



7a Pindock Mews, Little Venice, London W9 2PY, UK
T: +44 (0)20 3713 8500 E: contact@dominiclawson.co.uk
www.dominiclawson.co.uk

Planning, Heritage, Design & Access Statement



Project: Full and Listed Building Planning Application
Site: Regency Lodge, Adelaide Road, Hampstead, Camden, London, NW3 5ED
Date: May 2021
Client: Ashna Yarashi-Shah

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VAT registration number 260 6370 18.

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A. SUMMARY AND CONCLUSIONS

1. This Planning, Heritage, Design and Access Statement accompanies an application for retrospective full planning permission and listed building consent to London Borough of Camden Council (“the Council”) to retain the existing double glazed UPVC windows at Flat 51 Regency Lodge, Adelaide Road, Camden, London, NW3 5ED (“the site”).
2. The building ‘Regency Lodge’ comprises a 6-storey residential block comprising of 110 flats, with ground floor retail units on the western elevation. The building sits on the southern part of the urban block forming Swiss Cottage junction. The building is Grade II listed.
3. The principal planning considerations for this application relate to the impact on the designated heritage asset and residential amenity.
4. The existing UPVC windows at the site have been in position since 2009. The exterior alteration was made in order to improve the energy efficiency of the flat and because the previous windows had come to the end of their life span.
5. The detailed drawing submitted with this application demonstrates that the existing windows do not represent a significant visual change from the approved glazing system which was considered to be most appropriate when replacing any windows within Regency Lodge (application reference 2011/5547/L). It is further noted that whilst the windows on the front and rear elevations reflect those set out in the approved window schedule as part of the 2011 planning application, the front and rear elevations should be considered to have less sensitivity to change due to the fact that these elevations have already been altered by the installation of a significant number of modern window frame typologies in the windows of other flats.
6. On this basis, the existing windows have not caused further harm to the significance of the Listed Building and it is therefore the case that the special architectural and historic significance of the Listed Building has been preserved. Accordingly, paragraph 196 of the Framework is not engaged.
7. No issues arise in relation to the impact of the proposal on the living conditions of neighbouring occupiers in terms of light, overlooking or privacy.
8. The installed windows are in accordance with the development plan and national planning policy, and there are no material planning considerations that would indicate that retrospective planning permission should not be granted.

B. THE SITE

The Site

9. The application site is located on the north side of Adelaide Road. The building 'Regency Lodge' comprises a 6-storey residential block, comprising of 110 flats with ground floor retail units on the western elevation. The building sits on the southern part of the urban block forming the Swiss Cottage junction.
10. The Art Deco style building dates from the inter-war period, and is Grade II listed (listing ref no: 1413897). The building is organised as linked blocks in a horseshoe plan form, with vehicular and pedestrian access from Adelaide Road in to a landscaped forecourt.
11. The existing building is of concrete frame construction with masonry (brown and sandy buff) bricks, with artificial stone bands under a flat roof. The majority of original steel casement windows have now been replaced and as such, the predominant window material on the building is UPVC.
12. The blocks are located in a mixed-use area, with parade shops and an Odeon cinema immediately to the north of the site. The site fronts onto the arterial route of Finchley Road.

Planning Designations

13. The site is not located within a Conservation Area.
14. The building of the application site itself is Grade II listed. The list description states:

HAMPSTEAD ADELAIDE ROAD Swiss Cottage Regency Lodge

II

Includes: Regency Lodge, AVENUE ROAD, Swiss Cottage Includes: Regency Lodge, FINCHLEY ROAD, Swiss Cottage

Flats and parade of shops on Finchley Road frontage, with underground garage. 1937-8. Robert Atkinson and A.F.B. Anderson. Brown and sandy buff bricks, with artificial stone bands and dressings on steel frame, flat roofs, and steel casement windows, a few windows replaced in late-C20. Moderne style development.

PLAN: Courtyard layout of 9 linked blocks, 6 storeys high, with narrow entrance in centre of south side. Individual lift and staircase services to groups of flats to minimise corridor lengths; separate trades' stairs and lifts characteristic of the period. Beneath the courtyard and the south ranged is a large underground parking garage for 100 cars with 15 lock-ups with access by ramps from Finchley Road and Avenue Road.

EXTERIOR: Horizontal emphasis, characteristic of the moderne style, is provided by artificial stone bands at window head and cill levels, with bold semi-circular bays at the block ends of the south range, and many casement bays with curved corners, two linked bays forming the main central feature above the entrance from the courtyard. The staircases are expressed by large vertical windows flanked by artificial stone fins. The top storey, although similar in plan to the lower floors, is treated as an attic, with windows in individual artificial stone surrounds, and not banded. Around the building are bas-relief panels, made by the Birmingham Guild, showing the trades employed in the building. The shops have been much altered in the C20, with modern shop fronts, but the overall planning interest of the scheme is maintained, with the curved corner and flat single storey roofs. The rear elevation to the north is utilitarian.

