



PLANNING SERVICES

TOWN & COUNTRY PLANNING ACT 1990 (as amended)

HEARING STATEMENT OF CASE

APPEAL SITE

1
Redington
Road,
London,
NW3 7QX

APPELLANT

Johanna Ehrnrooth

SUBJECT OF APPEALS

1. Appeal against Condition 4 of planning application on 2024/4778/P for:

Alterations to fenestration on front (Frogna) 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.

COUNCIL REFERENCES:

2024/4778/P

PLANNING INSPECTORATE REFERENCES:

APP/X5210/W/3363058

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- 1.0 This statement is to be read in conjunction with the decision notice which contains conditions with reasons and an informative regarding why permission was granted.**

1.1 SITE AND SURROUNDINGS

- 1.2** The applications site is a 2 storey plus attic detached property on the corner of Reddington Road and Frognal. The building contains flats with this application relating to the ground floor flat. The property is situated in the Hampstead Conservation Area and is not listed.
- 1.3** 1 Redington Road is a Positive Contributor to the character and appearance of the Hampstead Conservation Area. Its significance (and positive contribution) includes its architectural design, form, scale, evidential value as an Edwardian domestic building and its materials. It is designed in a Domestic Revival manner which combines a picturesque form with traditional materials and degree of historicist detailing which seeks to evoke the style of domestic architecture popular in England in the period c.1680-1720. It is similar in appearance to a number of semi-detached houses at the southern end of Redington Road and although none of these are listed buildings they are considered to share “group value.” The property is similar in style to work of C.H.B. Quennell who developed much of the surrounding area in c.1910.

2.0 APPEAL PROPOSAL

- 2.1** Regarding the planning application a Site notice was displayed on the 11/12/2024 and the consultation period expired on the 4/1/2025.
- 2.2** No objections were received prior to permission being granted.
- 2.3** This Appeal is submitted against Condition 4 attached to planning permission (ref: 2024/4778/P)
- 2.4** The Condition 4 relates to the materials of doors and fenestration, stating:

Condition 4 of Planning Permission 2024/4778/P states:

- 1. 4 Notwithstanding any indication given on the approved plans, the windows and doors specified in the application, with reference to plans (D054.1; D054.02-B; D054-12-C; D54-11-B; D054-13 -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.

(The specifics of policies D1 and D2 as relevant to this decision are appended below)

2.5 The appellants consider that:

1. *“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. *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.*
3. *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 highquality 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.”*

3.0 RELEVANT PLANNING HISTORY

- 3.1 36730** - Alterations including the formation of balconies. **Granted - 28/11/1983**
- 3.2 E6/21/6/30320** - The conversion of No. 1, Redington Road into four self-contained flats. **Granted - 21/04/1952**

4.0 PLANNING POLICY FRAMEWORK

4.1 National Policy Documents

The National Planning Policy Framework (NPPF), which was first published in 2012 was last updated in 2023. The policies contained in the NPPF are material considerations which should be taken into account in determining planning applications.

The NPPF states that Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate. This will provide greater certainty for those implementing the planning permission on how to comply with the permission and a clearer basis for local planning authorities to identify breaches of planning control. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)

4.2 Regional Policy Documents

The London Plan is the statutory Spatial Development Strategy for Greater London prepared by the Mayor of London. The current London Plan was adopted in March 2021. Chapters 3 (Design), 4 (Housing), 7 (Heritage and Culture), 8 (Green Infrastructure and Natural Environment), 9 (Sustainable Infrastructure) and 10 (Transport) of the London Plan 2021 are most applicable to the determination of this appeal and contribute to the commitment of a low carbon future.

4.3 Local Policy Documents

The Camden Local Plan was adopted on 3rd July 2017 and sets out the Council's planning policies. The plan is currently being reviewed. The council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Having looked at the relevant emerging policies, I am of the opinion that there is no material difference that would alter the Council's decision.

