

Committee Report

Planning Committee on 3 February, 2010

Case No.

09/3265

RECEIVED: 19 November, 2009

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 6 Barn Way, Wembley, HA9 9LE

PROPOSAL: Retention of uPVC windows to front elevation of dwellinghouse

APPLICANT: Mrs Hayley Tugby

CONTACT: Mr H Patel

PLAN NO'S: N/A

Introduction:

The application is reported to Committee under the provisions of Clause 24 of the Planning Code of Practice following the resolution at the previous meeting of the Planning Committee on 13th January 2010 of 'minded to grant' consent for the retention of uPVC windows to the front elevation of the dwellinghouse, contrary to the recommendation to refuse consent. This report discusses the implications of the committee's resolution, maintains the original recommendation to refuse but includes planning conditions should the Planning Committee decide to grant planning permission.

Discussion:

For the avoidance of doubt and, as discussed at the previous meeting, officers recommended refusal as the replacement uPVC windows at the subject site are considered to significantly detract from the appearance and character of the original dwellinghouse and the visual amenity of the locality, and as such, fail to preserve or enhance the character and appearance of the Barn Hill Conservation Area.

Whilst the Planning Committee has supported the principal of a more relaxed position on replacement windows in some conservation areas, this has been on the basis that replacements can reflect the original design and detailing in all practical respects. The approach is advocated in the Barn Hill Conservation Area Design Guide and the Unitary Development Plan 2004 which are both adopted policy documents and carry significant weight in the determination of planning applications.

The replacement windows that are under consideration as part of this application are not considered to reflect the original design and detailing in all practical respects. The reasons of which are expanded upon within the main committee report. As a comparison members are asked to refer to Nos. 3 and 5 Barn Way, that are also in uPVC but have reflected the original design and detailing in all practical respects and include even sight lines, externally mounted glazing bars and a drip rail.

Policy Implications

Officers are concerned that to grant consent for the retention of the replacement windows at the subject property that are of such a poor quality in their design when compared to adopted policy

would inevitably set a precedent for future applications in all similar conservation areas. This in turn would significantly impact upon the character and appearance of these conservation areas, and would undermine the purpose of the Article 4 Directions.

A recent appeal decision at 9 Tudor Close supports this view (20 November 2009). The Inspector noted that whilst there are a number of properties in the area that had unsympathetic window replacement, it did not justify perpetuating a situation whereby serious harm has been caused to the character of the conservation area. The Inspector was of the view that as there is an Article 4 Direction in place, the likelihood is that the character and appearance of the conservation will be enhanced as more replacements are fitted. This would include replacement of existing aluminium and uPVC windows. This appeal reinforces the generally consistent responses to both planning and enforcement appeals over many years.

Conclusions

Article 4 Directions covering window and other elevational changes were introduced by Brent to all conservation areas following the review in 2005. This review accepted that the quality of several areas had declined to such a degree that they were no longer worthy of Conservation Area designation. It therefore committed Brent to protecting the quality of the remaining areas, including Barn Hill, to ensure that their appearance was maintained and improved.

Officers are clearly concerned that approving this application will fail to improve this property in a reasonable way. However, it must also raise the question as to the value of maintaining Barn Hill's Conservation Area status.

Suggested conditions in the event that approval is granted:

If Members wish to grant consent your Officers would recommend that the following conditions be attached to this consent:

1. Details of a revised design for the ground floor window of the side extension shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this permission. The approved window design shall be implemented within three months of the date of such an approval and accordingly maintained.

Reason: To protect the amenities of the locality and in order to exercise proper control over the development.

Recommendation : Remains refusal, for the reasons set out in the original report. However if the Planning Committee resolves to grant planning permission, the conditions set out in this report are recommended.

RECOMMENDATION

Refusal

EXISTING

This application relates to a detached dwellinghouse located on Barn Way. It is situated in the Barn Hill Conservation Area and subject to the Article 4 Direction.

PROPOSAL

Retention of uPVC windows to front elevation of dwellinghouse.

HISTORY

09/1249: Details pursuant to conditions 2 (facing bricks), 3 (cladding detailing) and 5 (soft and hard landscaping) of full planning permission 08/1606, dated 4 November 2008, for demolition of existing garage and erection of two-storey side extension and single-storey rear extension -

Granted, 16/07/2009.

08/1606: Full Planning Permission sought for demolition of existing garage and erection of two-storey side extension and single-storey rear extension - Granted, 04/11/2008.

E/08/0223: Enforcement investigation into the breach of conditions 5 and 6 of planning permission ref: 06/0743 – ongoing.

06/0743: Full Planning Permission sought for erection of 2 storey side and single storey rear extension to dwellinghouse – Granted, 11/05/2006.

E/06/0146: Enforcement Investigation into the change of use of the premises to a hostel – no action taken.

05/3581: Full Planning Permission sought for erection of 2 storey side and single storey rear extension to dwellinghouse – Refused, 02/02/2006.

POLICY CONSIDERATIONS

Brent UDP 2004

BE2: Local Context & Character - Proposals should be designed with regard to their local context, making a positive contribution to the character of the area. Proposals should not cause harm to the character and/or appearance of an area, or have an unacceptable visual impact on Conservation Areas.

