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Your ref: **APP/X5210/W/22/3302064**
Our ref: **2021/6303/P**
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The Planning Inspectorate
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Dear Faiza Kanwal

Appeal by HONG LI LIMITED
Site: 306 Kilburn High Road, LONDON, NW6 2DB

Appeal against refusal of planning permission dated 15 September 2022 for:

Proposal: for the replacement of 22 x timber sash windows with new uPVC double glazed windows (retrospective).

Permission was refused substantively on 2 grounds.

1. Impact of the uPVC windows on the appearance of the host building and immediate area
2. Impact of the uPVC windows on sustainability and climate change

1.0 Summary

- An enforcement notice for the same development, ref: EN21/0118 was issued on 9th August 2022. The enforcement notice has been attached in appendix 1.
- An appeal was lodged under ref: 3305743 on ground A, that permission should be granted.
- The statement deadline passed on 27th October 2022.
- The appeal is still awaiting allocation to an enforcement inspector.
- PINS have advised that the EN appeal will be linked to the planning appeal ref: 3302064 after final comments stage on 9th January 2023.

Site and designations

1.1 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.

1.2 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. The immediate surroundings are mostly characterised by commercial units on the ground floor and residential use on the upper floors.

1.3 Planning Permission was refused on 1 June 2022 for the following reasons in full as listed below:

- 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.**

1.4 The Council's case is set out in detail in the attached Officer's Delegated Report and it will be relied on as the principal Statement of Case. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire. In addition to the information sent with the questionnaire, I would be pleased if the Inspector could also take into account the following information and comments before deciding the appeal.

2.0 Status of Policies and Guidance

2.1 *The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017 as the basis for planning decisions and future development in the borough. The relevant Local Plan policies as they relate to the reason for refusal are:*

*A1 – Amenity
D1 – Design
D2 – Heritage
CC1 – Climate change mitigation*

2.2 The Council also refers to supporting guidance documents. The Camden Planning Guidance (CPG) was adopted following the adoption of the Camden Local Plan in 2017.

2.3 National Planning Policy Framework 2021 (paragraphs 122, 126, 129, 130, 152, 153 and 155)

2.4 With reference to the National Planning Policy Framework 2021, there are no material differences between the Council's policies and the NPPF in relation to this appeal.

3.0 Comments on grounds of appeal

The appellants statement is set out in 2 sections. The content of these are summarised and addressed under relevant headings.

4.0 Design and conservation

4.1 The first section in the statement refers to design matters. The appellant claims that the replacement uPVC windows are not out of character within the local context and area and thus cannot harm the character and appearance of the site and wider area. Most of the properties within the locality have white uPVC framed windows and most of the other buildings in the same terrace as the appeal property have similar white uPVC framed windows. Also, the Council approved uPVC windows at the property opposite the road from the appeal site, Ventra House 50 Palmerston Road, London, NW6 2JL under application ref: 2017/1357/P granted subject to section 106 agreement on 22 March 2018. The appellant claims the Council have not considered Policy D1 the planning permissions of similar windows granted in the same area. The replacement windows are similar in appearance to the previous existing windows with no substantial difference. Consequently, the appellant states the windows are considered not to be an unsympathetic and incongruous feature and would not harm the character and appearance of the host building or neighbouring buildings.

4.2 The council disagrees with the appellant's characterisation of the locality, neighbouring buildings and appeal site. Although the site is not within a Conservation Area, it is located within the Kilburn neighbourhood plan area and the site still contributes historic significance to the area and has a prominent corner location facing locally listed building 308 Kilburn High Road. The Council requires **all developments** to be of the highest standard of design and will expect developments to respect local context and character. The insensitive replacement of windows can significantly undermine the appearance of buildings. The works have already taken place without permission and it is clear that the proposal does not preserve the character and appearance of the area, or the building. Moreover, the proposal would be harmful, to the terrace and the character of the area given the proposal would be introducing a form and materiality which is contrary to the original timber sash windows and Camden's local design policies and planning guidance. The uPVC replacements would be visibly different and out of keeping with the character and appearance of the host building.

