

Meeting:	Development Control Committee
Date:	17 <sup>th</sup> October 2006
Subject:	4 Latimer Gardens, Pinner
Key Decision: (Executive-side only)	No
Responsible Officer:	Group Manager, Planning and Development
Portfolio Holder:	Planning, Development and Housing
Exempt:	No
Enclosures:	Site plan

## **SECTION 1 – SUMMARY AND RECOMMENDATIONS**

This report relates to the insertion of replacement uPVC double glazed windows to this mid-terraced dwellinghouse, located within the Pinnerwood Park Conservation Area and also subject to an Article 4(2) Direction enabling control to be exercised over the replacement of windows on the elevations of dwellinghouses fronting a highway, waterway or open space.

Planning permission has been refused for the retention of the replacement windows and a subsequent appeal against this decision has been dismissed by the Planning Inspectorate.

Having regard to the provisions of the Unitary Development Plan and all other material planning considerations, the Council intends to serve an Enforcement Notice requiring the removal of the uPVC windows from the front elevation of the property, and the submission to the Council of full details, in writing, of an fenestration scheme, for determination by the Council.

**RECOMMENDATIONS:**

Having regard to the provisions of the Unitary Development Plan and all other material planning considerations (in accordance with Section 172 of the Town and Country Planning Act 1990 (as amended), the Director of Legal Services be authorised to:

- (a) Take all necessary steps for the preparation, issue and service of an enforcement notice requiring within three calendar months;
  - (i) The removal of all uPVC replacement windows to the front (northern), elevation of the dwellinghouse.
  - (ii) The submission of a fenestration scheme, for approval by the Council, relating to the front elevation of the dwellinghouse, and the subsequent implementation of that scheme.
  - (iii) The permanent removal of all materials and debris from the land arising from compliance with requirement (i).
  
- (b) Issue Notices under Section 330 of the Town and Country Planning Act 1990 (as amended) as necessary in relation to this alleged breach of planning control.
  
- (c) Institute legal proceedings, should it be considered in the public interest to do so, in the event of failure to;
  - (i) supply the information required by the Director of Legal Services through the issue of Notices under Section 330 of the Town and Country Planning Act 1990, and/or;
  - (ii) fully comply with the requirements of the enforcement notice.

## SECTION 2 - REPORT

- 2.1 The site that is the subject of this report, 4 Latimer Gardens, Pinner, consists of a two-storey mid-terrace dwellinghouse located on the southern side of this predominantly residential street, comprising terraced and semi-detached dwellinghouses, typically with steeply pitched roofs and symmetrical design elements.
- 2.2 The dwellinghouse that is the subject of this report and the surrounding area fall within the Pinnerwood Park Estate Conservation Area, which was designated in August 1989 and the area is also covered by an Article 4(2) Direction from 1995 removing certain permitted development rights, including the replacement of windows on the elevations of dwellinghouses fronting a highway, waterway or open space without planning permission.
- 2.3 The dwellinghouse has not been extended or altered other than by the unauthorised installation of replacement uPVC double glazed windows, and it is the installation of these windows that is the breach of planning control which is the subject of this report.
- 2.4 In April 2005, the Council refused to grant retrospective planning permission (application ref. P/995/03/CFU for the retention of replacement UPVC windows inserted at the dwellinghouse that is the subject of this report.
- 2.5 This application was refused for the following reasons;

*'The UPVC windows proposed to the front elevation, by reason of unsatisfactory materials and appearance, would detract from the character and appearance of the property and fail to preserve or enhance this part of the Pinnerwood Park Estate Conservation Area.'*

2.6 The owner of the dwellinghouse subsequently exercised his right of appeal against this decision, but in April 2005 the Planning Inspectorate, on behalf of the Secretary of State, dismissed this appeal, concluding that the replacement windows did not comply with the Council's adopted Unitary Development Plan and Supplementary Planning Guidance and did not contribute to preserving or enhancing the character or appearance of the Pinnerwood Park Estate Conservation Area.

