

1 Redington Road, London

Grounds of Appeal

Removal of Planning Condition

Johanna Ehrnrooth

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LICHFIELDS

69396/02/MLW/LB
33605949v1

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1.0 Introduction

1.1 This Grounds of Appeal has been prepared by Lichfields, on behalf of Johanna Ehrnrooth (“**Appellant**”), in relation to 1 Redington Road, Camden, London, NW3 7QX (“**Appeal Site**”).

1.2 This statement relates to the planning appeal submitted by the Appellant against Camden Borough Council (“**Council**”) decision dated 23 January 2025 to grant full planning permission subject to four conditions (ref. 2024/4778/P) (“**Development**”) for:

*“Alterations to fenestration on front (Frognal) and rear elevations including replacement and addition of windows, a skylight and doors, and works to rear courtyard including erection of a garden shed and pergola and replacement of existing garage door on Redington Road elevation.” (“**Appeal Scheme**”)*

1.1 The Appeal Site comprises a 3 storey red brick period residence, containing upper flats and a ground floor residence with a garage. This application concerns only the façade alterations and additions to the ground floor flat within this property.

1.2 The property is located on the corner of Redington Road and Frognal. The main façade faces north and the secondary façade faces east. There are neighbouring properties on both sides. This site is within the Hampstead Conservation Area, however it is not listed.

1.3 The proposed alterations to the Appeal Site were as follows:

- New rooflight over kitchen;
- New cedar clad garden shed with cedar pergola which spans from kitchen façade to boundary wall opposite;
- Old garage door structural opening restored to original and existing panel door to be replaced with a traditional garage door;
- Kitchen (east) removal of existing windows and central pier to create enlarged opening for new triple sliding screens with RAL7015 anthracite aluminium frames and new London red brick lintel over opening;
- Kitchen (west façade) existing windows to be removed and new openings created for single door and tilt-turn windows with RAL7015 anthracite aluminium frames and a new London red brick lintel over opening;
- Dining room (west) removing existing windows and central chimney breast to create an enlarged opening for new triple sliding screens with RAL7015 anthracite aluminium frames and a new London red brick lintel over opening and stepped brick base detail to chimney breast; and
- Internally, the inner face of the external walls will be lined with insulation to enhance thermal performance.

1.4 A number of changes were made to the proposals through the course of determination, but in principle these alterations were largely deemed acceptable, appropriate and in keeping with the rest of the property, and as such the Scheme was granted subject to four conditions.

- 1.5 Condition 1 is a commencement condition to ensure that development begins within three years of approval.
- 1.6 Condition 2 requires the development to be carried out in accordance with the seven approved plans submitted alongside the application.
- 1.7 Condition 3 requires all new external work to be carried out in materials that resemble in colour and texture those of the existing building, unless otherwise specified in the approved application.
- 1.8 These three conditions have been agreed to as they have been deemed necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Condition 4

- 1.9 This Appeal is submitted to the Planning Inspectorate in response to Condition 4 attached to the permission, as the Appellant objects to this condition.
- 1.10 Condition 4 relates to the materials of doors and fenestration, stating:

“Notwithstanding any indication given on the approved plans, the windows and doors specified in the application, with reference to plans (DO54.1; DO54.02-B; DO54-12-C; D54-11-B; DO54-13 -A) of the development hereby permitted shall be finished in timber.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan 2017.”
- 1.11 This condition has been included despite the decision notice stating that the proposals were sympathetic and in keeping with the existing appearance of the host property, would preserve the character and appearance of the building and would not cause harm to neighbouring or nearby properties.
- 1.12 As such, this appeal is submitted to secure the removal of Condition 4 attached to planning permission (ref. 2024/4778/P) on the basis that the condition fails to meet two of the 6 tests listed at para 57 of the NPPF, being both unnecessary and unreasonable when considered in the context of the existing building and the nature of the development being proposed.

2.0 Grounds of Appeal

2.1 This Appeal to the Secretary of State is against the decision of the local planning authority to grant planning permission subject to conditions, as it fails two of the 6 tests that planning conditions must meet.

2.2 The purpose of planning conditions are as follows:

“When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.” (Para 1 of the 'Use of planning conditions' guidance)

2.3 [Paragraph 57](#) of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

2.4 These are referred to in guidance as the 6 tests, and each of them needs to be satisfied for every condition an authority intends to apply. If these 6 tests are not all met, they should not be imposed on a planning permission.

Is the condition necessary?

2.5 The requirement to finish the doors and windows specified in the Appeal Scheme in timber is not necessary. The guidance on planning conditions states that a condition must not be imposed unless there is a definite planning reason for it. As such, the Appellant objects to Condition 4 is due to there being no definite planning reason for it.

2.6 The reason given for why this condition was provided was to ‘safeguard’ the appearance of the premises and the character of the immediate area in accordance with the requirements of the Camden Local Plan. However, the decision notice highlighted that this was a high quality development that preserves the conservation area in which the Appeal Site falls within. As such, there is no need to restrict the material of the windows and doors to timber instead of aluminium as suggested in the Appeal Scheme. In addition, there is not a definite planning reason for the use of timber as it does not negatively impact the conservation area and could instead be argued to be a preference.

2.7 The existing mix of fenestration materials at the appeal site are slightly cumbersome in appearance, consisting of large white frames and plastered lintel. These currently have poor

energy performance ratings, hence these alterations would help to improve the energy efficiency of the building.

