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# Appeal Decision

Site visit made on 10 April 2018

**by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 April 2018**

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## **Appeal Ref: APP/X5210/W/17/3191008**

### **7 Lyncroft Gardens, London NW6 1LB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ramzan and Sons Investments Ltd (Mr Malik Mohammad Ramzan) against the decision of the Council of the London Borough of Camden.
  - The application Ref 2017/1274/P, dated 2 March 2017, was refused by notice dated 23 October 2017.
  - The development proposed is described as 'Previous application number 2016/5872/P decision taken on 22nd February 2017 to refuse the same, as the decision and the description of the application was incorrect. This application is retrospective. It was to replace the metal, timber and UPVC windows (sash and casement) which had become derelict and as part of the major refurbishment of the premises, a decision was taken with advice from architects and builders to replace UPVC sash windows of a high quality, which already exist within the vicinity on other houses.'
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### **Decision**

1. The appeal is allowed and planning permission is granted for the replacement of all existing metal, timber and uPVC sash and casement windows and timber patio doors with uPVC sash and casement windows and patio doors at 7 Lyncroft Gardens, London NW6 1LB in accordance with the terms of the application, ref 2017/1274/P, dated 2 March 2017 and the drawing submitted with it.

### **Preliminary Matters**

2. The replacement of all of the former metal, timber and uPVC sash and casement windows and timber patio doors with uPVC sash and casement windows and patio doors has already taken place. The description of development used in paragraph 1 above is taken from the Council's decision notice since this more succinctly describes the proposed development.

### **Main Issue**

3. The main issue is the effect of the proposal on the character and appearance of the existing building and the West End Green Conservation Area (CA).

### **Reasons**

4. The special interest of the CA derives from its development as a London village which has been absorbed by later development, including 'the variety of
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substantial houses for professional families and terraced housing<sup>1</sup>.' The appeal site is a substantial three storey plus basement property which forms part of one such terrace. Properties in this gently curving, late Victorian terrace are characterised by distinctive two storey bay windows and front gables to the main roof. Most properties in the terrace retain timber sliding sash windows in the ground and first floor openings on the front elevations, although I note that some second floor windows are uPVC replacements. By virtue of their consistency and simple elegant design, the timber windows enhance the appearance of the terrace. The terrace as a whole, therefore, contributes positively to the architectural and historic interest of the CA. This is recognised in the CAA.

5. The same is true of the essential form and appearance of the appeal property. However, it is apparent from the appeal submissions that the windows in the appeal property previously comprised a mix of aluminium, timber and uPVC at both the front and the rear. Many were in a poor state of repair. These elements, therefore, detracted from the appearance of the appeal property.
6. All of the windows in the appeal property, as well as the doors at the rear, have been replaced with uPVC units. Those on the front elevation are sliding sash, whilst those at the rear are generally top hung casements. The Council considers that all of the windows (except ref G8 and G9 which have been removed to make way for an extension) which were not previously uPVC should be reinstated on a like-for-like basis.
7. The current sliding sash uPVC windows have projecting vents in their heads and the thickness of the sections is slightly greater than that of the timber windows in, for example, No 5. As such, they are distinguishable as uPVC rather than timber windows. Nevertheless, the difference in the thickness of the sections is noticeable as opposed to obvious and the design is consistent throughout the elevation. In these regards they appear, from the information available, to be an improvement over the windows which existed previously or a like-for-like reinstatement of the previous windows. The Council refers to the slim-line section of the previous aluminium windows. However, from the photographs available, they were less convincing as acceptable alternatives to timber than the current uPVC windows.
8. I recognise the Council's concerns regarding the use of replacement uPVC windows in the CA and the advice on this matter in the CAA and the Camden Planning Guidance on Design Supplementary Planning Document with regard to aesthetic and environmental considerations. Moreover, I have already found that timber sliding sash windows make a positive contribution to the appeal property terrace and, therefore, to the heritage significance of the CA. However, in this case, were the appeal to be dismissed, the outcome sought by the Council would not be the use of timber sliding sash windows, but a mix of timber, aluminium and retained uPVC which would be more detrimental to the heritage significance of the CA than the appeal proposal. No mechanism for securing the installation of timber windows has been suggested.
9. On this basis, I find that the proposal would not have a harmful effect on the character and appearance of the existing building or the CA. As such, it would not conflict with Policies D1 or D2 of the Camden Local Plan 2017 or Policies 2 or 3 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

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<sup>1</sup> West End Green Conservation Area Appraisal and Management Strategy 2011 (CAA)

Among other things, these policies require development to secure high quality design which preserves or enhances heritage assets and uses details and materials that are of high quality and complement local character. The proposal would also accord with the statutory test at section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 131 of the National Planning Policy Framework insofar as they have similar aims.

10. I have reached this conclusion based on the particular circumstances of this case. It does not therefore, set a precedent for other proposals for the use of uPVC windows, each of which should be considered on its merits.

*Conditions*

11. Since the works for which permission is sought have already been completed, there is no need to impose any planning conditions.

**Conclusion**

12. For the reasons set out above, the appeal should be allowed.

*Simon Warder*

INSPECTOR