



Appeal Decision

Site visit made on 30 April 2019

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 May 2019

Appeal Ref: APP/X5210/C/18/3210081

Flat at 2nd and 3rd Floor, 7 Estelle Road, London, NW3 2JX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr John Benn against an enforcement notice issued by the Council of the London Borough of Camden.
 - The enforcement notice, numbered EN18/0386, was issued on 18 July 2018.
 - The breach of planning control as alleged in the notice is without planning permission: replacement of windows to front dormer with uPVC framed windows.
 - The requirements of the notice are 1) remove the uPVC framed windows and re-instate the original timber framed window; or 2) remove the uPVC framed windows and install timber framed single glazed sash opening windows.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended.
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Decision

1. It is directed that the enforcement notice be corrected: by the deletion of the words "or 2) remove the uPVC framed windows and install timber framed single glazed sash opening windows" from the requirements. Subject to this correction the appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the replacement of windows to front dormer with uPVC framed windows at Flat at 2nd and 3rd Floor, 7 Estelle Road, London, NW3 2JX.

The Appeal on Ground (a)

2. The property in question is a handsome three storey Victorian house, standing in a terrace of similar houses in Estelle Rd, which is made up largely of short terraces of similar houses. It lies in the Mansfield conservation area. At some time in the recent past, many of the houses were subdivided into flats and maisonettes with front dormers added and there are now so many front dormers that they form part of the streetscene.
3. Looking below eaves level, the majority of houses have retained their traditional sash windows, and it would seem that most are still wooden. The front dormers however, are all modern and most do not sit easily with the late Victorian architecture of the houses. The dormer windows have a variety of styles, some are sash windows but almost all possible options are represented in the street. Nearby streets have a same pattern of late Victorian houses with

- many dormer conversions. A preponderance of traditional sash windows in the houses but a variety of window styles in the dormers.
4. The dormer effectively adds a fourth storey to the house and from the street it is not possible to tell what material is used for the windows, although given the way the windows are framed and the thickness of the glazing bars in the appeal dormer it is reasonable to assume they are uPVC. Generally, the dormers look out of place and incongruous whatever glazing option is chosen, but one of the main characteristics of the street is the uniformity of design, style and materials used in the houses, at least below eaves level. In this context, the use of sash windows, even mock ones, in the dormers is preferable to the more modern styles of openings. The latter stand out much more than the appeal property and are clearly more harmful to the character and appearance of the conservation area than the style chosen at No 7. Judging from the photographs, the original windows that were replaced were unattractive and the new sash windows are a significant improvement. They open as if they were traditional sash windows and sit much more comfortably in the streetscene than their predecessors, and most of the other modern windows in dormers in the area.
 5. The Council are unconcerned by the method of opening and object only to the materials used, but I disagree. This is not a listed building, and the conservation area has already been negatively impacted by the modern dormers, therefore reducing the impact of these dormers by removing the obvious and incongruous modern window styles is much to be encouraged. Obviously wooden sash windows would be preferable to uPVC, but given the distance from the pavement, it would take some effort and knowledge on the part of a passer-by to detect the new windows were indeed plastic. The notice is drafted in the alternative, but option (2) to replace the windows with wooden sash windows is an improvement that goes beyond the powers of the notice to require. The only realistic option is either to return to the original windows, assuming they even still exist, or to put in a new version that is similar to the old. The retention of the existing uPVC sash windows is thus significantly more preferable than either of those options.
 6. Given those choices outlined above, the retention of the existing windows would improve the character and appearance of the conservation area, and so would be in conformity with the Council's policies on design and heritage D1 and D2 of the Local Plan. I note the Camden Design Guidance advises that uPVC will not be acceptable as a replacement material for windows, and the Council are of course right to be wary of allowing uPVC in the conservation area. However, for the reasons given above, in this case I consider there would be an actual, if small, improvement and the appeal should be allowed.
 7. I shall correct the notice by removing option (2) from the requirements, and then allow the appeal and quash the notice as corrected. As the development is already in place no conditions are required.

Simon Hand

Inspector