

Enforcement Delegated Report	Receipt date:	2/06/2022
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Officer	Enforcement Case
Sophie Bowden	EN21/0118
Breach Address	Photos & Other material
306 Kilburn High Road, London, NW6 2DB	Shown in report

Authorised Officer Signature



12/07/2022

Alleged Breach

Timber sashes been replaced with uPVC casements without permission.

Recommendation(s): Issue an

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.

Investigation History

17/02/2021 – Investigation received

27/08/2021 – Initial warning letter sent advising planning permission or reinstate original windows

31/12/2021- Planning application received 2021/6303/P

01/06/2022 – Planning application refused

Relevant policies / GPDO Category

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

Assessment

Planning history:

2021/6303/P - Retrospective application to replace 22 x timber sash windows with new uPVC double glazed windows. – **Refused 01/06/2022**

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 subject 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.**

This report is an addendum to the delegated report issued in relation to 2021/6303/P - Retrospective application to replace 22 x timber sash windows with new uPVC double glazed windows which was refused with a warning of enforcement action on the 01/06/2022 (Appendix 1). This report sets out the resulting harm caused by the replacement of the windows. Since the refusal of permission the windows remain in place and accordingly enforcement action is warranted.

Recommendation:

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 x 22 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.

The notice shall allege the following breaches of planning control:

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

WHAT ARE YOU REQUIRED TO DO:

1. Completely remove the uPVC windows on all elevations at first, second and third floor level and reinstate the one over one timber sliding sash windows to match those previously in place.

2. Remove from the site all constituent materials resulting from the above works.
3. Make good any resulting damage.

PERIOD OF COMPLIANCE: 3 months

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

The UPVC windows, by reason of their inappropriate materials, design and opening mechanism, harm the character and appearance of the host building and wider area and are not environmentally sustainable contrary to policies D1 (Design) and CC1 (Climate change mitigation) of the London Borough of Camden Local Plan 2017.