

**WRITTEN REPRESENTATIONS APPEAL STATEMENT**  
**UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

**APPELLANT** : MR L HOU  
**LOCATION** : 306 KILBURN HIGH ROAD, LONDON, NW6 2DB  
**PROPOSAL** : RETROSPECTIVE APPLICATION TO REPLACE 22 X  
TIMBER SASH WINDOWS WITH NEW UPVC DOUBLE  
GLAZED WINDOWS.

**LPA REFERENCE** : 2021/6303/P  
**APP. DATE** : 8 FEBRUARY 2022  
**DECISION DATE** : 1 JUNE 2022  
**STATEMENT DATE**: 29 JUNE 2022



Prepared by:

OPS Chartered Surveyors

17 Garvin Avenue, Beaconsfield, Buckinghamshire, HP9 1RD

M: 07881 457903 | E: [info@ops-surveyors.co.uk](mailto:info@ops-surveyors.co.uk)





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## **1.0 The Appeal Site and Surroundings**

- 1.1 The appeal property is located on a corner plot at the junction of Kilburn High Road and Palmerston Road and comprises a four-storey end of terrace mixed use building, with a commercial unit on the ground floor and side entrance for the HMO above.
- 1.2 The building is not listed or located within a conservation area.

## **2.0 Relevant Planning History**

- 2.1 306 Kilburn High Road, London, NW6 2DB

Application Number: 2019/2211/P

Proposal: Conversion of 9 x self-contained units (Class C3) into 8-bed HMO (Sui Generis) at first, second and third floor levels

Decision: Granted on 10 December 2019

- 2.2 Ventra House, 50 Palmerston Road, London, NW6 2JL

Application Number: 2017/1357/P

Proposal: Single storey side/rear extension; erection of additional storey (2nd floor) and new mansard roof above in association with conversion of 4x self-contained flats (2x 3-bed, 1x 2-bed and 1x 1-bed) (Class C3) into 7x self-contained flats (3x 1-bed flats, 3x 2-bed flats and 1x 3-bed) (Class C3); replacement windows; alterations to entrance; associated works Drawing Nos: PA-100; PA-103; PA-104; PA-105; PA-106 Rev C; PA-107; PA-108 Rev B; PA-109; PA-110 Rev B; Design & Access Statement Rev B (dated June 2017)

Decision: Granted on 22 March 2018

- 2.3 320 – 324 Kilburn High Road, London, NW6 2QN

Application Number: 2007/1790/P



Proposal: - 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

Decision: Refused on 12 September 2007

#### 2.4 308 Kilburn High Road, London NW6 2DG

Application Number: 2005/2875/P

Proposal: 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

Decision: Granted on 13 October 2005

### 3.0 Planning Policies

#### 3.1 National Planning Policy Framework (2021)

#### 3.2 The London Plan (2021)

#### 3.3 The Camden Local Plan (2017)

Policy A1: Managing the impact of development

Policy D1: Design

Policy D2: Heritage

Policy CC1: Climate change mitigation

#### 3.4 Camden Planning Guidance (2021)

Design

Amenity

Home Improvements

Energy efficiency and adaptation

### 4.0 Comments on Refusal Reason



- 4.1 The Council refused the planning application for the following reason:

*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.*

**Design**

- 4.2 Policy D1 of the Local Plan provides that the Council requires development that ‘*respects local context and character*’. The Council contends that the windows do not accord with this policy because they are out of character and thereby harm the host building, adjoining buildings and the wider area.
- 4.3 The appellant does not agree that the windows are out of character in terms of local context and character because most of the properties within the locality have white uPVC framed windows. Google streetview images confirming this can be seen at Appendix A. Further, the officer’s report at paragraph 2.4 supports this by acknowledging the fact that most of the other buildings in the same terrace as the appeal property have white uPVC framed windows. Therefore, the Council’s own assessment of the local area confirms that the windows in the appeal property are not at odds with the prevailing character of the locality. Consequently, the Council’s reason for refusing the application is at odds with its own assessment. It is also at odds with the planning permission referred to above at paragraph 2.2 (2017/1357/P) because white uPVC framed windows were approved as part of that permission. The building is diagonally opposite the northern side of the appeal property. The approved plans and Streetview images showing the white uPVC framed windows can be seen at Appendix B.
- 4.4 The appellant also does not agree that the windows are visually harmful to the host building. They are similar in appearance to those they replaced, with no appreciable difference. Consequently, the windows are considered not to be an unsympathetic and incongruous feature. Streetview images of the previous



windows and the replacement windows can be seen at Appendix C. The images confirm that the windows do not harm the visual amenity of the host building.