4.4 The following policies in the Local Plan are most relevant to the determination of the appeal:

- Policy D1 (Design)
- Policy D2 (Heritage)

4.5 Supplementary Guidance

Camden Planning Guidance (CPG) provides advice and information on how the Council will apply its planning policies. The Council has recently updated a number of CPGs in January 2021. The following CPG documents are relevant to this case-

CPG Home Improvements
CPG Design
CPG Amenity

4.6 Hampstead Neighbourhood Plan 2025-2040

4.7 Policy DH2: States that Conservation areas and listed buildings Development proposals within a Conservation Area should have regard to the guidelines in the relevant Conservation Area Appraisal(s) and Management Strategies (see Appendix 3) and:

- Take advantage of opportunities to enhance the Conservation Areas by protecting and, where appropriate, restoring original architectural features, including walls, windows, doors, etc., that would make a positive contribution to the appearance and character of Conservation Areas.
- 2. Seek to protect and/or enhance buildings (or other elements such as boundary walls) that make a positive contribution to the Conservation Area.

4.8 In accordance with the above policy the windows would need to be Timber to achieve this.

4.9 Hampstead Conservation Area Statement

4.10 H17 In all cases, existing/original architectural features and detailing characteristic of the Conservation Area should be retained and kept in good repair, and only be replaced when there is no alternative, or to enhance the appearance of the building through the restoration of missing features. Original detailing such as door/window pediments and finials, porches, ironwork (window cills, railings), timber framed sash windows, casement windows, doors, tiled footpaths, roof tiles, decorative brickwork, bargeboards, stained glass, boundary walls and piers, where retained add to the visual interest of properties. Where details have been removed in the past, replacement with suitable copies will be encouraged. Original, traditional materials should be retained wherever possible and repaired if necessary.

- 4.11** H18 Generally routine and regular maintenance such as unblocking of gutters and rainwater pipes, the repair of damaged pointing, and the painting and repair of wood and metal work will prolong the life of a building and prevent unnecessary decay and damage. Where replacement is the only possible option, materials should be chosen to closely match the original. Generally, the use of the original (or as similar as possible) natural materials will be required, and the use of materials such as concrete roof tiles, artificial slate and PVCu windows would not be acceptable
- 4.12** Whilst the policies H17 & H18 do not exclude the use of aluminium they imply that the use of timber would be appropriate as a natural material.

5.0 SUBMISSIONS

- 5.1** This section sets out the Council's Case in respect of appealed Condition 4 included in planning permission 2024/4778/P on the planning application decision and comments on the appellants' Statement of Case.

5.2 Response to Appeal

- 5.3** The Council is not in agreement that Condition 4 was unnecessary and unreasonable for the following reasons:
- 5.4** The agents for the application agreed to Condition 4 being attached to the permission prior to determination (email of Thu 28/11/2024 11:50). The Council provide the applicants and their agents with a reason for the Condition- "The property is 19th century as such the only suitable materials for the windows would be timber." (email of 25 November 2024 13:40).
- 5.5** The architects for the scheme submitted drawings which became the approved drawings. On these there is ambiguity on the materials of the proposed frames because some of the annotations state "new window frames to match existing" (which implies timber) but some proposed frames are without annotation. Therefore, there was ambiguity on the approved drawings and in such instances a Condition addressing the area of ambiguity is essential if the scheme is being approved.
- 5.6** The Condition was also applied to the permission because there are clear guidelines as to which type of materials would be acceptable for new works in the conservation area, as set out in the Hampstead Conservation Area Statement:
- 5.7** *H2I The UDP provides the context and guidance for proposals for new development with regard to appropriate land uses. New development should be seen as an opportunity to enhance the Conservation Area and should respect the built form and historic context of the area, local views as well as existing features such as building lines, roof lines, elevational design, and where appropriate, architectural characteristics, detailing, profile, and materials of adjoining buildings.*

