



**Planning Appeal in relation to  
the decision of Camden Council to refuse consent for  
the replacement of three existing single glazed timber windows  
with double glazed Upvc windows to rear elevations  
Flat A, 55 Broadhurst Gardens, London NW6 3QT (Retrospective)**

**Application Ref: 2015/1411/P**

**1.0 Introduction**

- 1.1 This appeal is against the decision of Camden Council to refuse consent for the works as described above.
- 1.2 The application was considered under officers delegated powers and the refusal notice was dated 27 April 2015.
- 1.3 The refusal reason is as follows:-

- 1. 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. In dealing with this application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

**ENFORCEMENT ACTION TO BE TAKEN**

The Council has authorised the Planning Department to instruct the Borough Solicitor to issue an Enforcement Notice alleging breach of planning control.



## **2.0 The Proposal**

- 2.1 The proposal relates to the replacement of 3 single glazed timber windows with UPVC windows on the ground floor elevation of the property known as 55 Broadhurst Gardens, London NW6 3QT
- 2.2 This is a ground floor flat in a four storey late 19<sup>th</sup> century semi detached red brick property situated on the southern side of Broadhurst Gardens, currently used as four flats.
- 2.3 The building is not listed but is within the South Hampstead Conservation Area and is described within the Character Appraisal and Management Strategy as making a positive contribution to the character and appearance of the Conservation Area.

## **3.0 Implications of proposed works**

- 3.1 The principle of replacement windows is acceptable but the issue is their material and detailed design which is in question.
- 3.2 The officer's report acknowledges that there is no impact from overlooking, loss of privacy or light spill to neighbouring properties.
- 3.3 It is further acknowledged that the windows will not be visible from the street and that the windows will improve energy efficiency for the occupants.
- 3.4 The property does not benefit from any form of permitted development as it is a flat but the area does not appear to be covered by an Article 4 Direction, so any dwellings in the area could indeed replace timber windows with UPVC windows.
- 3.5 The only vantage point from where the windows will be seen is from the rear elevations of properties in Compayne Gardens and to a lesser degree due to the acute angle from some properties in Broadhurst Close.
- 3.6 Therefore the harm to the appearance of the Conservation Area is insignificant.



- 3.7 In paragraph 3.2 the officer acknowledges that a clear attempt has been made to replicate the form of the original sash windows.
- 3.8 Photographs of the windows that were replaced are attached (Appendix A) and as can be seen the security vertical bars were already in situ and already impact on the appearance of whatever style/material of windows are installed.
- 3.9 The aims of, and guidance contained, within the Local Plan policies are fully understood, however, in this particular case the appellant did not appreciate that permission was required as flats do not have permitted development.
- 3.10 It would appear that the installing company did not advise of the necessity for obtaining consent.
- 3.11 Having regard to the location of the windows within the building ie ground floor, rear elevation, in a position where they are not read from the public domain, the windows do not result in such harm as to justify refusal.
- 3.12 The windows that have been removed were clearly incapable of being repaired and required replacement and the existing window openings have not been altered.
- 3.13 Furthermore, there are a variety of window styles on the rear elevation that can be clearly seen in the attached photographs.(Appendix B)
- 3.14 The Council make reference that the proposed windows “create a mixture of styles and thus disrupting the uniformity of the rear elevation fenestration”.
- 3.15 It is not considered that the rear elevation presents any form of uniform fenestration and indeed the works to the ground floor have enhanced the appearance of the building.
- 3.16 In paragraph 3.4, reference is made to the concerns of UPVC windows being not aesthetically pleasing and for environmental reasons, as they have a relatively short lifespan.



- 3.17 However, for the reasons already stated it is considered that the windows do not result in significant/substantial harm to the property or the Conservation Area and by the Council's acceptance, there will be no long term permanent impact by reason of the introduction of these windows.
- 3.18 There is evidence within the area that other properties have UPVC windows so they are not alien to the area.
- 3.19 Issues relating to the freeholders objection are a civil matter that is independent of the planning considerations.

#### **4.0 Conclusion**

- 4.1 For the reasons set out above the Inspector is requested to allow the appeal for the retention of the windows in situ.