- 4.5 Policy D2 of the Local Plan requires development to enhance heritage assets. The officer's report confirms that the appeal property is not listed or within a conservation area. It is, however, opposite a locally listed building: 308 Kilburn High Road. It should be noted that the windows in the upper floors are white framed uPVC. Google streeview images of the windows can be seen at Appendix D. Again, this supports the appellant's case that most of buildings in the locality have white uPVC framed windows, with some of them actually having been granted permission by the Council, as discussed above at paragraph 4.3.
- 4.6 In summary, the windows match those installed in many of the nearby properties, including the adjoining terrace, and are similar to those they replaced. Consequently, the windows do not have a materially adverse effect on the character and appearance of the host building or the wider street scene and therefore accord with the policies of the Local Plan.

### ***Sustainability***

- 4.7 The Council contend that the use of uPVC is contrary to Policy CC1 because is not a sustainable material. In particular, it is not biodegradable and is manufactured using non-renewable resources.
- 4.8 Policy CC1 requires sustainable development, which includes energy efficiency. The windows were installed, in part, to improve the energy efficiency of the building by ensuring improved thermal efficiency of each room and thereby reducing energy usage and carbon emissions. As such, the windows improve the building's sustainability and therefore comply with Policy CC1. With regard to the use of biodegradable materials, uPVC can be recycled multiple times, with the material reused again and again.
- 4.9 The Council's outright ban on the use of uPVC is over-simplistic because it fails to take into account the many benefits of using uPVC. This view was shared by an Inspector when dealing with an enforcement appeal in the London Borough of Brent (APP/T5150/C/06/2017354). The appeal concerned the installation of



uPVC windows without planning permission, and the Inspector commented on the Council's ban on the use of uPVC as follows:

*'The Council's current practice of "no longer granting planning permission for PVCu windows and doors as this is an unsustainable material" is over-simplistic and does not, in my view, have an unequivocal grounding in statutory or non-statutory planning policies.*

*I note that Inspectors have previously rejected the Council's stance on the use of PVCu as "too far-reaching and not in accordance with the planning duty to consider individual circumstances of each case" and I concur with that view. I do not consider the policy background justifies the outright rejection of PVCu, without recourse to other considerations, which may include the design quality of the proposed installation and the relative cost of alternative materials.'*

The appeal succeeded, and the enforcement notice was quashed.

- 4.10 In conclusion, the appellant asserts that the development is in accordance with the requirements of the Local Plan and there are no material considerations that weigh against the grant of permission. Therefore, the appeal should succeed.

