



**Flats 22 to 27, Imperial  
Towers, 17 Netherhall  
Gardens, London, NW3 5RT**

**Replacement of existing  
timber windows with  
double glazed, timber  
windows**

**June 2022**

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## INTRODUCTION

We are instructed by our client, Rennie and Partners, to submit a full planning application seeking the replacement of existing timber windows at Imperial Towers, 17 Netherhall Gardens, London, with new double glazed, slimline, timber windows.

The application relates solely to flats 22 to 27, which all form the lower rise two storey block of flats over garages on the western side of the complex.

In addition to the requisite application forms and this Planning, Heritage and Design and Access Statement, the application is accompanied by the following drawings and documents:

- Location Plan (5680-21-02 Rev A)
- Site Plan (5860-21-04 Rev A)
- Existing south and north facing elevations (5680-21-03 Rev A)
- Existing and proposed east facing elevations (5680-21-05 Rev A)
- Proposed north and south facing elevations (5680-21-01 Rev A)
- General assembly details
- Typical Timber Windows Section (existing) (5860-21-06 Rev A)
- The Residence Collection - Solutions for Conservation Areas and Listed Buildings brochure

This Statement sets out relevant planning policy, planning history, and assesses the scheme in accordance with the requirements of the Development Plan and other material considerations, including the National Planning Policy Framework (NPPF).

## SITE AND SURROUNDINGS

The application site forms part of the Imperial Towers complex lying on the corner of Netherhall Way and Netherhall Gardens at the very edge of Redington and Frognall Conservation Area.

The building the subject to this application is a three storey, flat-roofed structure, consisting of 6 individual flats, set over two floors, themselves set over ground floor garages and an underpass.

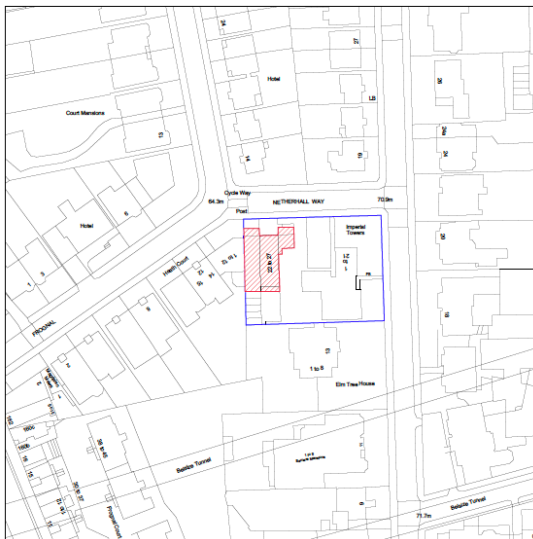
The building is a mixture of red brick and cladding. The existing windows are single paned, timber framed, painted white.

To the east, Flats 1 to 21 Imperial Towers are contained within a taller, part 4 part 5 storey building that fronts Netherhall Gardens to the east and Netherhall Way to the north.

To the west the building subject of this application abuts a more imposing four storey, red brick block of flats, known as Heath Court.

Immediately to the south of the building is open parking associated with Imperial Towers, beyond which is another block of residential flats, Elm Tree House.

To the immediate north directly opposite the application site, on the opposite side of Netherhall Way is 14 Frognal, a large three storey red brick building that appears to have been subdivided into flats.



## PLANNING HISTORY

The Local Planning Authority's online planning register confirms the following applications relate to Imperial Towers, but appear to relate to the taller 4/5 storey block. There are no other applications recorded that are of particular relevance to the determination of this application.

Application Ref	Description	Outcome
2006/0056/P	Replacement of existing timber balcony railings on the Netherhall Way elevation of the residential block with clear glass panels	Approved
2006/1342/P	Replacement of existing timber balcony railings on north (front), east (side), west (side) and south (rear) elevations and at roof level with clear glass panels,	Approved



## PROPOSED DEVELOPMENT

Permission is sought for the replacement of the existing timber windows with double glazed, slimline, timber windows.

The existing windows are original to the building, built in the 1970s and are now showing signs of degradation.

It is proposed that the new windows will replicate the existing on a like for like basis in terms of opening arrangements, position of glazing bars and materials. T



Existing windows showing signs of degradation

## PLANNING POLICY

Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990 sets out that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 38(3) states that the Development Plan includes the adopted Development Plan Documents (DPDs). Material considerations include National Planning Guidance, and in particular the National Planning Policy Framework (NPPF), together with supplementary planning documents adopted by the Local Planning Authority (LPA).

