

LDC (Existing) Report		Application number	2022/1949/P
Officer		Expiry date	
Fast Track Team		30/06/2022	
Application Address		Authorised Officer Signature	
Flat 3 10 Hilltop Road London NW6 2PY			
Conservation Area		Article 4	
N/A		Basements	
Proposal			
Replacement of white painted timber sash windows with white UPVC windows.			
Recommendation:		Refuse lawful development certificate.	

## 1.0 Introduction

1.1 The property is a four floors terraced building divided to 4 flats located on Hilltop Road. Flat 3, which is the subject of this application, is a first floor flat.

1.2 The host 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.

1.3 The application seeks confirmation that the replaced white painted timber sash windows with uPVC windows at first floor level does not constitute development and is lawful such that planning permission would not be required.

## 2.0 Applicants Evidence

2.1 Site Location Plan - 10HR21/00; As-Existed and Proposed Front Elevation - 10HR21/01, 10HR21/02; "Cross-Section through Old Timber Sash Window"; "Cross-Section through Existing UPVC Window".

## 3.0 Assessment

3.1 Development is defined by section 55 of the 1990 Town and Country Planning Act as "the carrying out of building, engineering, mining or other operations, in, on, or under land or the making of any material change in the use of any buildings or other land".

For the purposes of this Act "building operations" includes-

- a) demolition of buildings;
- b) rebuilding;

- c) structural alterations of or additions to buildings; and
- d) other operations normally undertaken by a person carrying on business as a builder.

The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land-

- a) the carrying out for the maintenance, improvement or other alteration of any building of works which-
  - (i) affect only the interior of the building, or
  - (ii) do not materially affect the external appearance of the building.

3.2 The replaced windows fail to match the previously existing windows in terms of their detailed design including opening mechanism (which opens outwards rather than sliding upwards), the thicker proportions of frames, the lack of replication of the sash horns and inappropriate uPVC material which has a different visual appearance to timber. This is demonstrated in the before and after photos below:

Google Map pictures from December 2020



Google Map pictures from June 2022



3.3 The proposal would materially change the appearance of the building and is considered to fall within the meaning of “development” requiring planning permission as defined by the Town and Country Planning Act 1990.

4 **RECOMMENDATION:** Refuse certificate of lawfulness