- 5.8** *H26 Extensions and conservatories can alter the balance and harmony of a property or of a group of properties by insensitive scale, design or inappropriate materials. Some rear extensions, although not widely visible, so adversely affect the architectural integrity of the building to which they are attached that the character of the Conservation Area is prejudiced. Rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building or the Conservation Area. In most cases such extensions should be no more than one storey in height, but its general effect on neighbouring properties and Conservation Area will be the basis of its suitability.*
- 5.9** *H29 Conservatories, as with extensions, should be small in scale and subordinate to the original building and at ground floor level only. The design, scale and materials should be sensitive to the special qualities of the property and not undermine the features of original building.*
- 5.10** The Council did not simply, as the appellants attest, highlight “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.”
- 5.11** The Council quite clearly determined that the scheme was acceptable (preserved the character and appearance of the conservation area) subject to the windows being timber, which was the entire point of adding Condition 4 to the permission.
- 5.12** The appending of conditions regarding materials on applications which are in all other respects acceptable is a normal and reasonable occurrence, especially within a conservation area. The drawings submitted for approval did not clearly set out the materials proposed for the window frames. Even if the Council had been minded to accept metal framed windows a Condition on the materials would still have been necessary because permission could not have been granted for works of unknown materials. Therefore, even when setting aside the matter of timber vs aluminium, a condition on the materials of the window framing was not only reasonable, but essential. The Council raises this point because the appellants seem to be disputing not only the specification of “timber” but the fact that any condition was attached at all.
- 5.13** While there may be instances where metal frames windows have been permitted on rear extensions to positive contributors in the conservation area, these are almost universally true rear extensions in the sense they sit between boundary walls in private rear garden plots. The alterations permitted at this property are not truly a rear extension in terms of its location in relation to the plot when viewed from the street, and is in creating replacement windows to an extant side extension on a street-facing elevation. It is therefore important that any materials used are in harmony with the materials of the elevation of the historic host building.
- 5.14** The background to the proposals, negotiations on revising the scheme and the issues for consideration of the application the appellant’s Statement of

Case sets out three examples of metal windows in the vicinity of the appeal site. The Council does not consider these to be relevant to the appeal for the following reasons:

- **14A Redington Road (see Figure 2.3)** which has grey metal fenestration: This is a new house in a modern idiom and is not physically attached to a C19th building.
- **39 Redington Road (see Figure 2.4)** which has a mix of fenestration styles: The windows here are a mix of leaded cast iron casements in stone mullion and transoms and timber casements. The building dates from the late C19th and all the “metal” windows are within small traditional openings. The appeal site has no metal framed windows in the historic facades and the proposed windows are mostly full-height doors rather than small windows.
- **Tercelet House (see Figure 2.5)** which has a mix of fenestration styles and grey metal frames: This is a new house in a modern idiom and is not physically attached to a C19th building.

5.15 The Council’s use of Condition 4 was quite clearly not aimed at preserving every site in the entire conservation area, but rather in preserving the particular character and qualities (i.e. the positive contribution) made by this particular site. The Reason on the Condition makes this clear. Therefore, there are sites where metal window frames may be acceptable and there are sites where they may not. In the particular instance of the appeal site, it was considered necessary to restrict the materials of the window frames to timber in order to preserve the positive contribution which it makes to the character and appearance of the conservation area (which is chiefly by reason of its C19th appearance, that appearance being made up of its architectural design, form, scale, evidential value and materials).

5.16 It is also noted that because Condition 4 was partly used to allow approval despite ambiguity/lack of clarity on the proposed materials shown on the drawings. Therefore, even if Condition 4 were to be removed under appeal the proposed windows still read as being timber “to match existing” on some of the approved drawing (e.g. D054-13 –A). Therefore Condition 4 is performing a critical role in actually making permission 2024/4778/P lawful.

5.17 The Council considers that Condition 4 entirely satisfies all points of Para 57 and the three tests of Para 58 of the NPPF. The Council therefore respectfully requests that the appeal is dismissed.

6.0 CONCLUSION

- 6.1** The Council has set out above the reasons why Condition 4 of planning permission 2024/4778/P is both reasonable and necessary as the removal of the condition would have an impact on the overall appearance of the building and the Hampstead Conservation Area.
- 6.2** The inclusion of Condition 4 is to ensure in conjunction with the agreed drawings that there is no ambiguity regarding the proposed use of materials. The proposed use of aluminium would not preserve or enhance the established character of the property and streetscape of its locality.
- 6.3** The Inspector is therefore respectfully requested to dismiss the appeal against the removal of Condition 4.

7.0 LIST OF APPENDICES

Appendix 1 - Additional Parts of Policies D1 (Design) and D2 (Heritage) relevant to Condition 4 of 2024/4778/P

Policy D1 Design

7.2 The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

- character, setting, context and the form and scale of neighbouring buildings;
- the character and proportions of the existing building, where alterations and extensions are proposed;
- the prevailing pattern, density and scale of surrounding development;
- the impact on existing rhythms, symmetries and uniformities in the townscape;
- the composition of elevations;
- the suitability of the proposed design to its intended use;
- inclusive design and accessibility;
- its contribution to public realm and its impact on views and vistas; and
- the wider historic environment and buildings, spaces and features of local historic value.