The approved Development Plan, in relation to this application, for the purposes of the Act, comprises the London Plan 2021, the Camden Local Plan 2017, and the Redington and Frognal Neighbourhood Plan 2021. Material considerations include the following Planning Guidance Documents: Design, Energy Efficiency, and Home improvements.

## NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

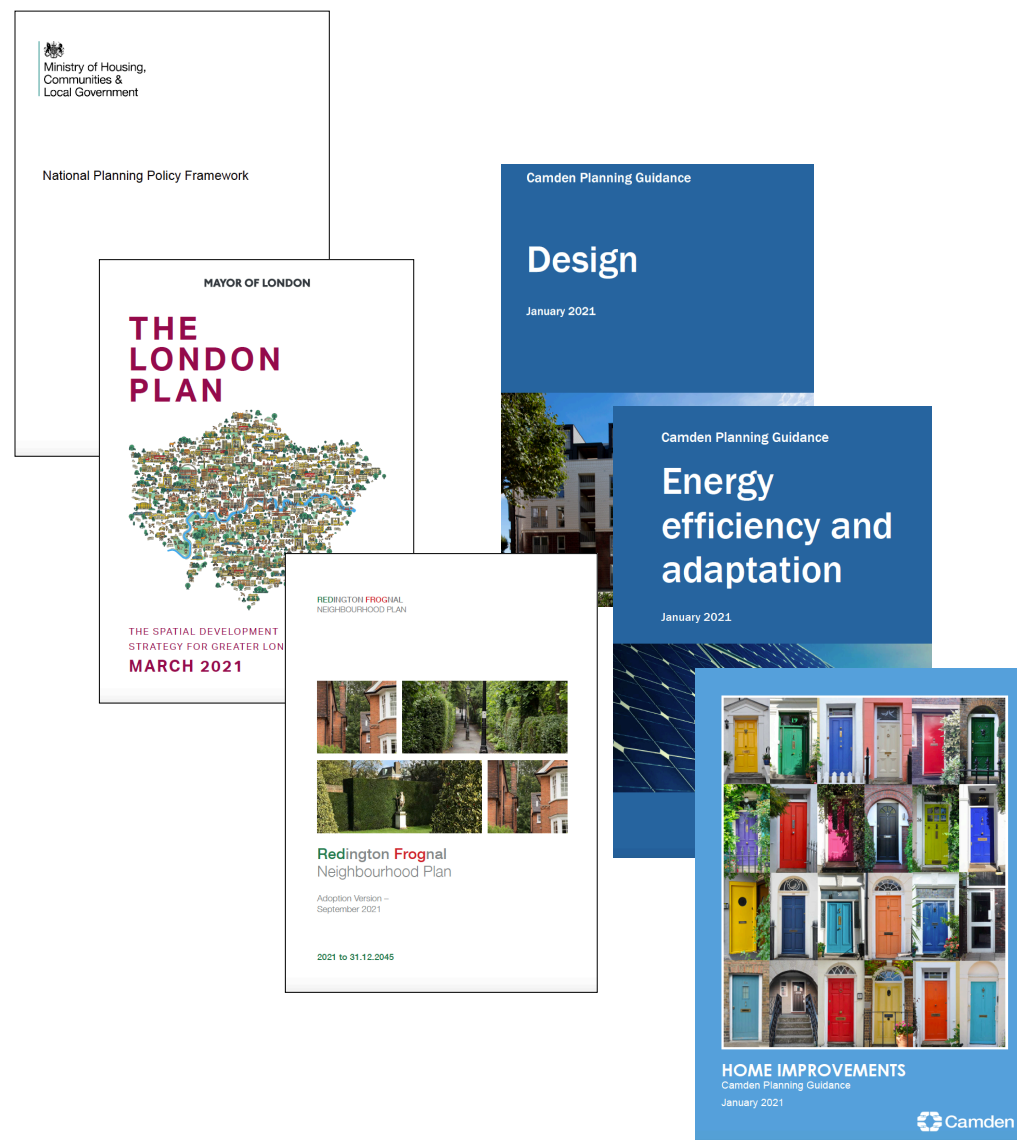
The NPPF sets out the Government's planning policies for England and how these should be applied.