INTERIOR: Not inspected, but noted to have flats from 2-6 rooms, the larger having divisible living rooms.

HISTORY: Regency Lodge occupies the trapezoidal site at the south end of the Swiss Cottage triangle, which was redeveloped in the 1930s, with the Odeon Cinema site immediately to the north. Its location near an underground station whose services were expanded in the 1930s sets it within the context of inter-war transport developments and residential preferences for quality, stylish, flat accommodation close to the centre of the metropolis.

Listed at grade II as a carefully designed scheme of inter-war flats with a parade of shops and underground garage by the notable early-C20 architect Robert Atkinson. The Moderne style development has a characteristic horizontal emphasis that suggests speed on this arterial route, and it effectively fills the trapezoidal site at the south end of the Swiss Cottage triangle, which was redeveloped in the 1930s. It is well detailed, including bas-relief panels of the building trades, as well as having planning interest and it is comparable with the best of the commercial flats of its date.

Relevant Planning History

15. A search of the Council's online portal has revealed only one relevant planning application associated with Regency Lodge. This encompasses an application for listed building consent submitted to and approved by the Council in 2011 (application reference: 2011/5547/L) for the "Replacement of all existing original single glazed steel-framed windows with new, steel framed, double-glazed Crittall windows".
16. This application acknowledged that the windows of Regency Lodge had approached the end of their useful lifespans and that they did not provide the required amenity to occupiers and were hard to operate. The application therefore sought consent to replace all windows in order to rejuvenate the appearance of the building. The application also sought consent for double glazing to improve the building's thermal and acoustic properties.
17. The Officer's Delegated Report notes that there are a number of original windows that were replaced with double glazing prior to the building being listed. The Report cites that the newer windows were not proposed to be replaced under the application as their condition

was considered to be satisfactory, but highlighted the importance of maintaining consistency in terms of materials, opening arrangement, size of frames and glazing bars. It is noted that there is an informative attached to the consent which advises that the approved glazing system would be considered most appropriate when replacing any remaining windows which are not covered by the consent.

18. The replacement windows proposed encompassed a thicker profile than the original windows to support the two panes of glass.
19. The application was granted consent on the 14 March 2012 and has since expired.

Relevant Planning Applications

20. Councils have consciously chosen to approve the use of plastic windows and doors in listed buildings, for reasons of varying validity. These may include the lack of impact on any historic fabric and the lack of any adverse impact on character and significance. Examples include:
 - at Granville House, Townfoot, Alston (Eden District Council), the Council granted listed building consent for plastic windows on the rear elevation of a Grade II listed building in a Conservation Area and AONB, as the extant windows were already modern, meaning the significance would therefore not be affected by changing to a different set of plastic windows. Consent for the plastic windows was granted in November 2011 (application reference: 10/0939);
 - at Hodder Bank, Stonyhurst (Ribble Valley Borough Council), Listed Building Consent was granted in 2006 for 19 UPVC windows and 2 UPVC doors in a Grade II listed building (application reference: 3/2006/0278); and
 - at Arrington Assembly Rooms, in January 2014, South Cambs District Council gave listed building consent for the installation of plastic windows in the curtilage-listed Arrington Assembly Rooms (application reference: S/1030/13/FL). This was against the advice of the Conservation Officer, and was argued on public benefit grounds.
21. Most significantly, given the Planning Inspectorate's role as an arbiter, plastic windows in listed buildings have been allowed at appeal on numerous occasions. Examples include:
 - at 70 Damgate Street, Wymondham (appeal ref: APP/L2630/F/12/2181864) the Planning Inspector allowed the retention of plastic windows in this Grade II listed building in a Conservation Area, even within the publicly prominent front and side elevations. The Decision Notice notes, that most of the previous windows had been of unsatisfactory design and the significance of the building was therefore unaffected by the replacement of these in design terms;
 - at Hodder Bank in Stonyhurst, Ribble Valley Borough Council refused consent in 2012 for a further plastic door and side panels (in the same listed building mentioned above), on the grounds that it would adversely affect the character, significance and setting of the building. However, an appeal was allowed and approved (appeal ref: APP/T2350/E/

13/2196242), with the Inspector noting that: *“Overall whilst uPVC material is not normally favoured in heritage assets, it would not harm the significance of this heritage asset in this location”*;

