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## Appeal Decision

Site visit made on 29 September 2015

**by Caroline Mulloy BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 October 2015**

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**Appeal Ref: APP/X5210/W/15/3032677**

**Flat A, 55 Broadhurst Gardens, Camden, London NW6 3QT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Claire Grabiner against the decision of the London Borough of Camden.
  - The application Ref 2015/1411/P, dated 10 March 2015, was refused by notice dated 27 April 2015.
  - The development is the replacement of three existing single glazed timber windows with double glazed uPVC windows to rear elevation (retrospective).
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The title of the appellant differs on the application form to the appeal questionnaire. I have used the title on the questionnaire ('Mrs') which I consider to be more likely. I have taken the description of the application from the Council's decision notice which I consider to be a more accurate description.
3. The uPVC windows have been installed and I shall, therefore, deal with the appeal on the basis of a retrospective application. Two uPVC doors have also been installed; however, these do not form part of the application.

### Main Issue

4. The main issue is the effect of the uPVC windows on the character and appearance of the host property and whether they preserve or enhance the character or appearance of the South Hampstead Conservation Area.

### Reasons

5. The appeal site is situated on a terrace characterised by four storey properties (including basement and habitable roof space) dating from the late 19<sup>th</sup> century. The properties are situated within the South Hampstead Conservation Area (Conservation Area) and are covered by the 'Swiss Cottage' Article 4 Direction which withdraws certain permitted development rights of the properties. Whilst the property is not listed, it is identified in

the South Hampstead Conservation Area Character Appraisal and Management Strategy 2011 (CACA) as making a positive contribution to the character of the Conservation Area. The property still retains many traditional features including the majority of its traditional sliding sash windows, some of which are multi-paned. There is a gap at the front of the properties which give the appearance of semi-detached properties, but they are in fact joined to the rear. The properties have a planned symmetry with paired gables and a range of decorative features such as terracotta panels and brickwork ornamentation. I consider that the property and group of properties make a positive contribution to the character of the Conservation Area.

6. It is suggested that there are a mix of styles to the windows on the rear elevation. However, it was apparent on my site visit that of the seven upper windows, only two are casement windows and from ground level inspection five appeared to be constructed of timber. Whilst the remaining traditional sliding sash windows are in need of repair, they retain an elegant appearance; vertically proportioned with narrow meeting rails and glazing bars and decorative horns which contribute significantly to the character and appearance of the host property and which are typical of this era of building.
7. In contrast the replacement uPVC windows are bulky in appearance with wide frames and profiles and with a different opening mechanism. Detailing such as the narrow glazing bars and the decorative horns have been lost. Furthermore, the modern, stark white materials contrast markedly with the originals. The windows, therefore, cause material harm to the character and appearance of the host property.
8. Paragraph 6.7 of the CACA specifically identifies uPVC windows as inappropriate additions that detract from a building and the Conservation Area. It is acknowledged that the uPVC windows are not visible from the main street. However, as the appellant identifies, they are noticeable in views from Compayne Gardens and Broadhurst Close and indeed the residents of Broadhurst Gardens from their rear gardens. Consequently, although the extent of the harm is limited and less than substantial, the uPVC windows, nevertheless, have a harmful effect on the character and appearance of the Conservation Area.
9. Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst the uPVC windows may offer the appellant some benefits in terms of improved efficiency and whilst the harm may be less than substantial, the benefits do not outweigh the harm identified.
10. The appellant refers to examples of other uPVC windows in the area. However, I cannot be certain that they benefit from planning permission

which significantly limits the weight I can attach to them. In any event, each case must be decided on its merits and their presence does not outweigh the harm identified.

11. I, therefore, conclude that the uPVC windows are detrimental to the character and appearance of the host property and fail to preserve or enhance the character and appearance of the South Hampstead Conservation Area. I, therefore, find conflict with: Policy CS5 of the Camden Core Strategy 2010-2025 (CS) (2010) which seeks to manage the impact of growth and development, in particular criteria d which seeks to protect and enhance the environment and heritage and; Policy CS14 of the CS which seeks to promote high quality places and conserve the heritage of the Borough.
12. In addition, the uPVC windows are also contrary to Policy DP24 of the Camden Development Policies 2010-2025 (DP) (2010) which seeks to secure high quality design and Policy DP25 of the DP which seeks to conserve Camden's heritage. I also find conflict with paragraph 4.7 of the Camden Planning Guidance (CPG1) Design 2015 which states that where timber is the traditional window material replacements should be in timber frames.
13. Furthermore, the uPVC windows are contrary to paragraphs 132 and 134 of the Framework.
14. For the reasons set out above I dismiss the appeal.

*Caroline Mulloy*

INSPECTOR