Paragraph 2 reaffirms that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

Paragraph 7 confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 8 goes on to explain that *"Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways"*: an economic objective, a social objective and an environmental objective.

Paragraph 9 states that planning decisions *"should play an active role in guiding development towards sustainable solutions, but in doing so should*



*take local circumstances into account, to reflect the character, needs and opportunities of each area.”*

Paragraph 10 states that, *“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.”*

Paragraph 11 sets out that the application of sustainable development for decision-taking means:

- *Approving development proposals that accord with an up-to-date Development Plan without delay; or*
- *Where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:*
  - *The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.”*

Paragraph 38 states that local planning authorities *“should approach decisions on proposed development in a positive and creative way... Decision-makers at every level should seek to approve applications for sustainable development where possible.”*

Chapter 12 relates to achieving well-designed places and paragraph 126 states that *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Chapter 16 refers to conserving and enhancing the historic environment and states that heritage assets should be conserved in a manner appropriate to their significance (paragraph 189).

Paragraph 199 states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

### LONDON PLAN 2021

The London Plan 2021 is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor’s vision for Good Growth.

The following policies are considered most relevant to the consideration of this application:

- Policy D4 - Delivering Good Design
- Policy HC1 - Heritage Conservation and Growth

### CAMDEN LOCAL PLAN 2017

The Camden Local Plan was adopted in 2017 and sets out the Council’s planning policies and vision for the borough.

The following policies are considered to be particularly relevant to the consideration of this application:

- Policy A1 - Managing the impact of development
- Policy D1 - Design
- Policy D2 - Heritage
- Policy CC1 - Climate change mitigation

### **REDINGTON AND FROGNAL NEIGHBOURHOOD PLAN 2021**

The Redington and Frognal Neighbourhood Plan was adopted in 2021 and seeks to guide future development in Redington and Frognal. Having been supported at local referendum it now forms part of the Development Plan for this part of the borough.

The following policies are considered to be particularly relevant to the consideration of this application:

- Policy SD2 - Redington Frognal Conservation Area
- Policy SD4 - Redington Frognal Character

### **CAMDEN PLANNING GUIDANCE - DESIGN - 2021**

The Council has prepared Camden Planning Guidance (CPG) on Design to support the policies in the Camden Local Plan 2017.

In considering the use of materials the guide seeks to ensure proposed materials are contextual having been informed by those used in the local area. The guide also seeks to encourage the use of durable materials that are fit for purpose and will weather well.

### **CAMDEN PLANNING GUIDANCE - ENERGY EFFICIENCY AND ADAPTATION - 2021**

The Council has prepared Camden Planning Guidance (CPG) on Energy Efficient and Adaption to support the policies in the Camden Local Plan 2017.

This CPG notes that thermally efficient windows can provide more effective insulation than older windows, helping to prevent heat loss in existing buildings.

### **CAMDEN PLANNING GUIDANCE - HOME IMPROVEMENTS - 2021**

The Council has prepared Camden Planning Guidance (CPG) on Home Improvements to support the policies in the Camden Local Plan 2017.

This guidance encourages the use of double glazing to improve the sustainability/energy efficiency of properties.



## CONSIDERATIONS

Given that these proposals solely seek the replacement of the existing windows, it is submitted that the main issues for consideration are the design of the proposals and their impact on the character of the building and wider Conservation Area.

### Design and Impact on Character of Building

Policy D1 of the Camden Local Plan seeks to secure high quality design in all development by requiring development to respond to local character and context, be highly sustainable in design and construction, integrate well to the surrounding streets and townscape, and comprise high quality architecture.

Additional guidance in the Council's CPG in relation to Design notes that in order to achieve high quality design, all new development proposals, including refurbishment such as this, should respond positively and sensitively to the existing context. The use of good quality durable materials is encouraged.

The proposals by replicating the existing window patterns will have very little impact on the character and appearance of the existing building other than enhancing its appearance with good quality windows in replacement of the existing windows that are showing signs of degradation. Through replacement of all of the windows in a single phase, the character of the building is maintained and there is no issue of piecemeal replacements with a "mix and match" of materials that is likely to have a more detrimental impact on the overall character of the building.

The proposal has been amended to include timber windows which would be like for like, but better insulated, which is supported by Policy CC1..

It is submitted that by virtue of the proposed replacement windows not being materially different from the existing windows in terms of their design, materials and proportions, and with a high quality slimline timber product proposed, there would be no harm to the design and character of the existing building, and thus the proposals comply with Policy D1 of the Camden Local Plan 2017 as well as Policy D4 of the London Plan 2021.

