11 has the original steel windows), the Council intends enforcing against all flats within the development that have replaced the original steel windows with Upvc windows. Given the enormity of this task (there being 110 flats in the entire development), it was decided that this would be tackled on a block by block basis.

Regency Lodge- Adelaide Road elevation (don't know whether I should use up to date photos or those that are in the D & A Statement)



Elevation a1





Assessment:

The site is grade II listed with 9 blocks of flats that are linked. The development is noted for its architectural merit, in regards to its Moderne Style, dating back from 1937-8 and was designed by Robert Atkinson and A.F.B. Anderson. The original windows at the site were 1930's steel casement windows. The listing describes the site as being a carefully designed scheme of inter-war flats with a parade of shops and underground garage by the notable early-C20 architect Robert Atkinson. The Moderne style development has a characteristic horizontal emphasis and is well detailed, including bas-relief panels of the building trades, as well as having planning interest and it is comparable with the best of the commercial flats of its date.

Steel framed casement windows were frequently used in 1930s architecture. The building has associations with modern technology which comes across in its design. It has a strong horizontal emphasis due to the alternating brick banding and window proportions suggests speed on this arterial route, with the use of steel for windows was seen as a more modern streamlined material which fits in with overall ethos of the design. As the building was designed as a block of flats, part of its special architectural interest is derived from the uniformity of appearance across the building. The original windows are historic fabric, which contribute to the authenticity of the building as being of historic interest.

Policy D1 of Camden's local plan seeks for a high standard of design, whilst policy D2 advocates for listed buildings to be preserved or enhanced.

Paragraph 198 of the NPPF states that when considering the impact to a proposed development on a heritage asset, great weight should be given to the asset's conservation. Paragraph 200 of the NPPF goes on to say any harm to, or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing

justification Since the building's listing in 2006, the majority of the original 1930's steel casement windows/crittall windows have been replaced with UPVC framed windows which are an inappropriate replacement for this grade II listed property and detract from this well designed building and its architectural integrity. Paragraph 202, of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use. There is considered to be limited public benefits, as it is acknowledged that the Upvc windows could result in improved thermal insulation. However, the same could also be achieved via the installation of appropriate steel/aluminium windows, which would be a more appropriate replacement for this listed building. The limited public benefit is not considered to outweigh the harm that has been caused to the character and appearance of this designated heritage asset. In the event that the steel windows were retained, it is considered that this would not impact on the optimum viable use of these residential units.

The UPVC replacement windows are inappropriate and significantly differ in both materials, appearance and opening methods from the originals. UPVC windows were not generally introduced until the 1980s and as such are out of character with a 1930s building. The UPVC frames are clearly distinguishable as a different material from the original steel windows and also have significantly thicker framing with contrasts from the slimmer steel frames. The glazing bars, being sandwiched between the panes of glass, are an inauthentic detail which create a flat and monotonous appearance to each casement which contrasts with the depth of the frame. Originally the method of opening of all windows was either outward opening side hung casements, or outward opening top hung casements. Some flats have uncharacteristic opening methods, such as inward opening bottom hung casements. All these features differentiate the windows from the originals and harm the overall appearance of the block of flats by eroding the uniformity of the building's appearance.

Although the majority of the windows have been replaced by UPVC windows and does provide an element of uniformity, the UPVC windows in terms of their materials, method of opening and detailed appearance are contrasting modern replacement that are inappropriate to the appearance of the building and harm from the special architectural and historic interest of this grade II listed building The harm is caused by the loss of historic fabric, and the inappropriate design of the replacement windows.

In light of the above, the replacement windows are considered to be unacceptable in principle and is thereby contrary to policies D1 and D2 contained in Camden's Local Plan 2017.

All occupiers of the relevant flats were written to in order to highlight the current breach and for them to confirm/verify whether their windows had been installed pre-listing (prior to 2006), or post listing. The Freeholders and also the various Managing Agent have also been informed and the relevant information requested, however, the owners, occupiers and managing agent have not been forthcoming with the relevant information requested. In the event that it transpires that the Upvc windows were installed before the building was listed, then the notice will be accordingly withdrawn.

Recommendation:

For each flat, that the Borough Solicitor be instructed to issue a Listed Building Enforcement Notice under Section 38 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and officers be authorised in the event of non-compliance with the notice to prosecute under section 42 of the said Act, or appropriate power and/or direct action under section 178 in order to secure cessation of the breach.

The notice shall allege the following breaches of planning control:

Removal of the original steel/crittall windows and replacement with UPVC windows.

What you are required to do:

- 1. Permanently remove the UPVC windows and reinstate steel or appropriate aluminium framed windows of a similar size, design, profile, and opening method (outward opening) as the original steel windows**
- 2. Make good any damage caused as a result of the above works**

PERIOD OF COMPLIANCE: 6 Months

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

The removal of the original steel framed windows and replacement with Upvc framed windows has harmed the character and appearance of the building and is considered to detract from the historic and architectural integrity of this grade II listed building and is thereby contrary to policies D1 (Design) and D2 (Heritage) of Camden's Local Plan 2017