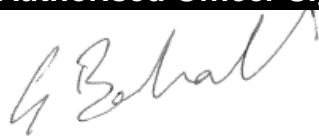


Delegated Report		Analysis sheet	Expiry Date:	29/03/2022
		N/A	Consultation Expiry Date:	05/03/2022
Officer			Application Number(s)	
Fast Track GG			2021/5138/P	
Application Address			Drawing Numbers	
Flat 3 10 Hilltop Road London NW6 2PY			Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
			 24/03/2022	
Proposal(s)				
Replacement of white painted timber sash windows with white UPVC windows to the front elevation and first floor level (retrospective).				
Recommendation(s):		Refused and Warning of Enforcement Action to be Taken		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	02	No. of objections	02
			No. electronic	00		
Summary of consultation responses:	<p>One site notice was displayed directly outside the site on Hilltop Road on the 9th February 2022 (expiring 05/03/2022)</p> <p>Two objections were received from local residents at the following properties:</p> <ul style="list-style-type: none"> • 8D Hilltop Road • 12 Hilltop Road <p>Objections are on the following grounds:</p> <ul style="list-style-type: none"> • <i>The proposed UPVC windows are not in keeping with this Victorian building or the character and appearance of Hilltop Road (part of which is a Conservation Area)</i> • <i>There are many options which allow the original look to be preserved, whilst also being more energy efficient</i> • <i>None of the other redbrick Victorian buildings have UPVC windows on the ground or first floor elevations. It is true that a few of the very top floor flats (second floor flats) have some limited UPVC windows, but these are very high up, away from the visible street view and are small window openings.</i> • <i>Camden Council recently completed a major renovation of 14 Hilltop Road (which is council-owned). It chose to install new timber sash windows throughout as part of that renovation, because it was clearly of the view that timber windows were more fitting for the street. There is no good reason why the council should now allow UPVC windows at 10 Hilltop Road.</i> 					
CAAC/Local groups* comments: *Please Specify	None.					

Site Description

The property is a four-storey terraced building located on Hilltop Road.

The building is not listed and not in a Conservation Area. However, it sits within the Fortune Green and West Hampstead Neighbourhood Plan area and opposite the South Hampstead Conservation Area.

Relevant History

EN21/0508 – In June 2021, an enforcement case was raised at Flat 3, 10 Hilltop Road in relation to the unlawful replacement of white painted timber sash windows with white uPVC windows. The property owner was sent a letter from Camden Council dated 9th September 2021 to inform them that the replacement windows were unlawful and were provided with two options extracted below,

1. Make a planning application for replacement timber sash windows with uPVC windows
2. Remove uPVC windows and re-instate the original timber framed windows

Relevant policies

National Planning Policy Framework 2021

London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development.

CC1 Climate Change Mitigation

D1 Design

Camden Planning Guidance 2021

CPG Design 2021

CPG Home Improvements 2021

Fortune Green and West Hampstead Neighbourhood Plan 2015

Policy 2 Design and Character

Assessment

1. Proposal

1.1 The proposal involves the replacing off white painted timber sash windows with white uPVC windows (retrospective).

2. Assessment:

2.1 The principal considerations material to the determination of this application are summarised as follows:

- Design and Sustainability;
- Residential amenity

2. Design and Sustainability

2.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed.

Local Plan policy D1 (Design) requires development to be of the highest quality design.

Local Plan policy CC1 (Climate Change Mitigation) requires development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards.

Policy 2 (Design & Character) of the neighbourhood plan requires 'All development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead.'

Camden's Local Plan Document is supported by CPG Design 2021 and CPG Home Improvements 2021.

2.2 CPG Design 2021 guidance recommends that alterations take into account the character and design of the property and surroundings, and that windows, doors and materials should complement the existing building.

2.3 Both CPG Design 2021 and CPG Home Improvements also state that uPVC windows are strongly discouraged both aesthetically and for their inability to biodegrade. In addition, timber window frames have a lower embodied carbon content than uPVC and aluminium.

2.4 The traditional and dominant window material in the application property and the surrounding properties is timber. Therefore, the replacement of the likely original timber windows with uPVC is not considered to complement the existing building or surrounds.

2.5 The replacement of the previous timber windows with uPVC windows fails to preserve the appearance of the building on account of both their non-traditional materials, their thicker proportions of frames which give a bulkier appearance and the opening mechanisms which opens outwards rather than sliding upwards.

2.6 The poor-quality materials and the detailed design of the windows are considered harmful to the host building, and the character and appearance of surrounding buildings, contrary to Camden Local Plan policies, Camden Planning Guidance 2021 and the Fortune Green and West Hampstead Neighbourhood plan 2015.

The proposal proposed material of UPVC is also unacceptable in respect of sustainability due to its inability to degrade high carbon embodied content. As such the proposals fail to comply with policy CC1 and CPG Home Improvements.

Residential Amenity

Camden Local Plan policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.

As all replacement frames would sit in existing openings, there would be no additional amenity impact arising from this development.

Recommendation:

- 1) Refuse planning permission
- 2) Serve an enforcement notice.

Authorise Enforcement Action

That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended for the 3 uPVC windows to the front elevation, and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The Notice shall allege the following breach of planning control:

- The unauthorised installation of 3 uPVC windows to the front elevation at first floor level.

What you are required to do:

- 1) Remove the 3 uPVC windows to the front elevation at first floor level;
- 2) Reinstate timber-framed one over one sliding sash windows to match those which previously existed; and
- 3) Make good any damage to the building caused by the works.

Period of Compliance: 3 months

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE

Reasons for issuing the notice:

The replaced windows, by reason of their detailed design including opening mechanism, proportions and inappropriate uPVC materials, would detract from the appearance of the host building and wider street scene, and would not be environmentally sustainable, contrary to policies D1 (Design) and CC1 (Climate Change Mitigation) of the London Borough of Camden Local Plan 2017 and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.