## HERITAGE STATEMENT

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The effect of this section of the Listed Buildings Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas.

The duties imposed by the Listed Buildings Act are in addition to the duty imposed by section 38(6) of the Planning and Compulsory Purchase Act 2004, to determine applications in accordance with the Development Plan unless material considerations indicate otherwise.

Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage assets that may be affected by a proposal.

Paragraphs 199-202 require consideration as to the impact of a proposed development on the significance of a designated heritage asset, including an assessment and identification of any harm/the degree of harm. Paragraph 202 states:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

Policy D2 of the Camden Local Plan states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including Conservation Areas and listed buildings. In line with the statutory tests, Policy D2 states that the Council will not permit the loss of or substantial harm to a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

### Statutory Designations

The building the subject of this application is not a listed building however, it does fall within the designated Redington and Frognal Conservation Area. It also lies immediately adjacent the Fitzjohns Netherhall Conservation Area.

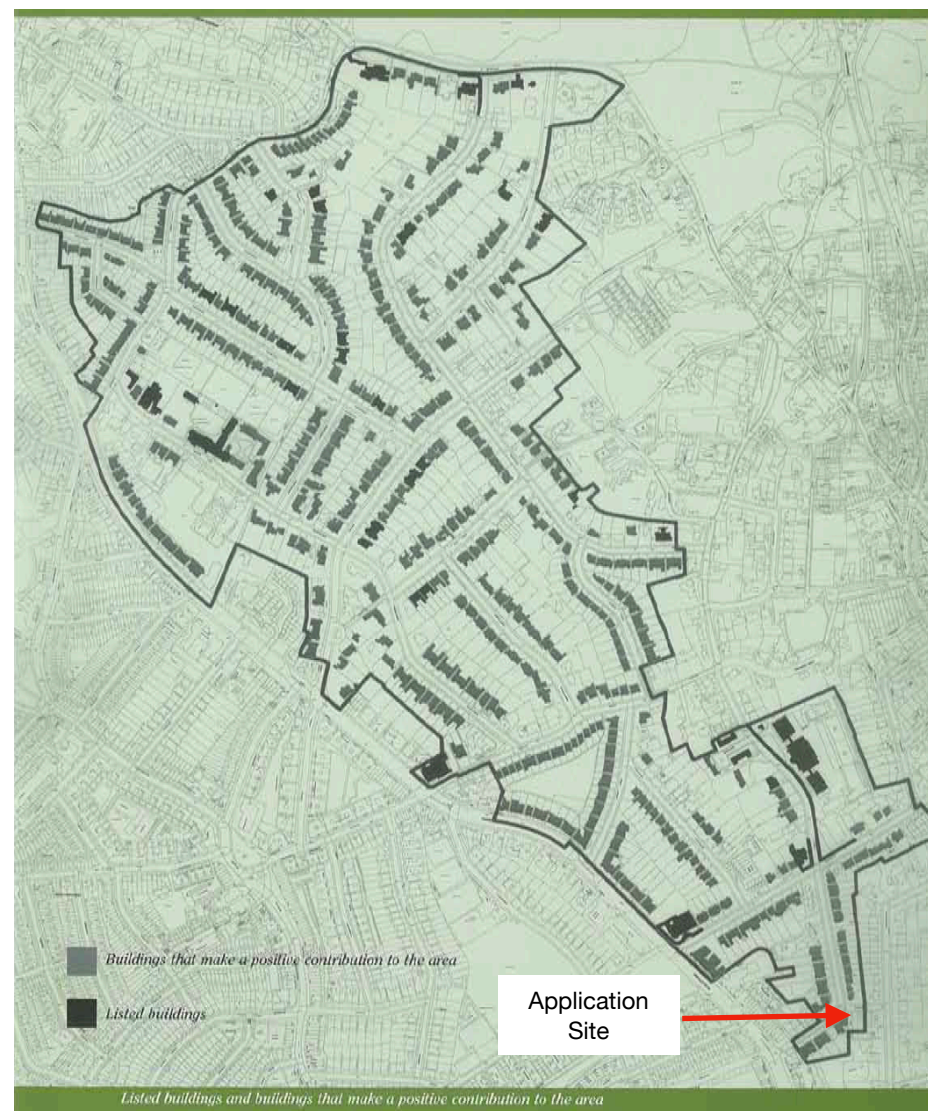
The boundary between the two neighbouring Conservation Areas splits the Imperial Towers site through the middle on a north-south axis.