BE9: Architectural Quality - Requires new buildings to embody a creative and high quality design solution, specific to the sites shape, size, location and development opportunities and be of a design, scale and massing appropriate to the setting.

BE25: Development in Conservation Areas - Development proposals in conservation areas shall pay special attention to the preservation or enhancement of the character or appearance of the area; and regard shall be had for design guidance to ensure the scale and form is consistent.

BE26: Alterations and Extensions to Buildings in Conservation Areas - Alterations to elevations of buildings in conservation areas should retain the original design and materials; be sympathetic to the original design in terms of dimensions, texture and appearance; characteristic features should be retained; extensions should not alter the scale or roofline of the building detrimental to the unity or character of the conservation area; should be complementary to the original building and elevation features.

Supplementary Planning Guidance

SPG5 – Altering and Extending your Home

Design Guide

Barn Hill Conservation Area Design Guide

CONSULTATION

Consultation Period: 23/11/2009 - 14/12/2009

Site Notice: 23/11/2009 - 14/12/2009

Public consultation

5 neighbours consulted - no objections raised

Internal consultation

None sought

External consultation

Barn Hill Residents' Association - no objections raised.

REMARKS

Retention of replacement windows to front elevation of dwellinghouse

This application is a retrospective planning application for the retention of uPVC windows to the front elevation of the dwellinghouse. It includes both the windows to the original dwellinghouse and the windows to the side extension which were not built in accordance with the approved plans.

The window next to the front door is an original timber window and has been retained.

Windows to the original house

Prior to being replaced the existing windows were not the original windows. They were casement windows in uPVC in a relatively simple design. The bay window has fanlights but none of the detailed features that are found on the original timber windows such as glazing bars or a drip rail were provided. The fixed and opening casements were uneven. It is unclear of the exact date when these windows were replaced. However, the Council's records indicate that they existed over four years.

The replacement windows are also casement windows in uPVC but vary in design to the existing windows. They include internally mounted glazing bars within the fanlights of the ground floor bay window dividing the pane of glass into four sections, and internally mounted glazing bars in the upper floor casements of the bay window dividing the glass into eight sections. The first floor window above the entrance door also has internally mounted glazing bars dividing the glazing into six sections.

While the Planning Committee has supported the principal of a more relaxed position on replacement windows in some areas, this has been on the basis that replacements can reflect the original design and detailing in all practical respects. The general need to ensure this level of proportion and detail is also advocated in the Barn Hill Conservation Area Design Guide. Furthermore, the replacement windows have to preserve or enhance the character and appearance of the Barn Hill Conservation Area. In determining whether a proposal preserves the character and appearance of the conservation area it is in the sense that it does not do harm to it.

Whilst officers recognise that the replacement windows have attempted to replicate the design features of the original windows seen within the conservation area such as through the use of glazing bars, the detailed design is of poor quality that fails to preserve the character and appearance of the conservation area. Whilst one could argue that the previous uPVC casement windows were of a poor quality design, they were relatively well proportioned and simple in their design. The introduction of internally mounted glazing bars exacerbates the poor proportions between the fixed and opening casements, particularly at first floor level. In addition, the glazing bars in the replacement windows varies in number and proportion to those at first floor level. This results in a cluttered and clumsy appearance, which does not meet the objectives of the Barn Hill Conservation Area Design Guide.

As members are aware, this section of the Barn Hill Conservation Area does have an Article 4 Direction in force. It is of your officer's view that over time the Article 4 Direction has the potential to reverse the trend of unsympathetic uPVC window replacements by encouraging the reintroduction

of replacement ones more akin to the original designs which, in turn, would assist in preserving or enhancing the character and appearance of the conservation area.

Retention of windows to front elevation of the side extension

The plans approved as part of planning application ref: 08/1606 included a two storey side extension. The windows approved as part of the application comprised at ground floor a casement window divided into three panes with fanlights and at first floor a casement window divided into two panes with no fanlights. These windows were designed to reflect the simple design and proportions of the existing uPVC windows on the front elevation of the house prior to being replaced.

The windows that this application seeks to retain have not been installed in accordance with the approved scheme - 08/1606. The ground floor window as built comprises two casements with upper fanlights with glazing bar detailing. Its height does not reflect the bay window and as a result of its lack of height, the window is poorly proportioned and detailed and does not reflect the design or proportions of the main house or surrounding area. Officers have explored whether there is an alternative window design option which may be easier for the applicant to accommodate but the applicant has advised that they are unable to pursue this change. This included raising the height of the window to improve the proportions of the fanlights.

At first floor the window comprises two casements with internally mounted glazing bars. As seen in the replacement windows to the main house. The introduction of internally mounted glazing bars exacerbates the poor proportions between the fixed and opening casements, resulting in a cluttered and clumsy appearance.

Other matters

Your officers observed on the site visit that the landscaping scheme to the front garden approved as part of application ref: 09/1249 has not been fully implemented. An informative is recommended to be attached to remind the applicant of the requirements to fully implement the approved landscape scheme. The matter will also be passed onto enforcement for further investigation.

