

Delegated Report		Analysis sheet	Expiry Date:	10/12/2010
		N/A / attached	Consultation Expiry Date:	16/11/2010
Officer			Application Number(s)	
Rob Willis			2010/2094/P	
Application Address			Drawing Numbers	
Flat 1 239 Goldhurst Terrace London, UK NW6 3EP			See Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Retention of windows to residential flat (Class C3)				
Recommendation(s):		Refuse planning permission and issue Enforcement notice		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice
Informatives:	

Consultations

Adjoining Occupiers:	No. notified	14	No. of responses No. electronic	03 00	No. of objections	02
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Summary of consultation responses:	<p>Combined Residents Associations of South Hampstead (CRASH) Objection. Reference made to Article 4 Direction regarding replacement windows. If uPVC windows were increasingly allowed, this would alter the front aspect of houses in the conservation area, especially as glazing bards are not always identical to those in original wooden windows.</p> <p>Owner of Flat A, 241 Goldhurst Terrace Object on the following grounds:</p> <ul style="list-style-type: none"> • Works were carried out without necessary planning consent; • Replacement of traditional timber with uPVC is inappropriate to appearance of residential buildings in the Swiss Cottage Conservation Area. Even if one flat has uPVC windows, it spoils the whole effect on the building; • Thickness of frames, lack of fine detail and differences in glazing make uPVC unacceptable. Whilst the window pattern may be matching, glazing bars are often false and the actual size and shape of the glass is not the same as the original windows; • No.s 241, 243 and 245 Goldhurst Terrace were build as a block to the same architectural design c1914-1918; • Risk of setting a harmful precedent that would allow other properties to do the same. <p>Occupier of Flat A, 239 Goldhurst Terrace</p> <ul style="list-style-type: none"> • No objection to any work not directly affecting the ground floor flat, assuming it conforms with Conservation Area guidelines and Article 4.
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CAAC/Local groups* comments: <small>*Please Specify</small>	None received.
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Site Description

The application site comprises a two storey semi detached property that has been divided into flats. It forms part of a row of early 20th Century properties along Goldhurst Terrace (no.s 231-245 inclusive). The building is not listed but is located in the Swiss Cottage Conservation Area.

The site has been divided into two flats, and the application relates to the first floor flat.

Relevant History

No relevant planning history.

Relevant policies

LDF Core Strategy and Development Policies

- CS14 - Promoting high quality places and conserving our heritage
- DP24 - Securing high quality design
- DP25 - Conserving Camden's heritage

Camden Planning Guidance (2006)

Assessment

The application seeks retrospective planning permission for the replacement of timber windows to the first floor of the front elevation with new uPVC windows.

As the size of the windows will not change, the main issue to be considered is the acceptability of the proposals in design terms.

The application site forms part of a set of early 20th Century buildings, which are characterised by attractive brickwork and render, with timber windows that include vertical glazed panels with smaller, square shaped opening windows above. The proposed replacement windows are uPVC, designed to match the attractive fenestration pattern of the original windows.

LDF Development Policy DP24 states that Camden will expect developments to be of the highest standard of design, and to consider the quality of materials used. Supporting Development Policies paragraph 24.11 states that within areas of distinctive character, development should reinforce those elements that create the character; and that where townscape is particularly uniform attention should be paid to responding closely to the prevailing scale, form, and proportions and materials. Paragraph 24.15 states that alterations should be carried out in materials that match the original or neighbouring buildings.

The Camden Planning Guidance SPD provides further design guidance, and states that, where it is necessary to alter or replace windows that are original or in the style of the originals, they should be replaced with like for like wherever possible, and that where timber is the traditional window material, replacement timber frames are preferable to uPVC or aluminium frames. The Swiss Cottage Conservation Area Statement also highlights the effect that the choice of building materials can have on the character and appearance of the conservation area, and indicates that uPVC windows are unlikely to be acceptable (see paragraphs 9.33-9.37).

An Article 4 Direction for Swiss Cottage Conservation Area was introduced in September 2010. The direction removed permitted development rights under Class A of Part 1 of the General Permitted Development Order relating to any works to enlarge, alter or improve properties, including replacing part or all of any window or door. While the development hereby applied for would not benefit from permitted development rights the imposition of the Article 4 reflects the sensitivity of the Conservation area to inappropriate alterations and the need to ensure the protection of existing features that contribute to the character and appearance of the Conservation Area.

Whilst the fenestration pattern of the proposed replacement windows is unchanged compared to the original, the proposed change from timber to uPVC is considered to be unacceptable. The proposals are not in accordance with Camden's adopted planning policy and guidance, they introduce a material that is not original, the glazing bars set within the glazing sheets do not reproduce the visual depth provided by the timber of the original windows and overall the windows appear incongruous in their context and thus harm the integrity, character and appearance of the host building and wider Conservation Area.

The applicant has commented that no.s 174, 176, 184, 231 and 233 Goldhurst Terrace all have uPVC windows, as well as the top floor windows to the host building (note that the top floor windows of the host building are smaller than the windows at ground and first floor level, which are also closer to eye level and thus more immediately visible). A planning application search indicates that no planning permission was given for any of the uPVC windows installed at any of the properties listed above, indicating that they may have been installed some years ago under previous permitted development rights. It also should be noted that these are the exception to the rule, as the majority of properties in the area (on both sides of the road) retain timber windows. With the exception of no.s 231, 233 and the top windows of no.239 Goldhurst Terrace, the set of early 20th Century properties at 231-245 Goldhurst Terrace has retained the timber windows that form an important part of the character of this part of the street.

The proposals are therefore considered to be unacceptable as they seek an incongruous addition to the host building that conflicts with adopted planning policy and guidance, and would harm the

character and appearance of the conservation area. The proposals would also set a harmful precedent that could allow further use of inappropriate materials on other buildings, risking additional harm to the conservation area in the future.

Recommendation:

(i) Refuse Planning Permission and Warning of Enforcement Action

That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act as amended, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

The notice shall allege the following breach of planning control: The unauthorised replacement of two windows at first floor level on the front elevation of a residential flat (Class C3).

Steps to be taken: The enforcement notice shall require that within a period of six months of the notice taking effect, the replacement uPVC windows are removed, and timber windows in the original form are reinstated.

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

1. The unauthorised installation of replacement windows, by reason of their design and material, are detrimental to the character and appearance of the host building and the conservation area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and to policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

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