- at 4 Tickford Street, Newport Pagnell (Grade II, conservation area) UPVC was allowed in the rear elevation in September 2015 (appeal ref: APP/Y0435/F/15/3006225). The Inspector said: *“Although made of UPVC the rear windows are not constructed of such bulky and over-sized frames. Although they do not necessarily enhance the appearance of the rear of the building, I do not consider that they are significantly harmful to the integrity of the listed building. The overall setting to the rear is characterised by UPVC rather than timber windows and is completely different to the street frontage setting [...] In conclusion on the windows I am satisfied that they neither harm the listed building or the character or appearance of the N[ewport] P[agnell] CA. Listed building consent will, therefore, be granted”*;
- at 1 The Stables, Vicarage Lane, Warwick (adjoined to Grade II listed farmhouse, within a Conservation Area), replacement UPVC windows were allowed in February of 2020 (appeal ref: APP/T3725/D/19/3244038). This was partially due to the fact that the UPVC windows were a common feature of properties within the vicinity of the site, but predominantly due to the design and materials laid out within the Heritage Statement. The Inspector wrote: *“I conclude that the visual appearance of the proposed replacement windows... at No 1 The Stables, would preserve Sherbourne Farmhouse as a Grade II listed building and its setting”*; and
- at 1 Old Union Street, Dumfries, listed building consent was refused in 2018 for the replacement of 11 non-original casement windows made from matt woodgrain effect UPVC (Listed Building Consent Appeal Ref: LBC-170-2014). The application was allowed at appeal in January 2019, with the Inspector stating that *“the proposed replacement windows would contribute towards preserving the listed building and its setting, as the replacement windows would be of a design appropriate for the building”*.

C. THE PROPOSAL

22. The application seeks retrospective full planning permission and listed building consent to retain the 9 existing double glazed UPVC windows at Flat 51 Regency Lodge, Adelaide Road, Camden, London, NW3 5ED ("the site").
23. The existing UPVC windows have been in position since 2009, as a betterment on the windows that were in place previously. The application seeks to retain 5 windows on the front facade elevation and 4 windows on the rear elevation.
24. The detailed drawing (drawing number 574.20 PL.01) submitted with this application demonstrates that the windows should be considered acceptable in terms of style and opening configuration. The dimensions of the glazing bars and the opening style demonstrate that the windows do not represent a significant visual change over the approved glazing system, which was considered "*most appropriate*" when replacing any windows within the building (application reference: 2011/5547/L).
25. As such, the historical character of the property has been maintained through the close replication of the size of the glazing bars and the opening arrangement of the front and rear UPVC windows to those specified in the window schedule, advocated in the 2011 application.





Figure 1 & 2: interior view of windows and window fastenings at Regency Lodge

26. Figures 1 and 2 above exemplify the prevalence of UPVC windows on the building at present, highlighting how plastic is now the predominant window material upon Regency Lodge. On the front elevation there are approximately 51 windows out of 125 windows that have UPVC windows installed, and on the rear elevation there are approximately 78 windows out of 156 windows that have UPVC windows installed.

D. PLANNING POLICY COMPLIANCE

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose of any determination, and that determination must be made in accordance with the plan, unless material considerations indicate otherwise,
28. The Development Plan for London Borough of Camden, and relevant to this site, comprises:
 - Local Plan (2017); and
 - London Plan (2021).
29. The following national policy and guidance are material considerations:
 - National Planning Policy Framework (2019) (“the Framework”); and
 - MHCLG Planning Practice Guidance.
30. The principal planning considerations relate to the impact on designated heritage assets and residential amenity.

Design

31. Local Plan Policy D1 ‘Design’, requires that development respects the local context and character and that it preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage. This policy also states that development should comprise details and materials that are of high quality and complement the local character.
32. Section N of Policy D1 under Section ‘Sustainable Design and Durability’ cites that “*design should be durable in construction and where appropriate should be flexible and adaptable for a range of uses over time, a quality known as robustness*”. This development has improved the residential amenity and ‘robustness’ of the property, as fitting the flats with double-glazing has resulted in improved thermal insulation and provided a more sustainable long-term living space for occupiers.
33. Section 12 of the Framework relates to design and states that the Government attaches great importance to the design of the built environment, with good design being a key aspect of sustainable development.
34. The appropriateness of a window is not solely related to the material but also the visual appearance. The existing window design closely reflects details shown in the window schedule approved as part of the 2011 approved application and in terms of overall appearance they do not cause any harm to the overall character of the building. It is further noted that the replacement windows proposed under the 2011 application encompassed a

thicker profile than the pre-existing window to support the two panes of glass and therefore the principle of a thicker frame and double glazed windows has already been considered acceptable by the Council.