4.3 The host property was one of few remaining buildings within the terrace and on the street which retained its original timber sash windows and so it should be protected. As one of the last remaining original windows in the terrace, it makes a particularly important contribution to area and street scene, and so what is remaining should be retained. Although, there are other examples of uPVC windows on the terrace, it is clear they do not make a positive contribution to the character of the area, and they demonstrate the harm to the original character of the buildings and street. It is noted that the single glazed timber windows could have been replaced with double glazed timber alternatives with far less impact. Additionally, 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. The example of uPVC windows on 50 Palmerston Road given by the appellant is not considered relevant in this case as this building is of a different typology and does not form a part of the same group of terrace buildings. The windows are not a traditional proportion on the elevation and the fenestration in general makes little contribution to the area in this case. Thus it can not be considered an appropriate precedent as part of the character of the appeal site and terrace it forms a part of. Moreover, it is clear that the previous existing windows were not of high value nor were they original historical timber sash windows (see Google Street image from 2017 below). Details of windows and fenestration are important to the character of building; they can be used to accurately date buildings and instil strong character. For example, 316 Kilburn High Road has retained its original timber sash windows, and 308 Kilburn High Road which is locally listed building and has notable historic significance, would be enhanced further by replacement with timber windows.



Figure 1: 50 Palmerston Road in 2017

4.4 The Council seeks to preserve or enhance the architectural and historic merit of existing buildings. The NPPF requires good design, not just design that is not harmful, and the council's policies also require a high standard. 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. The replacement windows do not respect the character and appearance of the traditional windows on the host building or surrounding area, due to the proposed change in material from timber to uPVC, and the resulting change in proportions and profile. Given the nearby location to a locally listed building, the historic significance of the building and the attractive original existing timber sash windows on the building, the Council would expect any replacement to be timber sash windows to match the original windows. Many timber sashes have been lost in the area, and so the few remaining examples are somewhat of an endangered species, and so must be retained, or replaced with sympathetic replicas in timber.

5.0 Sustainability

5.1 In the second section of the statement, the appellant refers to Camden's Policy CC1 which requires sustainable development, which includes energy efficiency. They claim the windows were installed partly to improve the energy efficiency of the building by ensuring improved thermal efficiency of each room and 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 and reused multiple times. The statement also cites the enforcement appeal from the London Borough of Brent (APP/T5150/C/06/2017354) as an example of an appeal concerned with the installation of uPVC windows without planning permission. The appeal was apparently granted and the Inspector commented that the Council's outright ban on the use of uPVC is over-simplistic

because it fails to take into account the benefits of using uPVC. The policy background justifies the outright rejection of uPVC, without recourse to other considerations, which may include the design quality of the proposed installation and the relative cost of alternative materials.

5.2 The Council has been unable to locate the appeal decision which the appellant refers to, and so we have no context on when the decision was made and the weight of environmental concerns at that time, or what the development plan policies were at that time for the local authority, or indeed the individual circumstances of that case.

5.3 Whilst it is recognised that the proposed uPVC windows were proposed to meet the applicant's expectations of improving the quality of the energy efficiency, the LPA disagrees with appellant's view that the proposal complies with Policy CC1. Not only do timber windows have better thermal performance than uPVC, they also have a lower embodied carbon. The policy aims to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards, and expects all developments to optimise resource efficiency. 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. Recycling inefficient oil based materials still has a greater impact on the environment than using a biodegradable, sustainable and more efficient material. Timber is carbon sequestering which means it also traps and stores carbon away from the atmosphere. Since adopting the Camden Local plan 2017, the Council has declared a climate emergency and is necessarily attaching great weight to environmental impact of development, including choice of materials.

6.0 Conclusion

6.1 Based on the information set out above and having taken account of all the additional evidence and arguments made, it is considered that the proposal remains unacceptable for reasons set out within the original decision notice. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns.

6.2 The proposed replacement uPVC windows, by reason of their inappropriate change in materials from original timber to uPVC materials, have a detrimental impact on the character and appearance of the host building, wider terrace and the street.

6.3 The proposed replacement uPVC windows, by reason of their inappropriate use of uPVC materials, would not be environmentally sustainable contrary to policy CC1 (Climate change mitigation) of the London Borough of Camden Local Plan 2017.

7.0 Suggested conditions should the appeal be allowed.

1) None.

If any further clarification of the appeal submissions is required please do not hesitate to contact Amy Ly on the above direct dial number or email address.

Yours sincerely

Amy Ly
Planning officer

Appendix 1.