2.8 The appeal scheme consisted of the following proposed changes to the property:

- 1 New rooflight over kitchen;
- 2 New cedar clad garden shed with cedar pergola which spans from kitchen façade to boundary wall opposite;
- 3 Old garage door structural opening restored to original size and existing panel door to be replaced with a traditional garage door;
- 4 Kitchen (east) removal of existing windows, cumbersome large white frames and central pier to create enlarged opening for new triple sliding screens with RAL7015 anthracite aluminium frames and new London red brick lintel over opening to improve energy performance and incorporate high quality materials;
- 5 Kitchen (west façade) existing long plastered lintel and windows with large cumbersome white frames to be removed and new openings created for single door and tilt-turn double glazed windows with slender aluminium frames coated in RAL7015 and a new London red brick lintel over opening;
- 6 Dining room (west) removing existing windows, large cumbersome white frames and central chimney breast to create an enlarged opening for new triple sliding screens with RAL7015 anthracite aluminium frames, a new London red brick lintel will be created at the same level as the existing, the chimney breast will receive a brick corbel detail matching other existing finishing treatments on the building's façade and the existing rainwater downpipe will be rerouted on the left side to create the free opening; and
- 7 Internally, the inner face of the external walls will be lined with insulation to enhance thermal performance.

Is the condition reasonable?

2.9 The requirement to finish the doors and windows specified in the Appeal Scheme in timber rather than aluminium is not reasonable. This condition places an unjustifiable burden on the Appellant as there is no justified reason to implement this condition.

2.10 There is a current mismatch in fenestration styles across the flats at the Appeal Site with disparate materials, see Figure 2.1 below which highlights this. As such, the Appeal Scheme is an enhancement to the existing weathered materials on site, working to support rather than cause harm to the Hampstead Conservation Area.

2.11 The colour or materials of the fenestration on this building is not controlled by planning as it is not a listed building and there are no Article 4 directions in place. As such a condition to requiring this building to include certain materials or colours is considered unreasonable.

Figure 2.1 Existing East Elevation at Appeal Site



Source: D054.02 Existing Elevations Rev B – Submitted alongside Appeal Scheme (ref. 2024/4778/P)

2.12

The Hampstead Conservation Area appraisal and audit documentation does not require any specific fenestration or door materials (e.g. timber or aluminium). In addition, certain properties in the Conservation Area appraisal such as the property on Rosslyn Mews (see Figure 2.2 below), were positively described due to their black framed windows which are stated as ‘elegant’. As such, the existing proposals preserve the appearance of the premises and the character of the immediate area (including conservation area) as set out in the reason for Condition 4, and therefore the need for timber finish is unreasonable.

Figure 2.2 Rosslyn Mews



Source: [Hampstead Conservation Area Statement](#)

- 2.13 In addition, the immediate area contains a range of materials for doors and fenestration, such as 14A Redington Road (see Figure 2.3) which has grey metal fenestration, 39 Redington Road (see Figure 2.4) which has a mix of fenestration styles and Tercelet House (see Figure 2.5) which has a mix of fenestration styles and grey metal frames. These are a small selection of properties within the immediate area and conservation area that highlight that the Appellant scheme will not be cause harm to the conservation area, hence meeting Policy D2 of the Camden Local Plan, listed as one of the reasons why this condition was included in the decision of the Appellant Scheme.

Figure 2.3 14A Redington Road



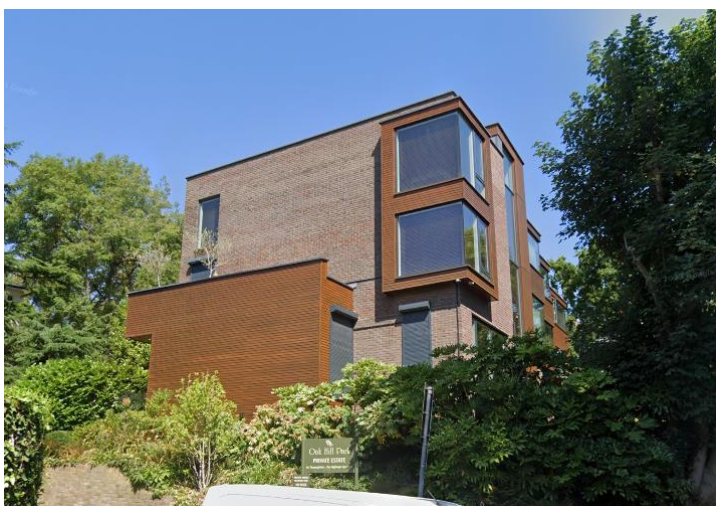
Source: Google Maps

Figure 2.4 39 Redington Road



Source: Google Maps

Figure 2.5 Tercelet House



Source: Google Maps

3.0 Conclusions

- 3.1 In summary, the Appellant concludes that Condition 4 fails to meet two of the 6 tests, as it is not necessary and it is unreasonable, and should not therefore be incorporated into this decision.
- 3.2 Condition 4 requires the windows and doors specified in the Appeal Scheme be finished in timber in order to safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan. In addition, the proposed materials are of high quality and the dark grey and black colour scheme creates a modern finish that is appropriate for the context of the site. Therefore, and as evidenced previously, the appearance of the premises and the character of the immediate area is supported, if not enhanced, by the Appeal Scheme.
- 3.3 This is highlighted by the decision notice which notes that special attention has been paid to the desirability of preserving or enhancing the character or appearance of Hampstead Conservation Area. The decision note also stated that the proposed development was considered sympathetic and in keeping with the existing appearance of the host property (Appeal Site) in terms of design, locations and proportions.
- 3.4 As a result of the discussion above, the Appellant recommends the Appellant Scheme be approved with Condition 4 deleted, retaining conditions 1, 2 and 3 as listed on the decision letter.