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**APPEAL BY MR PATEL AGAINST THE REFUSAL OF
PLANNING PERMISSION FOR THE PROPOSED
REPLACEMENT OF 12 EXISTING WINDOWS TO uPVC
GLAZED WINDOWS, AT FLAT 1 & 2, 79 TOTTENHAM
COURT ROAD, LONDON. W1T 4TB**

LOCAL PLANNING AUTHORITY REFERENCE: 2017/4178/P

APPEAL STATEMENT BY LISA PAGE

3RD FEBRUARY 2018

London:

The Lansdowne Building
2 Lansdowne Road, Croydon
London. CR9 2ER

Gloucestershire (Postal Address):

Unit 1, Nailors Court
The Slipway, Back of Avon
Tewkesbury. GL20 5UR

Cambridgeshire:

Fenice Court,
Phoenix Business Park, St Neots
Cambridgeshire. PE19 8EP

1.0 BACKGROUND TO THE APPEAL

1.1 A valid application was submitted to the Borough on 15 August 2017, for the replacement of existing windows with uPVC glazed windows to the residential properties – Flat 1 & 2, 79 Tottenham Court Road. The decision was subsequently taken on 10 October 2017 to refuse permission for the development, on the following reason: -

- 1) *The proposed replacement windows, by reason of their material and design, would be detrimental to the character and appearance of the host building and the surrounding Charlotte Street Conservation Area, contrary to policies D1 (Design) and Policy D2 (Heritage) of Camden Local Plan 2017.*

2.0 SITE DESCRIPTION AND PLANNING HISTORY

2.1 The site lies central within a mixed use area containing commercial, retail and residential uses. The building itself contains a commercial unit at ground floor with three levels of residential use above (the top floor being roof accommodation). The site lies within the designed Charlotte Street Conservation Area.

2.2 The application proposed the replacement of the existing double glazed casement aluminium and tilt and turn uPVC windows, within all of the first, second and third floor front and rear elevations of the existing property, with triple glazed uPVC windows. The windows are proposed to be replaced on a like for like basis (albeit the mock Georgian squares are omitted) and opening arrangements as existing.

2.3 Planning permission was granted in 1993, under reference 9201372 for the erection of rear extension at first and second floor levels and new mansard roof extension. A later approval in 1995, under reference 9401963 granted an amendment to the earlier application to create a 1 no. studio flat and 1no. two bed maisonette, in place of the approved 1no. maisonette.

2.4 More recently an application reference 2017/4178/P, for the same proposal subject to this appeal, was refused with the same reasons as cited now. The application (subject to this appeal) was submitted to the Council with a further Supporting Statement to justify the development and overcome that reason. The Officer Delegated Report makes only one fleeting comment to this Supporting Statement. The Supporting Statement is attached at Appendix 1.

3.0 PLANNING POLICY

3.1 The Council has adopted a number of planning documents that, alongside the Mayor's London Plan, form the Development Plan for Camden, and which provide the planning

policy framework for managing the future growth and development of the Borough. The adopted planning documents relevant to this appeal are:-

- The Local Plan 2017;
- The Camden Planning Guidance (CPG), 2011;
- Charlotte Street Conservation Area Appraisal and Management Strategy, July 2008.

- 3.2 For this appeal, the Local Plan 2017 is of particular relevance. The planning policies within that document, pertinent to this appeal are D1 and D2. These policies seek to secure high quality design in development which respects local context and character and which preserves or enhances the character or appearance of the area.
- 3.3 The National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG) are also relevant.
- 3.4 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

