

Delegated Report		Analysis sheet		Expiry Date:		13/07/2010	
		N/A / attached		Consultation Expiry Date:		18/06/2010	
Officer				Application Number(s)			
Elizabeth Beaumont				2010/0471/P			
Application Address				Drawing Numbers			
Ground Floor Flat 57 Gayton Road London NW3 1TU				Please refer to decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Retention of 2 UPVC windows on the front and rear elevations at raised ground floor level.							
Recommendation(s):		Refuse planning permission and warn of enforcement action					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	07	No. of responses	01	No. of objections	01
				No. electronic	00		
Summary of consultation responses:		6 Gayton Road – objects for the following reasons; <ul style="list-style-type: none"> The UPVC windows are not consistent with the Victorian property characteristics in this part of the Hampstead Conservation Area. UPVC windows are ugly and there are many types of wooden sash windows which can achieve similar insulation effects. Once the precedent for accepting UPVC windows is established over time, they will become more common and detract from the aesthetics of the Area. 					
CAAC/Local groups comments:		Heath and Hampstead Society – object for the following reasons; <ul style="list-style-type: none"> The loss of traditional and long lasting timber sash windows by UPVC is unacceptable in our conservation area. This is a major factor in the recent widespread public support for Article 4 Directions in Hampstead. It is misleading to present drawings purporting to show that there are no perceptible differences between the two materials and design. The materials not only differ in profile and colour but also in general three dimensional format. PVC weather badly over time, looking tawdry and shabby after a few years exposure. No other original houses in the road suffer from such substitution. Hampstead CAAC – Object for the following reasons; <ul style="list-style-type: none"> This street retains the vast majority of its original sash windows and an application to replace this uniform feature should be resisted. It would be inconsistent with the rest of the windows in the street. 					

Site Description

The site is located on the east side of Gayton Crescent close to the junction with Hampstead High Street. The site comprises a three storey mid-terraced property with lower ground floor and is subdivided into flats with 2 flats on the upper and lower ground floors and a maisonette on the 3 upper floors. The property is not listed but is located within the Hampstead Conservation Area.

Relevant History

Upper Maisonette, 57 Gayton Road

12/01/2007 – **p.p. granted (2006/5029/P)** for the replacement of existing UPVC windows on front and rear elevation and rear door (first to third floor) with timber framed double glazed sash windows and door, and replacement of sliding doors at front third floor level with timber framed sliding doors all in connection with upper maisonette.

04/02/2009 – **Enforcement Investigation (EN09/0048)** opened into alleged breach of planning control - sash windows have been replaced with UPVC and considerable pipe work installed.

Relevant policies

Replacement Unitary Development Plan 2006

SD6 (Amenity for occupiers and neighbours), B1 (General design principles), B3 (Alterations and extensions), B7 (Conservation areas)

Camden Planning Guidance 2006

Hampstead Conservation Area Statement

LDF Core Strategy and Development Policies

CS1 (Distribution of growth), CS5 (Managing the impact of growth and development), CS14 (Promoting high quality places and conserving our heritage), DP24 (securing high quality design), (DP26 (Managing the impact of development on occupiers and neighbours).

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.

Assessment

Proposal – Permission is sought to retain UPVC windows which have been installed on the front and rear of the property at ground floor flat in place of timber framed sash windows.

The fenestration of the front elevation on the upper floors of the property is not original, and the original fenestration has been replaced with uPVC. This appears to have taken place some time ago and there is no record of planning permission for their replacement. The window on the front elevation of the lower ground floor flat retains the original timber framed sash window. Planning permission was approved in 2006 to replace the non-original uPVC windows on the upper floors with timber framed double glazed sash windows. Permission was approved as it was considered the proposal would reinstate an original feature which was considered to be an improvement to the character of the building and the character and appearance of the wider conservation area. This permission has not been implemented but it remains extant.

The proposed drawings are not considered to be completely accurate as they show the glazing bars to be a similar thickness as the original sashes. It is considered that the actual windows that have been installed on the front and rear elevations have thicker glazing bars than is shown.