2.7 The expediency of enforcement action is assessed with reference to guidance contained in PPG18 and Circular 10/97, both entitled 'Enforcing Planning Control', guidance contained in PPG15, entitled 'Planning and the Historic Environment', and also Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, which establishes a general duty upon Councils to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area in the exercise of planning functions.

2.8 Expediency is also assessed with regard to the statutory Development Plan, which for the Borough consists of the London Plan (adopted February 2004) and the Unitary Development Plan (U.D.P.), which was formally adopted in July 2004. U.D.P. policies that are relevant to this report include;

- Policy D4 (The Standard of Design and Layout)
- Policy SD1 (Quality of Design)
- Policy D16 (Conservation Area Priority)
- Policy D17 (Article 4 Directions)

- 2.9 Also of relevance is the Council's Supplementary Planning Guidance, in this case the Policy Statement on the Pinnerwood Park Estate Conservation Area, in particular Policy 8, which states 'The Council will encourage the retention of original design features, such as windows and doors, and where necessary will require the use of replica features in traditional materials in replacement and new works. Aluminium and uPVC will not normally be considered acceptable.
- 2.10 The Council considers that the replacement windows are out of keeping with the predominant character and appearance of the Conservation Area, which has a distinctive architectural style and cohesive appearance. Whilst the Council accepts that numerous properties within both Latimer Gardens and the Conservation Area as a whole have had replacement windows installed, the windows that are the subject of this report have little similarity to the original windows in Latimer Gardens, unlike the majority of the other replacement windows present.
- 2.11 The materials and design of the replacement window frames and casements also fail to replicate the traditional timber framed windows that prevail within the Conservation Area. This is evident in the width and profile of the frames and the overlap of the opening lights.
- 2.12 Additionally, plastic strips inserted within the glazed units in order to reproduce the effect of small pane sub-divisions within the individual windows give a different effect to the original windows. The first floor windows have 3 horizontal strips, giving an impression of 16 small panes in each window, whereas in the windows of the adjoining property (and the original windows to the report property itself) there are only 12 panes in each window, resulting in a more traditional vertical emphasis.
- 2.13 The Inspector who determined the relevant planning appeal, in discussing the merits of the replacement windows, stated in his decision notice;

*'The intrinsic design, material and construction of the frames and the glazing results in distinct differences in appearance compared with the traditional wood frames and casements of the original windows in Latimer Gardens so that, in my view, they do not adequately reflect their appearance.'*

2.14 Consequently the replacement windows fail to comply with the Policy 8 of the Pinnerwood Park Estate Conservation Area Policy Statement, which seeks to retain the original timber windows and resists the installation of inappropriate uPVC or aluminium replacements.

2.15 Furthermore, the replacement windows fail to preserve or enhance the character or appearance of the Pinnerwood Park Estate Conservation Area, and therefore also conflict with adopted UDP Policies SD1 and SD2.

2.16 Accordingly enforcement action is recommended to secure the removal of these unauthorised windows and the submission of a fenestration scheme to the Council for determination and approval (if acceptable), and such action would be entirely consistent with the previous application decision and the subsequent appeal decision.

### **SECTION 3 - STATUTORY OFFICER CLEARANCE**

Chief Finance Officer	<input checked="" type="checkbox"/>	Name: Anil Nagpal
		Date: 13/10/2006
Monitoring Officer	<input checked="" type="checkbox"/>	Name: <b><u>David Galpin</u></b>
		Date: 16/10/2006

### **SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS**

**Contact:** Adam Beamish ([adam.beamish@harrow.gov.uk](mailto:adam.beamish@harrow.gov.uk)) tel. 0208 7366160

**Background Papers**

- Unitary Development Plan
- Pinnerwood Park Estate Conservation Area Policy Statement

**IF APPROPRIATE, does the report include the following considerations?**

1.	Consultation	NO
2.	Corporate Priorities	NO
3.	Manifesto Pledge Reference Number	