7.3 The Council will welcome high quality contemporary design which responds to its context, however there are some places of homogenous architectural style (for example Georgian Squares) where it is important to retain it.

7.4 Good design takes account of its surroundings and preserves what is distinctive and valued about the local area. Careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development which integrates into its surroundings. Character is about people and communities as well as the physical components. How places have evolved historically and the functions they support are key to understanding character. It is important to understand how places are perceived, experienced and valued by all sections of the community. People may value places for different reasons, often reflecting the services or benefits they provide for them. In addition, memory and association are also a component of how people understand a place. All of these values and experiences are part of understanding the character of a place. Planning applications should include a Design and Access Statement which assesses how the development has been informed by and responds to local context and character.

7.5 Design should respond creatively to its site and its context including the pattern of built form and urban grain, open spaces, gardens and streets in the surrounding area. Where townscape is particularly uniform attention should be paid to responding closely to the prevailing scale, form and proportions and materials.

7.6 The Council has two sets of documents which describe the character and appearance of areas and set out how we will preserve or enhance them. Each conservation area has a Conservation Area Statement or Appraisal and Management Strategy. These detailed documents have been developed with the relevant Conservation Area Advisory Committee and are adopted supplementary planning documents. For areas outside of conservation areas the Council commissioned the Camden Character Study to identify and record their character. This is not a formal supplementary planning document. These documents can help developers to inform their understanding of the specific character of the area in which their proposals are located.

7.10 Schemes should incorporate materials of a high quality. The durability and visual attractiveness of materials will be carefully considered along with their texture, colour, tone and compatibility with existing materials. Alterations and extensions should be carried out in materials that match the original or neighbouring buildings, or, where appropriate, in materials that complement or enhance a building or area.

Policy D2 Heritage

7.39 Camden has a rich architectural heritage with many special places and buildings from throughout Camden's history (see Map 4: Heritage and Archaeological Sites on page 234). 39 areas, covering much of the borough, are designated as conservation areas, recognising their special architectural or historic interest and their character and appearance. We have prepared conservation area statements, appraisals and management strategies that provide further guidance on the character of these areas. We will take these documents into account as material considerations when we assess

applications for planning permission in these areas.

7.41 The Council places great importance on preserving the historic environment. Under the Planning (Listed Buildings and Conservation Areas) Act the Council has a responsibility to have special regard to preserving listed buildings and must pay special attention to preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework states that in decision making local authorities should give great weight to conservation of designated heritage assets in a manner appropriate to their significance. The Council expects that development not only conserves, but also takes opportunities to enhance, or better reveal the significance of heritage assets and their settings.

Conservation areas

Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas. The Council will: e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area; f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area; g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.

7.46 In order to preserve or enhance important elements of local character, we need to recognise and understand the factors that create that character. The Council has prepared a series of conservation area statements, appraisals and management plans that assess and analyse the character and appearance of each of our conservation areas and set out how we consider they can be preserved or enhanced. We will take these into account when assessing planning applications for development in conservation areas. We will seek to manage change in a way that retains the distinctive characters of our conservation areas and will expect new development to contribute positively to this. The Council will therefore only grant planning permission for development in Camden's conservation areas that preserves or enhances the special character or appearance of the area.

7.47 The character of conservation areas derive from the combination of a number of factors, including scale, density, pattern of development, landscape, topography, open space, materials, architectural detailing and uses. These elements should be identified and responded to in the design of new development. Design and Access Statements should include an assessment of local context and character and set out how the development has been informed by it and responds to it.

7.54 The character and appearance of a conservation area can be eroded through the loss of traditional architectural details such as historic windows

and doors, characteristic rooftops, garden settings and boundary treatments. Where alterations are proposed they should be undertaken in a material of a similar appearance to the original. Traditional features should be retained or reinstated where they have been lost, using examples on neighbouring houses and streets to inform the restoration. The Council will consider the introduction of Article 4 Directions to remove permitted development rights for the removal or alterations of traditional details where the character and appearance of a conservation area is considered to be under threat.

Appendix 2 – Emails to and from Agent

7.2 The agents for the application agreed to Condition 4 being attached to the permission prior to determination (email of Thu 28/11/2024 11:50). The Council provide the applicants and their agents with a reason for the Condition- “The property is 19th century as such the only suitable materials for the windows would be timber.” (email of 25 November 2024 13:40).

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