Design - The main issue to consider as part of the proposal is the impact of the windows on the character and appearance of the host building and the wider conservation area. There are a small number of examples within this terrace (which includes nos. 54 to 58) where windows have been replaced with non-original materials or design within the terrace. These include the upper floors of no. 57 and the lower ground floor at no. 54, which has timber casement windows. Notwithstanding the UPVC windows already installed on the upper floors of no. 57, the predominant framing material remains timber. It is considered that the timber framed sash windows are an integral feature to the architectural interest of these buildings and the wider conservation area.

Camden Planning Guidance 2006 specifies that where it is necessary to alter or replace windows that are original or in the style of originals, they should be replaced like-for-like in order to preserve the character of the property and the surrounding area. New windows should match the original as closely as possible in terms of type, fenestration pattern and proportion, opening method, materials and finish, detailing and the overall size.

The Conservation Area Statement states that this type of development is considered to be an erosion of the

character and appearance of the area. It is considered that in all cases existing architectural features which add to the visual interest of the property should be retained and kept in good repair, this includes timber framed windows.

The original timber three panel sash window included a sculptured edge detailing which added to its character and visual interest with thin glazing bars and transoms. The replacement window has attempted to replicate this detailing; however given the type of material used, the glazing bars are much thicker and also have very prominent horns applied to the upper window panes, resulting in a clumsy and unattractive design which clearly reads as a new addition within the streetscene. Thus the windows have a different appearance from the timber framed ones both in width and profile. The top and bottom-hung opening method is markedly different from that of the original and neighbouring examples of double-hung timber sash windows. In contrast, the upper floor windows, despite being in a PVC material, actually appear very similar in design and proportions to the adjoining timber sash windows, as they have a sliding sash opening mechanism and very slimline frame and glazing bar profiles. Consequently they blend into the streetscene and do not seriously harm the appearance of the property and terrace.

The replacement window on the rear elevation of the property is a sliding uPVC window. Given the position of the window on the rear of the property, the detailing on the original window is unlikely to have been to the same standard as the front sash. It is considered that, although the opening method of the replacement window mirrors the previously existing window, the materials and proportions detract from the character of the building. However, as the window is located on the rear elevation, is not visible from the public realm and has a simpler glazing design, the resulting harm in comparison to the existing situation is not considered to be as significant as on the front elevation.

The design, method of opening and the material of the installed windows are out of character with the character and appearance of the existing building and wider area. Most of the surrounding properties have timber sliding sash windows whereas the ones installed have tilt and turn PVC windows which do not even replicate the sash design on neighbouring windows in terms of the scale of the transom glazing bars. It is considered that the windows are an unsympathetic alteration which has a detrimental impact on the character and appearance of the host building and the wider conservation area, and result in a gradual erosion of the overall character of the area which is derived from terraced houses with traditional fenestration patterns and materials.

Recommendations:

- a) Refuse planning permission and
- b) Authorise 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 1990, as amended, and, in the event of non-compliance with the Notice, the Head of Legal Services be authorised to commence legal proceedings under Section 179 of the Act or other appropriate power and/or the Director of the Culture and Environment Department be authorised to take direct action under Section 178 of the Act to secure compliance with the Notice.

The Notice shall allege the following breach of planning control:
removal of existing 2 timber framed sash windows and replacement by 2 UPVC windows on the front and rear elevations of raised ground floor flat.

The Notice shall require within a period of 6 months of the Notice taking effect:
the new PVC windows be totally removed and replaced by timber sash windows to match the design of those originally removed and also those on adjoining properties.

The Notice shall specify the reason why the Council considers it expedient to issue the notice:
The UPVC windows, by reason of their materials and design, are considered detrimental to the appearance of the host building and the character and appearance of the Hampstead conservation area, contrary to policies B1 (General Design Principles), B3 (Alterations and Extensions) and B7 (Conservation Areas) of the London Borough of Camden Replacement Unitary Development Plan 2006.

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