35. Policy D1 also requires that the design of the proposal enhances the historic environment and heritage assets in accordance with Policy D2 'Heritage'. As set out in the below section under 'Heritage', an overwhelming proportion of windows in the building are now made of UPVC, with very few of these replicating the original window patterns. Taken together, the wide variety of replacement windows contributes significantly to the character of the Listed building. Thus, as a significant number of properties within Regency Lodge already have UPVC windows, there would be no detrimental impact to the character and significance of the Listed Building.
36. The existing windows are therefore wholly in accordance with Local Plan Policy D1.

Heritage

37. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority - or as the case may be, the Secretary of State - shall have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
38. Section 72 (1) of the Act states that:
- In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of the preserving or enhancing the character or appearance of that area.*
39. Paragraph 193 states that the more important the heritage asset, the greater the weight that should be given to its conservation, and paragraph 196 sets out that if less than substantial harm is identified to a heritage asset, this should be weighed against the public benefits that would result for the development sought. The public benefits assessment must only be taken if harm to heritage is identified.
40. Section 12 of the Framework relates to design and states that the Government attaches great importance to the design of the built environment, with good design identified as a key aspect of sustainable development.
41. Policy HCl of the London Plan relates to heritage and growth and sets out that development proposals that affect heritage assets, and their settings, should conserve their significance. Development should be sympathetic to the assets' significance and appreciation within their surroundings.

42. Policy D2 seeks to preserve or enhance the borough's listed buildings and in doing so, the Council will resist proposals for alterations to a listed building where this would cause harm to the special architectural and historic interest of the building and resist development that would cause harm to the significance of a listed building through an effect on its setting.
43. Some of the windows within the building had changed before the listing, and which the listing recognises. It is therefore clear that the significance of the building is not about the windows, but derives principally from its robust and simple overall character and appearance, characterised by the Art Deco style.
44. In any case, the 2011 planning application sought to replace the original single glazed windows with double glazed crittal windows. The Officer's Delegated Report for the 2011 application noted that there were a number of original windows that had been replaced with double glazing prior to the building being listed. The Report cites that *'these newer windows are not proposed to be replaced under this application as their condition is satisfactory'*. The windows at the flat subject of this planning application were installed in 2009 and it stands to reason that the officers conclusion encompassed the windows at 51 Regency Lodge.
45. Notwithstanding the above the existing frames largely reflect the principles of the 2011 application which established the principle of a thicker profile, in order to support the two panes of glass, and double glazing. The replication of the size of the glazing bars and opening configuration of the existing UPVC windows to the window schedule advocated in the 2011 application, ensures that the character of the property has been maintained.
46. Consequently the relevant development plan policies in relation to heritage will be wholly complied with. The proposals are in line with Camden Local Plan Policy D2 and London Plan Policy HCl as the heritage asset has been upgraded sensitively and its modernisation will ensure its ongoing use as residential accommodation. The proposal does not cause harm to, or loss of, any designated heritage asset and does not harm the significance of the heritage asset.

Residential Amenity

47. Policy A1 of the Camden Local Plan 'Managing the Impact of Development' outlines the ways in which the Council protect the quality of life of its residents. The Policy states that the Council will *"resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network"*.
48. As the UPVC windows utilise the pre-existing window frames, it can be said that this development has caused no impact on the surrounding or occupier residential amenity.
49. The existing windows are therefore in accordance with Policy A1 of the Local Plan.

E. CONCLUSION

50. The development does not harm the significance of the heritage asset, surrounding amenity or character of the local area and, as an exceptional case, is not contrary to the steer given by national guidance, local guidance or comparable planning appeal.
51. There is nothing in national or local policy that specifically excludes the use of UPVC windows in listed buildings, unless they result in the loss or impairment of historic detail, design or fabric and the evidence of planning appeals supports this conclusion. The precedent is set by both national appeal case decisions and local decisions, and this Statement outlines precedents that already exist for plastic windows in listed buildings under certain circumstances.
52. We would ask that the Council appreciate the context of this current application within the building as a whole and the unique set of circumstances at play. The plastic windows are an improvement over the pre-existing windows in terms of residential amenity and sustainability. This, combined with the fact that UPVC is now the predominant window material at Regency Lodge, highlights that the incorporation of UPVC windows does not harm the building's architectural character. Additionally the 2011 application establishes the principle of double glazed windows incorporating a thicker frame within the building. As such, the architectural and historic significance of the property has been maintained.
53. To conclude, it has been demonstrated that the proposals accord with the relevant national, regional and local planning policy contexts. Overall, the proposed alterations would preserve the special architectural and historical interest of the listed building. Due to this, and the reasons set out above, listed building consent and planning permission should be approved.