There are no listed buildings in the immediate vicinity of the application site, however a number of the surrounding buildings are identified as making a positive contribution to the designated Conservation Area. The building the subject of this application is not one such building.

### Redington and Frognal Conservation Area

The Remington and Frognal Conservation Area was first designated in 1985, with further extensions being added in 1988 and 1992.

The Redington and Frognal Conservation Area Statement (2003) notes that the *"Conservation Area occupies an area of sloping land to the west and south west of the historic centre of Hampstead Village. It forms a well preserved example of a prosperous later 19th century and Edwardian residential suburb."*



Redington and Frognal Conservation Area boundary



Whilst the character and appearance of the Conservation Area is generally defined by the large red brick houses and the mature vegetation, the Conservation Area Statement defines eight sub areas, each of which have their own distinct independent character.

The application site falls into Sub Area 8: Arkwright Road, Frognal, Frognal Close and Lindfield Gardens. This area is noted to have the most varied character in the Conservation Area, due to the development of its four constituent roads being sporadic.

The neighbouring building (nos. 9 & 11 Frognal) are noted in the Conservation Area Statement to be *“a particularly fine pair of orange brick houses with stone dressings”*.

The application site is not mentioned at all in the Conservation Area Statement.

### Fitzjohns and Netherhall Conservation Area

The boundary of Fitzjohns and Netherhall Conservation area lies immediately adjacent the application site to the east. This Conservation Area was first designated in 1984 and extended in 1988, 1991 and 2001. It sits on the southern slopes of Hamstead between Rosslyn Hill and Finchley Road. Its street layout is dominated by Fitzjohns Avenue which runs through the centre of the Conservation Area, with parallel streets to the east and west. Generally the urban grain is that of large houses with generous gardens.

The Council's Conservation Areas Statement for this area, divides the area in to two sub areas. The application site abuts Sub Area 1 which is centred on Fitzjohns Avenue.

Imperial Towers is noted in the Conservation Area Statement as being built in the 1970s having replaced 15 & 17 Netherhall Road, *“a 1970s five*



Fitzjohns and Netherhall Conservation Area boundary

*storey block that has little to recommend it, in red brick and is situated too close to the frontage”.*

### Impact of Proposals on Significance

It is submitted that the replacement of the existing timber windows with timber double glazed units will cause no harm to the significance of the designated Conservation Area within which the application site falls, nor to the setting of the immediately neighbouring Conservation Area.

The character of the Conservation Areas clearly comes from its 19th century and Edwardian residential development, and its associated layout, density, form, design and vegetation.

The existing block of flats, having been constructed in the 1970s is a modern intrusion in these areas and as such is not a building that is identified in either Conservation Area statement as being of particular importance to the character of either area. The existing windows are not of any historic interest therefore their replacement with modern double glazed units that replicate the existing openings will have no impact on the significance of either Conservation Area.

Given that this is a modern infill development, the use of timber will not look out of keeping, nor will it detract from the character of the wider area. A high quality product is specified which is designed specifically for use in heritage settings to aesthetically replicate historical window designs.

On the basis that the proposals are submitted to have a neutral impact on the significance of the heritage assets there is no need to carry out the balancing exercise required by paragraph 202 of the NPPF. The proposals will preserve the special character and appearance of the heritage assets and therefore accord with Policy D2 of the Camden Local Plan 2017.

## CONCLUSION

To summarise, planning permission is being sought to replace all of the existing timber framed windows at flats 22 to 27 Imperial Towers with new, double glazed timber windows.

The existing windows are beginning to show signs of degradation and the applicants would like to see all of the windows replaced in a single phase to maintain consistency of materials and window pattern throughout the building.

The building itself is a modern 1970s infill that is not identified as being a positive contributor to either the Reddington and Frognal Conservation Area in which the building sits, or the neighbouring Fitzjohns and Netherhall Conservation Area.

The proposed replacement windows, whilst timber will replicate the existing windows in design and opening arrangements. A high quality product has been chosen in order to improve the insulation qualities of the residential units, whilst preserving the character and appearance of the building and wider Conservation Area.

It is for the reasons set out in this statement that it is submitted that the proposals accord with the relevant policies of the Development Plan and can therefore be supported.