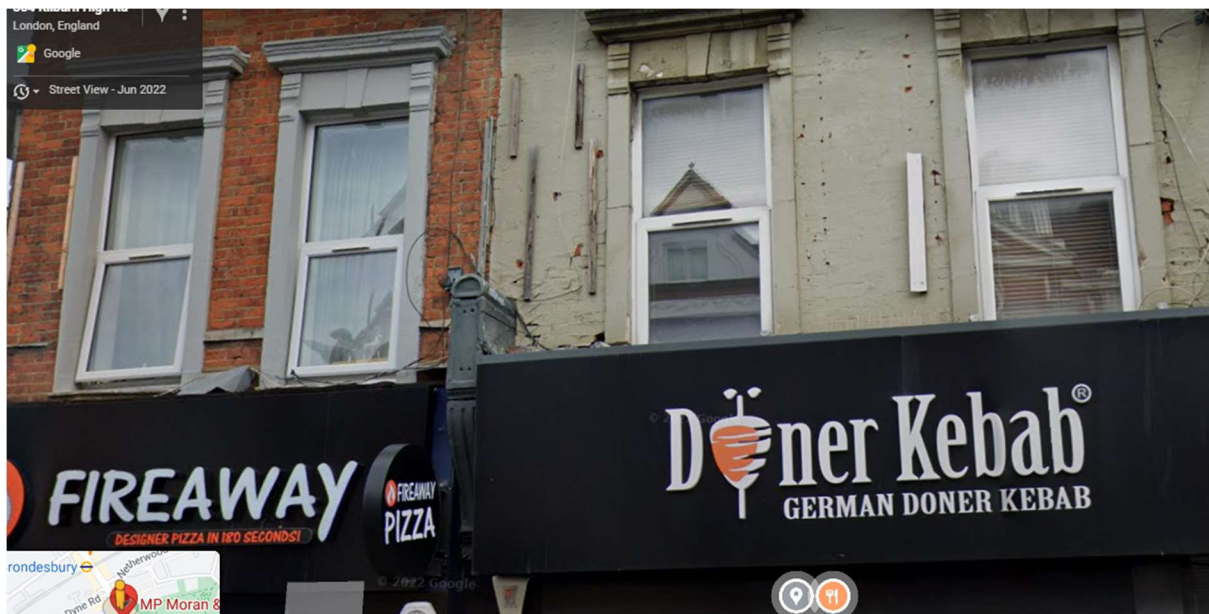


## Appendix A

The appeal building (above 'FIREAWAY')

