

Statement: Grounds of Appeal

revision	00
date	15.07.15
project	35 Rudall Crescent, London NW3 1RR
planning application type	householder
planning application reference	2015/1167/P
planning application decision date	27.04.15

01 Site Description

Rudall Crescent loops to the west of Willoughby Road and is a mixture of 19th and 20th century architecture. The property is part of a terrace of five dwellings, Nos.31-39 that were built in the gardens of 4-9 Gayton Crescent in the late 1950s on the North side of Rudall Crescent. The group creates a contrast to its Victorian neighbours, forming a two-storey terrace with wood cladding, set back behind a brick wall. The property is in the Hampstead Conservation Area.

No. 35 is a two storey including roofspace single family dwelling constructed of brickwork with white painted shiplap timber cladding to the front elevation, and render to the rear. The roof is clad in interlocking concrete tiles. The original integral garage has been converted into habitable accommodation as previously approved by Camden. The front garden is enclosed by a high brickwork wall, and timber gate providing access.

02 Proposal

The proposal includes:

- Folding doors to the full width of garage door
- Alteration of GF front window to three panel folding doors
- Alteration of 1no. FF front window fenestration
- Replacement of front and rear windows
- Replacement of the rear doors
- Replacement of the front door and side light
- Enlargement of the waste and recycle store

Application description:

Additions and alterations including installation of folding doors to the full width of garage door opening, alteration of ground floor front window to three panel folding doors; replacement of front and rear windows and doors and side light with aluminium frame, along with enlargement of waste and recycle store and installation of new velux rooflight to the rear elevation.

03 Reasons for Refusal

1 The proposed aluminium windows by virtue of their inappropriate material finish and detailed design, would detract from the appearance of the building and the uniformity of the wider terrace and would fail to preserve or enhance the character and appearance of the Hampstead 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 policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies

04 Planning Considerations

policy CS14 (Promoting high quality places and conserving our heritage)
of the London Borough of Camden Local Development Framework Core Strategy;

policy DP24 (Securing high quality design) and
policy DP25 (Conserving Camden's heritage)
of the London Borough of Camden Local Development Framework Development Policies

05 Summary of planning decision

Folding doors to the full width of garage door: **not** listed as refused element
Alteration of GF front window to three panel folding doors: **not** listed as refused element
Alteration of 1no. FF front window fenestration: listed as refused element
Replacement of front and rear windows: listed as refused element
Replacement of the rear doors: **not** listed as refused element
Replacement of the front door and side light: **not** listed as refused element
Enlargement of the waste and recycle store: **not** listed as refused element (see note below).

The Planning Case Officer in email (dated 17.03.15) stated:
Just some recommendations whether you would like to revise;
Windows to ground floor should be timber as and not aluminium (existing host and property in this area is timber)
Elevations and material/details of bin store to get indication of height and works

WEBB Architects issued a revised drawing indicating materials, details and dimensions of the bin store to Camden Planning on 17.03.15.

06 Grounds for Appeal

Grounds for Appeal concerning the proposed windows

- a) Reason for refusal:
'....inappropriate material finish...'

Grounds for Appealing this reason for refusal:

- 1) The period of the building lends itself to the use of metal framed windows. Mid-twentieth century properties commonly used metal framed windows.
- 2) The style of the existing windows, with large expanses of glass, is more suited to use of metal frames.
- 3) Camden Planners have taken the position that because the vast majority of housing stock in the conservation area is Victorian or earlier with timber framed sliding sash windows then all windows must be timber framed. No allowance is given for the period and style of the host building or the style of the windows.
- 4) There are numerous examples of buildings within the conservation area that date from a period a little before and after the application property that have successfully used

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metal framed windows. The properties are too numerous to list here but vary from the 1930's 2 willow Road through to late twentieth century properties on Well Road, Willoughby Road and others. 41 Rudall Crescent, again a 20th century building, originally had metal framed windows.

- 5) No. 31 Rudall Crescent, which is one of the five properties that form the terrace, has what appear to be metal framed windows.
- 6) No. 37 and 39 Rudall Crescent, again within the terrace of five, currently have a planning application lodged to change the existing windows to aluminum framed.
- 7) Aluminium is far more efficient with regards to maintenance. If there are no aesthetic grounds to retain a timber frame then the positive qualities that a more suitable material offer should be embraced.

b) Reason for refusal:
'....and detailed design...'

- 1) The casement style opening and general fenestration type is far more suited to aluminium frame than timber. To replace with timber frame has the risk of distortion in a frame of such slim profile and large glazing panel width. Aluminium is a far more stable material (not prone to warping) than timber and so the frame sizes can be retained to match the original.
- 2) It is proposed that one of the first floor windows to the front has an altered opening method and resulting change to fenestration pattern. This is a minor change that is within the spirit of the original glazing type and enables the window to be much more user friendly. The current opening method conflicts with the intention of the overall proposals for the house to improve access for all.
- 3) One house of the terrace of five already has this changed window opening method.

c) Reason for refusal:
'.....detract from the appearance of the building...'

- 1) A change from white painted timber to white painted aluminium will not be visually significant as frame sizes and details can be matched.

d) Reason for refusal:

'.....would detract from..... the uniformity of the wider terrace and would fail to preserve or enhance the character and appearance of the Hampstead Conservation Area.'

- 1) A change from white painted timber to white painted aluminium will not be visually significant as frame sizes and details can be matched.

- 4) No. 31 Rudall Crescent, which is one of the five properties that form the terrace, has what appear to be metal framed windows.
- 5) No. 37 and 39 Rudall Crescent, again within the terrace of five, currently have a planning application lodged to change the existing windows to aluminum framed.
- 6) The vast majority of properties within the conservation area are older than the application property and have timber framed sliding sash windows. Changing the casement windows of the terrace 31-39 Rudall Crescent will not detract from these very different windows as the two do not read together.

07 Summary of Grounds for Appeal

By refusing a change of windows to aluminium framed Camden Planning department are treating the entire conservation area as the same and are applying blanket rules without consideration of individual buildings. Their approach that "...we usually refuse such proposals in the Conservation Area....." illustrates this approach.

The application property is of a style and age that would suit aluminium framed windows. The aluminium frames are more suitable to the window style and the colour and profile will be such that it will not be noticeably different than the same in timber.

The Council's decision was not sympathetic to the particular situation but was a standard response with no grounds in this particular case.