Conclusions

In conclusion, the replacement windows to the front elevation of the dwellinghouse are considered to be harmful to the character and appearance of the conservation area. If members are minded to support the officer recommendation, the matter will be passed on to the enforcement team for further action.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The retention of the replacement uPVC windows to the front elevation of the dwellinghouse do not accurately reflect the detailed design and proportions of the original windows and therefore significantly detract from the appearance and character of the original dwellinghouse and the visual amenity of the locality, and as such, fail to preserve or enhance the original character and appearance of the Barn Hill Conservation Area. This proposal is therefore contrary to policies BE2, BE9, BE25 and BE26 of Brent's adopted Unitary Development Plan 2004, the adopted Barn Hill Conservation Area Design Guide and the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES:

- (1) The applicant is advised that the submitted landscaping scheme approved as part of application ref: 09/1249 has not been fully implemented. This matter has been passed onto the enforcement team for further investigation.

REFERENCE DOCUMENTS:

Brent's UDP 2004
Barn Hill Conservation Area Design Guide

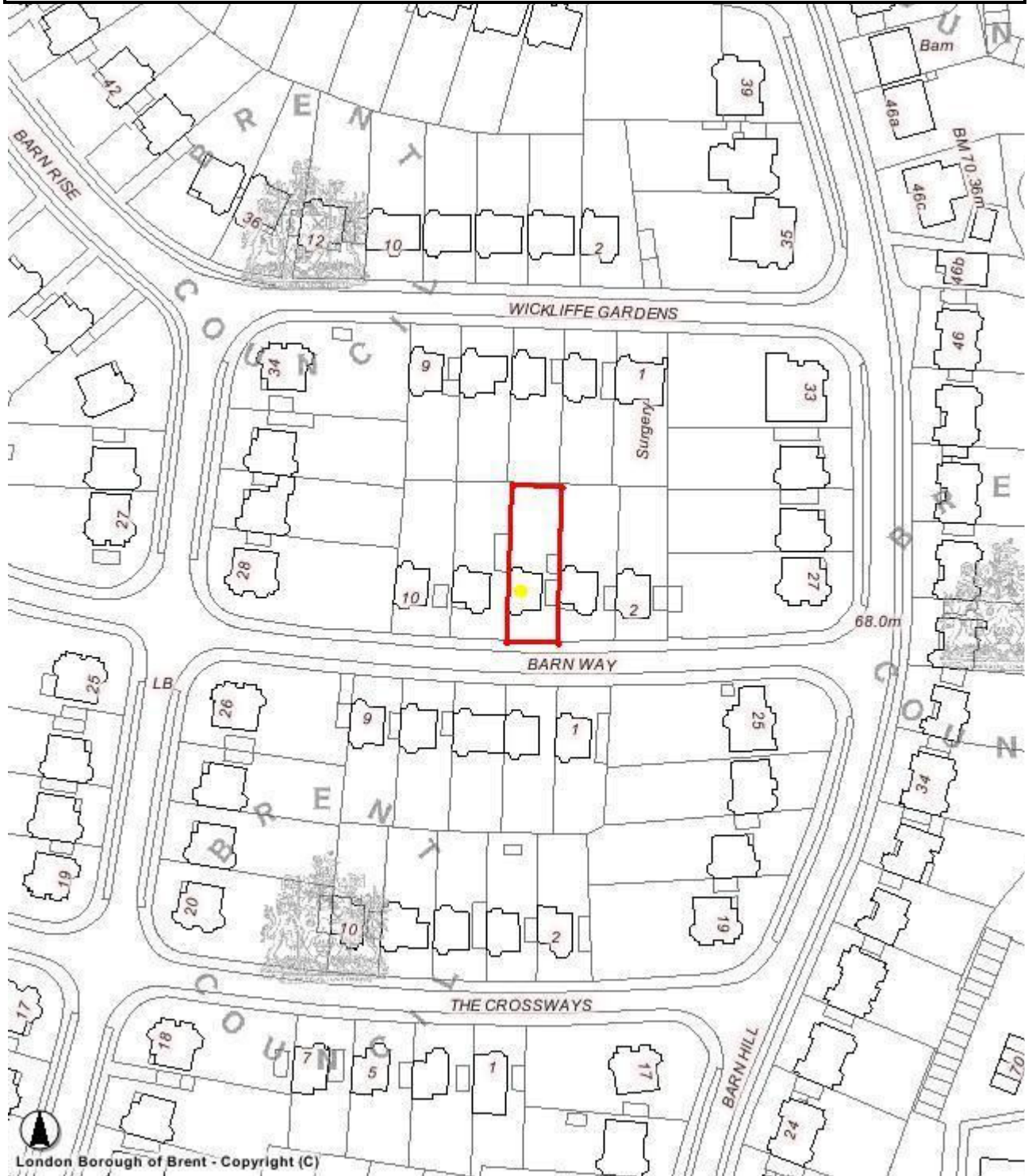
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: 6 Barn Way, Wembley, HA9 9LE

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