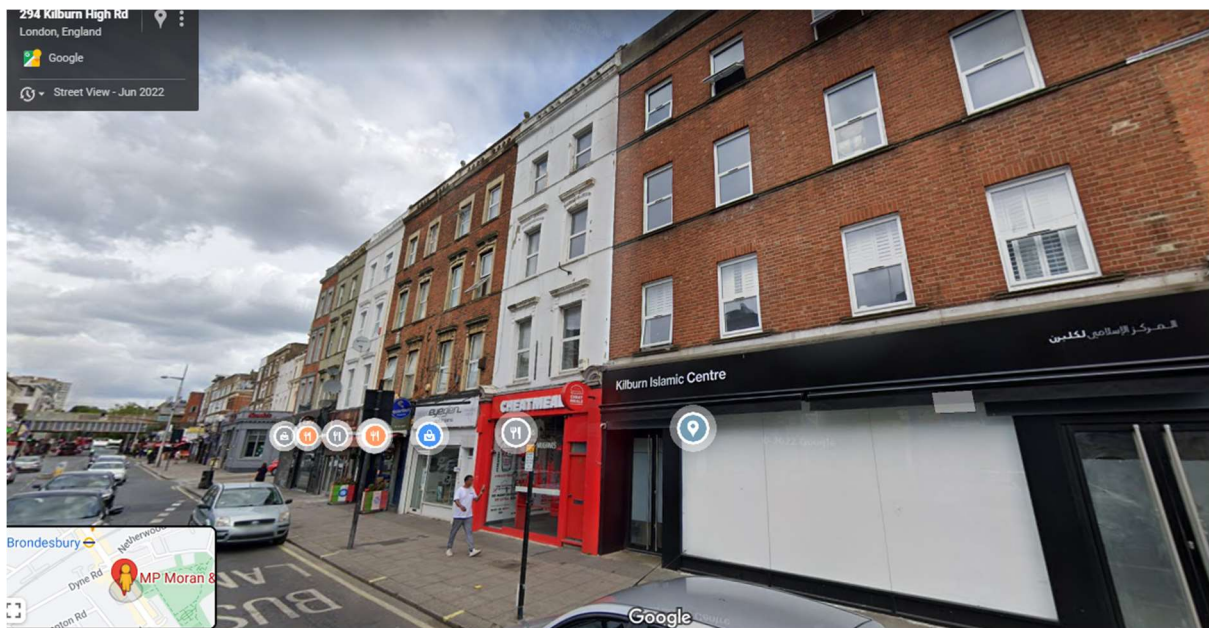


Neighbouring building with the same windows





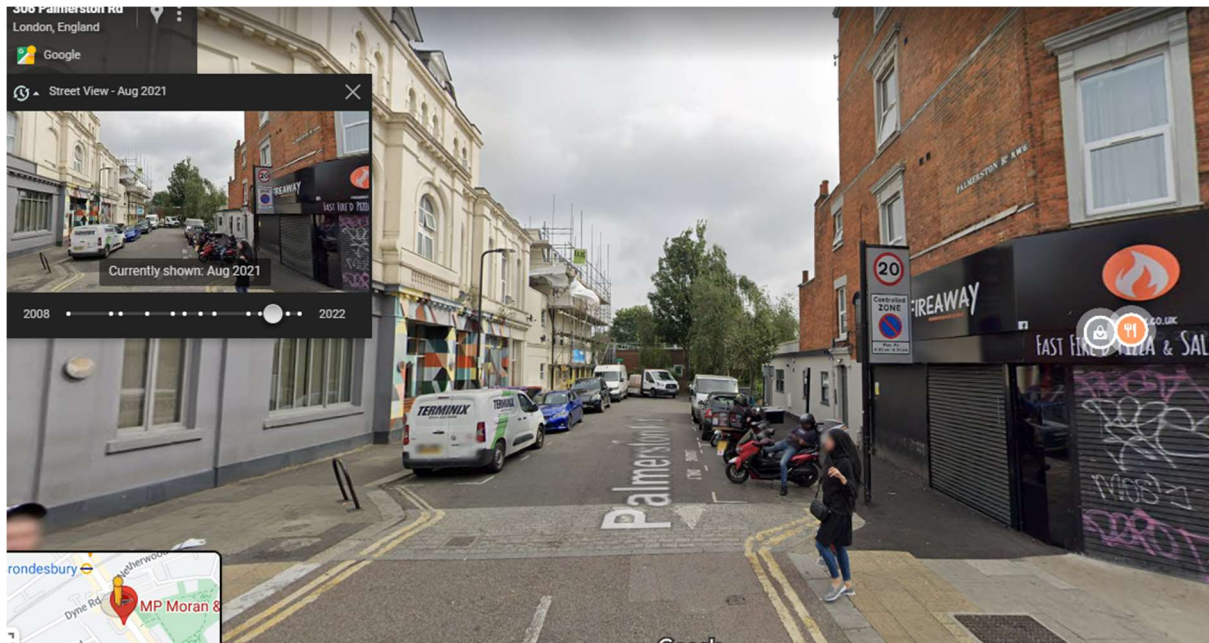
Other neighbouring buildings in the same terrace with the same windows





## Appendix B

White uPVC framed windows granted planning permission under 2017/1357/P for a nearby property (across the street)





One of the approved plans showing white uPVC framed windows



**PROPOSED EAST SIDE ELEVATION**  
Scale 1:100

MATERIALS:	
1. Facades colour and texture to match existing.	5. Cornices to match existing.
2. Existing windows and doors to be replaced as shown with double glazed white uPVC frames and clear glass.	6. Windows surrounds are to be rendered to detailed as shown and painted to match existing.
3. Gutters and downpipes placed as shown.	7. New roof slates/tiles to match existing colour and shape.
4. Dormer windows to be double glazed, white uPVC frame and clear glass with grey surrounds to match existing.	

