

<b>LDC (Proposed) Report</b>		<b>Application number</b>	2024/3984/P
<b>Officer</b>		<b>Expiry date</b>	
Gary Wong		03/12/2024	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
126-138 Camden High Street London NW1 0LU			
<b>Conservation Area</b>		<b>Article 4</b>	
Camden Town Conservation Area		None relevant	
<b>Proposal</b>			
Proposed replacement windows to front and side elevations.			
<b>Recommendation:</b>		Refuse Lawful Development Certificate	

## 1. Site description

- 1.1. The application site comprises Denmoss House, which is a 5-storey former Department Store. The building is currently split at ground floor level between two shopfronts. The storeys above remain undivided.
- 1.2. The building is not listed but is located in the Camden Town Conservation Area and identified in the conservation area appraisal as a positive contributor. Specific mention is given to the building in the conservation area appraisal which states “a particularly magnificent example [of larger commercial buildings from the 20<sup>th</sup> century redevelopment of the area] is Denmoss House, at No 138 Camden High Street/No 10 Greenland Street. This significant building, dating from 1893, was a purpose built furniture store for Bowman Brothers, a family business. It has strong overtones of the Arts and Craft style.”

## 2. Proposal

- 2.1. A Certificate of Lawfulness is sought for the proposed replacement of all windows to the floor levels above ground floor to the front elevation at Camden High Street and from ground to top floor levels to the side elevation at Greenland Street.
- 2.2. According to the submitted information, the existing windows are single glazed timber sliding sash windows. Proposed replacement windows would be “bespoke aluminium framed, powder coated counterparts that have been designed by The Heritage Window Company to reflect the appearance of existing sash windows.”
- 2.3. The applicant seeks to confirm that the proposal would not constitute development and therefore planning permission is not required under Section 55 of the Town and Country Planning Act 1990.

2.4. The applicant has submitted existing and proposed floor plans, elevations, window schedule, window detail sheets, photographs of existing window conditions, and a cover letter in support of the application.

### 3. Relevant planning history

3.1. At the application site

**2020/0526/P** - Removal of 2 existing shopfronts and installation of single shopfront to cover extent of amalgamated frontage (Class A1). – **Planning permission granted 16/06/2020.**

**2008/4031/P** - Replacement of all timber windows at first to third floor and mansard level on the front elevation with double glazed UPVC windows – **Planning permission refused 10/12/2008.**

Reason for refusal:

1) The replacement windows by virtue of their material will have an adverse impact on the character and appearance of the building and the Camden Town Conservation Area contrary to policies B1 (general design principles), B3 (alterations and extensions) and B7 (conservation areas) of the London Borough of Camden Unitary Development Plan (2006) and the advice contained in Camden Planning Guidance (2006).

3.2. Neighbouring sites

*140 Camden High Street*

**2003/1536/P** - The replacement of three windows to top floors in UPVC sash – **Planning permission refused 08/01/2004.**

Reason for refusal:

1) It is considered that the proposed UPVC windows, by reason of loss of traditional features/materials, would be detrimental to the character of the building and the Conservation Area and is contrary to policies EN21 (Alterations to existing buildings) and EN31 (Character and appearance of the Conservation Area) of the London Borough of Camden Unitary Development Plan 2000.

### 4. Assessment

4.1. The Town & Country Planning Act 1990, Section 55 (2)(a) states that “the following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land – 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, and are not works for making good war damage or works begun after 5<sup>th</sup> December 1968 for the alteration of a building by providing additional space in it underground.

4.2. From submitted information, it is clear that the proposed replacement windows would affect the external appearance of the building. Hence, the assessment to determine whether the proposal would constitute “development” falls on the basis that it would materially affect the external appearance of the building.

- 4.3. The submitted information indicates that the proposed replacement windows would be bespoke aluminium framed, powder coated counterparts. Though these may in part reflect the appearance of existing sash windows due to their design, the change in materiality would be notable, as the proposed material (aluminium) would have a notably different appearance to the existing material (timber). It is therefore considered that the assertion that there will be no perceivable change in the external appearance of the building due to the bespoke design is incorrect.
- 4.4. The application building is a former department store and situated at a prominent location with its front elevation facing Camden High Street and its side elevation facing Greenland Street. Both elevations are highly visible in the public realm from multiple viewpoints in the surrounding area. Additionally, the replacement windows at ground level on Greenland Street would be directly visible at street level, rather than just at higher levels. The existing building is also characterised by its traditional timber sash windows, which are typical for buildings built in this period. The Arts and Craft style is an important aspect of the building's character and appearance, which draws attention to the building's windows as prominent features.
- 4.5. The proposed replacement windows with double glazed aluminium frames would substitute the existing timber windows with a fundamentally different material. Whilst it is stated in the supporting letter the proposed design will be bespoke to reflect the existing external appearance with no perceivable change, the use of a different window frame material will still be noticeable, particularly given the building's prominent elevations along Camden High Street and Greenland Street. Window replacements to the side elevation will be from ground floor to top floor levels and the resulting impact from the proposal will be especially notable on street level within the public realm.
- 4.6. The characterised use of timber windows contributes to the current visual appearance of the application building as a whole and the existing windows are one of the important features to the host building. Materially changing the window frame from timber to aluminium, albeit seemingly with no change in fenestration arrangements to either elevation, will still be a material change given the prominently visible location of the application building, the nature of the windows as features of the building, and the use of aluminium instead of timber.
- 4.7. The submitted window schedule and details sheet appear to show that the existing in terms of the size of the window joints and glazing bar profiles and will result in different depths to the existing windows. Given the building's highly notable location, the resulting changes will be sufficiently distinguishable and therefore constitute material change in external appearance to the building.
- 4.8. Important in this assessment of to what degree the proposed changes would be "material" and whether it would constitute "development" is the *Burroughs Day v Bristol City Council [1996]* legal case. In this instance, the court held that changes in external appearance had to be judged in relation to the building as a whole in order to determine the materiality of their effect. The judgement listed factors to be taken into account in deciding whether alterations to a building were material, including that: it must be seen from outside the building; the degree of visibility must be material; and that materiality must take into account the nature of the building and be judged in relation to the building as a whole.

4.9. Taking into account the above judgement, it is considered that the high visibility of the proposed alterations and the nature of this visibility, combined with the change in materiality of a feature of the building that is highly prominent in terms of its appearance and character, would mean that the change would be considered to be material.

4.10. Therefore, the proposal is considered to result in material change to the external appearance of the application building and therefore would fall within the meaning of "development" requiring planning permission, as defined by Section 55 of the Town and Country Planning Act 1990.

## **5. Conclusion**

5.1. The proposal under this application would constitute development as defined by Section 55 of the Town and Country Planning Act 1990 and therefore, would require planning permission.

5.2. Refuse Certificate of Lawful Development (Proposed).