4.0 PLANNING CONSIDERATIONS / CASE FOR THE APPELLANT

Addressing the reason for refusal

- 4.1 The Council's sole reason for refusal relates to the development having a detrimental impact to the character and appearance of the host building and the Conservation Area. It is stated that this impact is due to the design and choice of materials of the windows. No detailed explanation is stated as to what design element of the proposed windows is causing the harm.
- 4.2 Firstly, there is an error within the Officer Report in terms of the detail of the existing windows to be replaced. The Report incorrectly states that all the windows are single glazed aluminium windows. However, the existing windows are a mixture of double glazed casement aluminium windows and tilt and turn uPVC windows. This matter is clarified within the Supporting Statement submitted with the application (Attached at Appendix 1). The photographs within the Statement and the existing elevational drawing, evidence the design and materials of the existing windows to be replaced.
- 4.3 The windows are proposed to be replaced with identical opening arrangements as existing. The existing uPVC tilt and turn windows will be replaced with new triple glazed uPVC tilt and turn windows. The existing double glazed aluminium casement windows will be replaced with triple glazed uPVC casement windows.
- 4.4 The reason for refusal refers to conflict with Policy D1 and D2 (Policies within Chapter 7 – Design and Heritage) of the Camden Local Plan 2017. Within the 'Design and Heritage' Chapter and specifically at Paragraph 7.10, it outlines that 'materials for new

development be carefully considered in terms of their texture, colour, tone and compatibility with existing materials'. The replacement with uPVC windows will visually appear identical to the texture and tone of the existing uPVC and double glazed aluminium windows. This development would be in accordance with these policies.

- 4.5 The Camden Planning Guidance (CPG) requires replacement windows to be replaced on a like for like basis and to match in terms of type, fenestration pattern and proportions, opening method, materials and finishes. The replacement windows would for the majority adhere to this guidance. The existing windows of course are already modern replacement windows. Although these existing replacement windows incorporate suspended Georgian squares inside of the cavity of the sealed unit, they are not an original design and their removal with a more simple form of design is sympathetic to the host building. It is noted that Paragraph 4.7 of the CPG outlines that where double glazing is proposed it should be achieved by secondary glazing. However that is in relation to developments where double glazing is proposed. The windows to be replaced are for the majority already double glazed and as such their replacement, with triple glazing would not be in conflict with policy. Furthermore, the replacement windows would result in no wider glazing bars and no increase in dimensions to the existing.
- 4.6 The impact upon the character and appearance of the host building will be *neutral*, and in accordance with Policy D2 of the Local Plan and the NPPF, the impact to the wider visual amenity of the locality would also be neutral and as such would preserve the character and appearance of the Conservation Area. The application was submitted with regard to the Charlotte Street Conservation Area Appraisal and Management Strategy, which requires that development within Conservation Areas preserves the character or appearance of the area. As outlined above the character of the area is preserved. Indeed the Council's reason for refusal does not cite this document within the reason and as such it can be surmised that the Council consider there is no conflict with its contents.
- 4.7 Many other notable nearby buildings have uPVC windows, and the replacement of windows on this building would be in keeping and respectful to the local context and character of the historic environment. The application was submitted to the Council with a full and detailed Supporting Statement which highlights specific nearby buildings which have uPVC windows. A further and more detailed summary of the numerous nearby buildings that have replacement uPVC windows installed are attached at Appendix 2. This demonstrates that uPVC windows of varying window designs make up the mixed character of the fenestration of buildings within the immediate context, many too which are attached to or adjacent to listed buildings. Indeed there is history of other sites within the locality where permission has been granted for the replacement of single glazed timber windows with authentic Georgian squares, to double glazed uPVC windows with 'suspended' (inside the sealed unit) Georgian squares, thus agreeing that such materials and a change to the design can form appropriate replacements. Attached at Appendix 3 are details of this approved development at 297 Euston Road. (Local Planning reference 2011/5392/P). This was

determined with the same Local Plan Policies and would have had more of an impact to the host building and locality.

5.0 CONCLUSION

- 5.1 As detailed within this original planning application submission, and further within this Appeal Statement, the development is to replace existing double glazed aluminium and uPVC windows with triple glazed windows of a similar design and identical proportion, dimensions and opening method. The impact upon the host building would be neutral as visually there would be limited difference to the appearance of the building. It therefore must follow that there would be a neutral impact upon the locality, such that the character and appearance of the Conservation Area is preserved. The development would therefore be in accordance with Policies D1 and D2 of the Local Plan. It would secure a high quality development which respects the local context and character and which preserves the character or appearance of the area. It is therefore respectfully requested that the appeal be allowed.