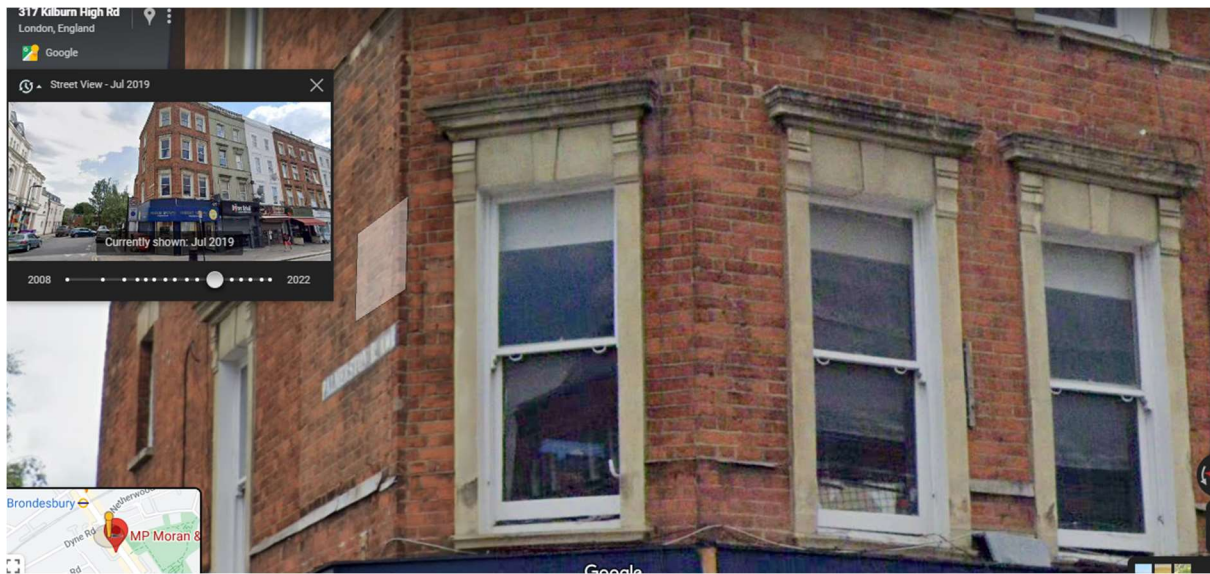


SECTION	DATE	PROJECT	DRAWING TITLE					
Ground floor layout	12/07/17	PROPOSED CONSTRUCTION OF ADDITIONAL FLOOR AND AMALGAMATION REMODELING OF EXISTING FLATS TO CREATE 7 SELF-CONTAINED APARTMENTS	PROPOSED ROOF PLAN AND PROPOSED SIDE ELEVATION					
		50 Palmerston Road - Ventra House, Kilburn London, NW6 2JL	SCALE	1:100	@ A3	STATUS	PA	
		CLIENT	DATE	23/05/2017		CHECKED	MC	
			JOB NO.	SP-15-249		DRAWN	CL	
DWG NO.			PA-108	REVISION	B			
DESIGNED BY JETVIEW PROPERTY LIMITED								

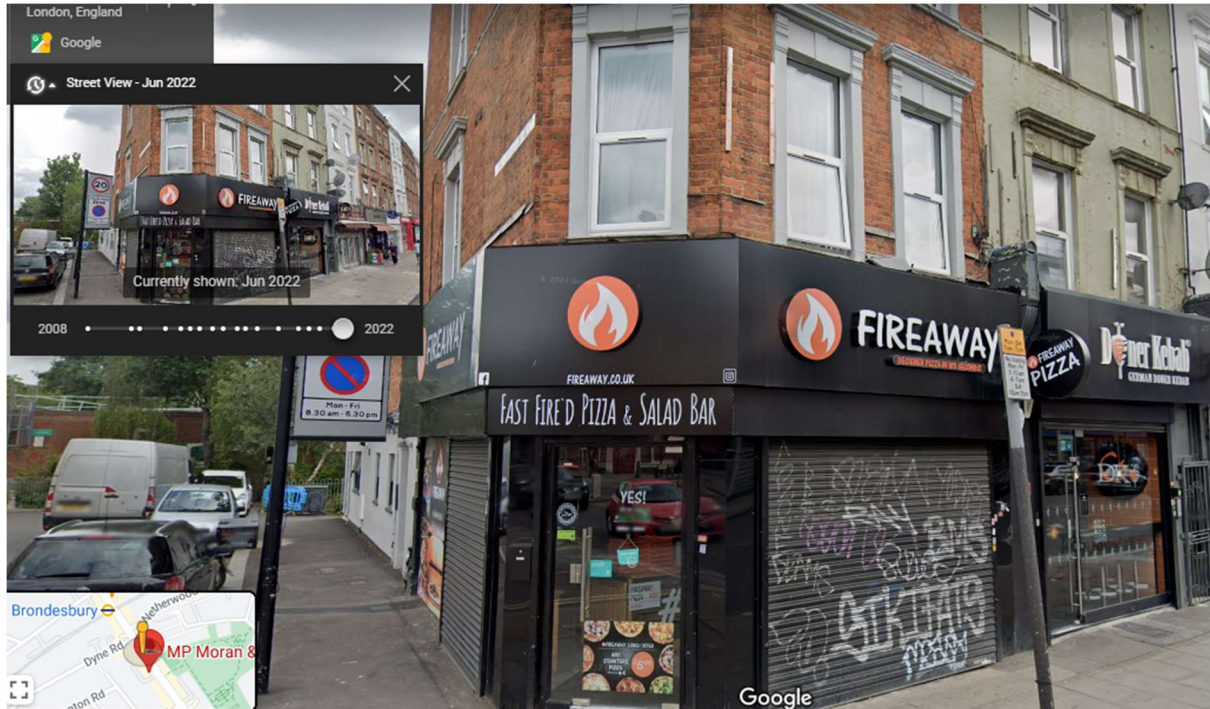


## Appendix C

### Previous windows



### Replacement windows





## Appendix D

Local listed building at 308 Kilburn High Road with white uPVC framed windows

