
Appeal Decision

Site visit made on 12 January 2016

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 03 February 2016

Appeal Ref: APP/X5210/W/15/3134379
57 Primrose Gardens, London NW3 4UL

- 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 Ms Suzanne Collis against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/7645/P, dated 11 December 2014, was refused by notice dated 16 March 2015.
 - The development proposed is described as *replacing the existing timber double hung sash windows with new UPVC windows to match existing to the first, second and third floors of the rear elevation flats B,C & D.*
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant has confirmed that the appeal is made in her married name, rather than her maiden name as set out on the planning application form.

Main Issue

3. The main issue for this appeal is the effect of the proposed development on the character and appearance of the Belsize Conservation Area.

Reasons

4. The appeal site is situated within the Belsize Conservation Area at the end of a terrace and consists of a building divided into flats. The Conservation Area is predominantly residential in character and contains a number of terraces and semi detached buildings with some uniformity of appearance, including the use of traditionally proportioned timber windows.
 5. I saw at my site visit that whilst the rear of No 57 is not publically accessible, the upper floors of the building could be seen in relatively long distance views from Belsize Park Gardens and in private views from adjacent properties and gardens. I also observed that the appearance of the rear of No 57 has been subject of some historic changes to fenestration on the garden and ground floors but the upper three floors have timber windows of traditional proportions. The replacement of the windows with UPVC would detract from the appearance of the host building as the windows, although of a similar design to those existing, would not be of the same appearance as timber windows due to the UPVC used in their construction. The introduction of the
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- proposed windows made from a non traditional material would therefore harm the appearance of the host building and the Conservation Area.
6. I note the submission that the garden flat has UPVC windows which are subject of a certificate of lawfulness but consider that the changes which have been made to the windows of that flat should not be indicative of what should occur in this case. The windows proposed, being similar in appearance to those existing would be different than those of the garden flat and would not provide a uniformity of window design to the rear of the property. It has also been submitted that the Council has allowed the retention of other UPVC windows in the Conservation Area, but no details of these are before me and in any event, I saw at my site visit that timber windows predominate in the area. I also note the comment regarding the condition of the windows, but have found that their proposed replacement would harm the appearance of the Conservation Area.
 7. Government Policy in respect of the historic environment is set out in the National Planning Policy Framework. Paragraph 126 recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. The harm found in this case would be less than substantial to the Conservation Area as a whole and any harm, which is less than substantial, must be weighed against the public benefit of the proposal. In addition, section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
 8. Whilst the harm to an individual site may be less than substantial, the incremental and cumulative harm that could arise from similar proposals could adversely affect the conservation area and the heritage asset as a whole. As heritage assets are irreplaceable, any harm requires clear and convincing justification. However, in this case the alterations relate to private flats and there are no public benefits that would offset the limited harm identified.
 9. The proposed development would not preserve or enhance the character and appearance of the Belsize Conservation Area and therefore does not accord with Policy CS14 of the Camden Local Development Framework Core Strategy 2010 – 2025 which includes that development is of the highest standard of design, respects local context and character and preserves and enhances Camden’s heritage assets including conservation areas. It also does not accord with Camden Local Development Framework Development Policies 2010 – 2025 Policy DP24 which is concerned with securing high quality design including developments considering the quality of materials to be used and Policy DP25 which seeks to maintain the character and appearance of conservation areas.

Conclusion

10. For the reasons given above and having considered all matters raised, I consider that the appeal should be dismissed.

Philip Lewis

INSPECTOR