

Delegated Report		Analysis sheet		Expiry Date:		11/02/2022	
		N/A		Consultation Expiry Date:		07/03/2022	
Officer				Application Number(s)			
Amy Ly				2021/6303/P			
Application Address				Drawing Numbers			
306 Kilburn High Road London NW6 2DB				See draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Retrospective application to replace 22 x timber sash windows with new uPVC double glazed windows.							
Recommendation(s):		Refuse planning permission 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	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		<p>Site notices were posted on 11/02/2022 and expired on 07/03/2022.</p> <p>No responses from neighbouring occupiers were received.</p> <p>The Kilburn Neighbourhood Forum made no comments.</p>					

Site Description

The application site is located on the northern side of Kilburn High Road, on the corner between Kilburn High Road and Palmerston Road. The application property is a 4 storey end of terrace mixed use building with a commercial unit on the ground floor and side entrance for the residential flats.

The building is not listed, nor is it located within a conservation area. It falls within the boundaries of the Kilburn Neighbourhood Forum Area, however a Neighbourhood plan has not been adopted in this area. It fronts the late 19th century 4 storey corner building on the opposite side of Palmerston Road, 308 Kilburn High Road, which is locally listed.

Relevant History

Relevant planning records at the application site:

2019/2211/P - Conversion of 9 x self-contained units (Class C3) into 8-bed HMO (Sui Generis) at first, second and third floor levels. – **Granted subjection to Section 106 legal agreement 10/12/2019**

Relevant planning records at the neighbouring sites:

2003/1650/P – 312 Kilburn High Road - The change of use of the 1st, 2nd and 3rd floors from 1x self-contained maisonette to 3x self contained flats, including works of conversion and the erection of 3 rear balconies, associated replacement of rear windows with doors, and alterations to fenestration at front and rear. – **Granted 10/12/2003**

2005/2875/P – 308 Kilburn High Road - Retention of first floor rear/side extension, to be used in conjunction with existing first floor rear extension as a self-contained one bedroom flat, plus the proposed installation of two new timber windows on the side elevation. – **Granted 13/10/2005**

2007/1790/P - 320 - 324 Kilburn High Road - Alterations to building including replacement of windows with doors to facilitate access from to flat roofs at first floor level at the front and rear of the building (existing snooker club) in association with their use as terraces. – **Refused 12/09/2007. RfR - The proposed installation of the door on the Kilburn High Road (front) elevation and the consequent use of the flat roof as a terrace, would be detrimental to residential amenity of adjoining occupiers by reason of noise and disturbance.**

Relevant policies

National Planning Policy Framework (2021)

The London Plan 2021

The Camden Local Plan 2017

Policy A1 (Managing the impact of development)

Policy D1 (Design)

Policy D2 (Heritage)

Policy CC1 (Climate change mitigation)

Camden Planning Guidance 2021

CPG Home Improvements

CPG Design

CPG Amenity

Assessment

1. Proposal and Background

- 1.1 The Planning permission is sought for the retrospective replacement of the existing timber sash windows at first, second and third floor levels to the north, west and east elevations with uPVC windows. The applicant proposes 21 new uPVC sash windows to all elevations, except for 1 rear window on first floor rear outrigger which is proposed to be replaced with a uPVC casement window.
- 1.2 The application is retrospective; the works have been completed without planning permission. Archival imagery and Google street view indicate that the new uPCV windows have been in-situ since at least December 2020, and the original windows were replaced after January 2018. An enforcement investigation at the site was opened on 17/02/2021 for an alleged breach of control concerning timber sash windows being replaced (less than 4 years) with uPVC windows.

2. Design

- 2.1 Policy D1 (Design) of the Camden Local Plan states that the Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to respect local context and character. The Council will require development to be of sustainable and durable construction and comprise details and materials that are of high quality and complement the local character. The insensitive replacement of windows and doors can spoil the appearance of buildings and can be particularly damaging if the building forms part of a uniform group.
- 2.2 Policy D2 (Heritage) reaffirms the importance of preserving or enhancing architectural and historic merit and features on existing buildings and states that features which are sympathetic to the host building and wider area should be retained wherever possible, as their loss can harm the appearance of a building by eroding its detailing. The durability and visual attractiveness of materials should be carefully considered along with their texture, colour, tone and compatibility with existing materials.
- 2.3 Camden Planning Guidance (Home improvements) 2021, state that where timber is the traditional window material, the Council expects the proposed replacements to also be in timber frames. Moreover, CPG (Design) 2021 states that the durability of materials should be considered as well as the visual attractiveness of materials. Where timber is the traditional material for doors and windows this will often be the most appropriate material, whereas uPVC can have a harmful aesthetic impact and an inability to biodegrade.
- 2.4 The host property was one of few buildings within the terrace with retained its original timber sash windows. The other examples of uPVC windows on the terrace demonstrate the harm to the original character of a building and area generally. It is noted that the single glazed timber windows could have been replaced with double glazed timber alternatives.
- 2.5 The examples given of neighbouring properties with uPVC materials do not appear to benefit from planning permission, but have been in situ for a number of years, therefore immune from enforcement action (after 4 years). Again these are examples of the erosion of the architectural and aesthetic quality of a building.
- 2.6 Officers consider the replacement windows, by virtue of the design, appearance and uPVC materiality are unacceptable as they would be out of character, causing harm the character and appearance of the host building, terrace and wider area. As such, the proposal would be contrary to the policies D1 and D2.

3. Sustainability

3.1 Policy CC1 Climate change mitigation point f. expect all developments to optimise resource efficiency.

3.2 The uPVC does not accord with sustainability requirements due to its inability to biodegrade and its use of non-renewable resources in the manufacturing process which is contrary to the intentions of policy CC1.

4. Amenity

4.1 Policy A1 (Managing the impact of development) of the Camden Local Plan seeks to ensure that the existing residential amenities of neighbouring properties are protected, particularly with regard to visual privacy, outlook, sunlight, daylight and overshadowing, noise and vibration levels.

4.2 Due to the siting and nature of the proposed works, the windows being replaced would not have any impact with the amenity of neighbouring occupants.

5. Recommendations

a) Refuse planning permission for the following reason

5.1 The proposed replacement windows, by reason of their inappropriate uPVC materials, harm the character and appearance of the host building and wider area and would not be environmentally sustainable contrary to policies D1 (Design), D2 (Heritage) and CC1 (Climate change mitigation) of the London Borough of Camden Local Plan 2017.

b) Issue an enforcement notice

5.2 That the Borough Solicitor be instructed to issue an **Enforcement Notice** under Section 172 of the Town and Country Planning Act 1990 as amended regarding the replacement uPVC windows and that officers be authorised, in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

5.3 The notice shall allege the following breaches of planning control:

Replacement of 22 x timber sash windows with new uPVC double glazed windows.

5.4 What are you required to do:

1. Completely remove the uPVC windows on all elevations on first, second and third floors and reinstate the original timber sash windows.
2. Remove from the site all constituent materials resulting from the above works.
3. Make good any resulting damage.

5.5 Period of Compliance:

3 Months

5.6 Reasons why the Council consider it expedient to issue the notice:

The proposed replacement windows, by reason of their inappropriate uPVC materials, harm the character and appearance of the host building and wider area and would not be environmentally sustainable contrary to policies D1 (Design), D2 (Heritage) and CC1 (Climate change mitigation) of the London Borough of Camden Local Plan 2017.

Refuse planning permission and warning of enforcement action to be taken

