

Delegated Report		Analysis sheet	Expiry Date:	11/05/2015
		N/A / attached	Consultation Expiry Date:	23/04/2015
Officer			Application Number(s)	
Darlene Dike			2015/1411/P	
Application Address			Drawing Numbers	
Flat A 55 Broadhurst Gardens London NW6 3QT			See Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Replacement of 3 existing single glazed timber windows with double glazed uPVC windows to rear elevation. [Retrospective]				
Recommendation(s):		<ol style="list-style-type: none"> 1. Refuse Planning Permission. 2. That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended and to pursue any legal action necessary to secure compliance. Additionally, officers to be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control. 		
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	25	No. of responses	02	No. of objections	02
			No. electronic	02		
Summary of consultation responses:	<p>A site notice was displayed from 27/03/2015 to 17/04/2015. A press notice was published from 02/04/2015 to 23/04/2015.</p> <p>Two objections were received from freeholders of flats at 55 Broadhurst Gardens which are summarised as follows:</p> <ul style="list-style-type: none"> - The property falls within a conservation area where uPVC windows are not permitted - Proposals would result in the loss of a major feature of the conservation area (i.e. timber framed windows) 					
CAAC/Local groups* comments: *Please Specify	No responses have been received to date.					

Site Description

The site comprises a four storey, semi-detached late 19th Century red brick building located on the south side of Broadhurst Gardens. The property is currently used as four self-contained flats, for which the original single-glazed timber windows have largely been retained.

The site is located in the South Hampstead conservation area and while not listed, the building is identified within the Character Appraisal and Management Strategy as making a positive contribution to the character and appearance of the conservation area

Relevant History

APPLICATION SITE

No relevant history.

NEIGHBOURING SITES

121 Broadhurst Gardens

2013/5394/P – Replacement of rear windows with timber framed double glazed windows; recovering roof of 1x dormer; lowering the level of third floor terrace and installation of 1x roof light to side elevation and 1x roof light to front elevation. **Granted 09/1/2013.**

103 Broadhurst Gardens

2006/4453/P - Replacement of all existing timber sash and casement windows on front, rear and side elevations with UPVC double-glazed sash and casement windows. **Refused 20/03/2007.**

Relevant policies

National Planning Policy Framework 2012

The London Plan 2015

Camden LDF Core Strategy 2010

CS5 Managing the impact of growth and development

CS13 Tackling climate change through promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

Camden Development Policies 2010

DP22 Promoting sustainable design and construction

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2013

CPG 1 (Design) – Chapter 4

CPG 3 (Sustainability) – Chapter 4

South Hampstead Conservation Area Character Appraisal and Management Strategy 2011

Pages 23 and 58

Assessment

1. Proposal

- 1.1 Proposals involve the retention of 3 double glazed uPVC sash windows at lower ground floor level, which replace 3 original single-glazed timber sash windows.

2. Assessment

- 2.1. The principal considerations material to the determination of this application are summarised as follows:
- Design (Visual impact)
 - Amenity (Impact on the amenity of adjoining neighbours)

3. Design

- 3.1 The subject site benefits from original single-glazed timber windows in all but the replaced openings, and this makes a significant contribution to the character of the building. The introduction of uPVC, at rear lower ground floor level, though not visible from the street, is considered to have a detrimental impact on the appearance of the host building, creating a mix of styles and disrupting the uniformity of the rear elevation fenestration. In this way the use of uPVC forms a contemporary addition that is insensitive and goes directly against CPG1 guidance that “where timber is the traditional window material, replacements should also be in timber frames” (Paragraph 4.7).
- 3.2. The replaced uPVC windows are also deemed unacceptable by virtue of their detailed design. Though a clear attempt has been made to replicate the form of the original sash windows, the replaced uPVC windows differ significantly in terms of their opening mechanism. In addition to this, the elegant profile and proportions of the original timber framed windows cannot be matched by their uPVC replacements, as the replaced windows are bulkier and wider in section and profile, with far thicker glazing bars.
- 3.3. 55 Broadhurst Gardens is identified as a positive contributor within the South Hampstead Conservation Area, for which the Conservation Area Character Appraisal and Management Strategy (paragraph 6.7) states that “there may be unsympathetic and prominent features that detract from a building such as... uPVC windows.” Whilst the configuration of the replaced fenestration is cohesive, in that they are all positioned in the original openings of the rear elevation, the choice of material does not serve to preserve and enhance the character of the South Hampstead Conservation Area. The use of uPVC stands contrary to policy DP24 as the proposed scheme would not “incorporate materials of an appropriately high quality”(paragraph 24.16). In line with the objections received from freeholders of the property, it is felt that the loss of the original windows and subsequent replacement with uPVC frames is harmful to the setting of the property with a conservation area, and is in direct contravention of CP3 guidance which makes clear that “the use of uPVC windows is not considered to be acceptable in historic buildings, conservation areas and listed buildings as this material detracts from their historic significance and the architectural qualities of historic buildings and places” (Paragraph 4.9).
- 3.4 Whilst it is acknowledged that the replaced uPVC windows, given that they are double-glazed, may improve the energy efficiency of the affected flat, they are not a wholly sustainable addition. As made clear in CPG1 guidance “uPVC windows are not acceptable both aesthetically and for environmental reasons, including their relatively short lifespan and inability to biodegrade” (Paragraph 4.7).
- 3.5. It is noted that from a site visit to the property that two new doors, also uPVC, have been installed to the rear elevation. As these changes do no benefit from express consent, and it is unclear whether the criteria for deemed consent have been met, an enforcement case to look into this aspect of the works is underway.

4. Amenity

- 4.1 The position of the 3 replaced windows at rear ground floor level, prevents the opportunity for overlooking, loss of privacy or light spill to neighbouring properties, and so the proposal is deemed to have no negative impact on residential amenity.

5. Recommendation

- 5.1. Refuse Planning Permission
- 5.2. Issue an Enforcement Notice

Authorise Enforcement Action

That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended for the 3 uPVC windows to the rear elevation, and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 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 installation of 3 uPVC windows to the rear elevation.

What you are required to do:

- 1) Remove the 3 uPVC windows to the rear elevation and reinstate timber-framed windows, and make good any damage to the original building.

Period of Compliance: 6 months**REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE****Reasons for issuing the notice:**

The replaced windows, by virtue of their material and detailed design, would harm the appearance of the host building and the character and appearance of the South Hampstead Conservation Area, contrary to policies CS5 (Managing the impact of growth and development) , CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Core Strategy; and DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage), of the London Borough of Camden Local Development Framework Development Policies.



