

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department

<b>PLANNING SUB COMMITTEE B</b>		
<b>Date:</b>	17 July 2018	<b>NON-EXEMPT</b>

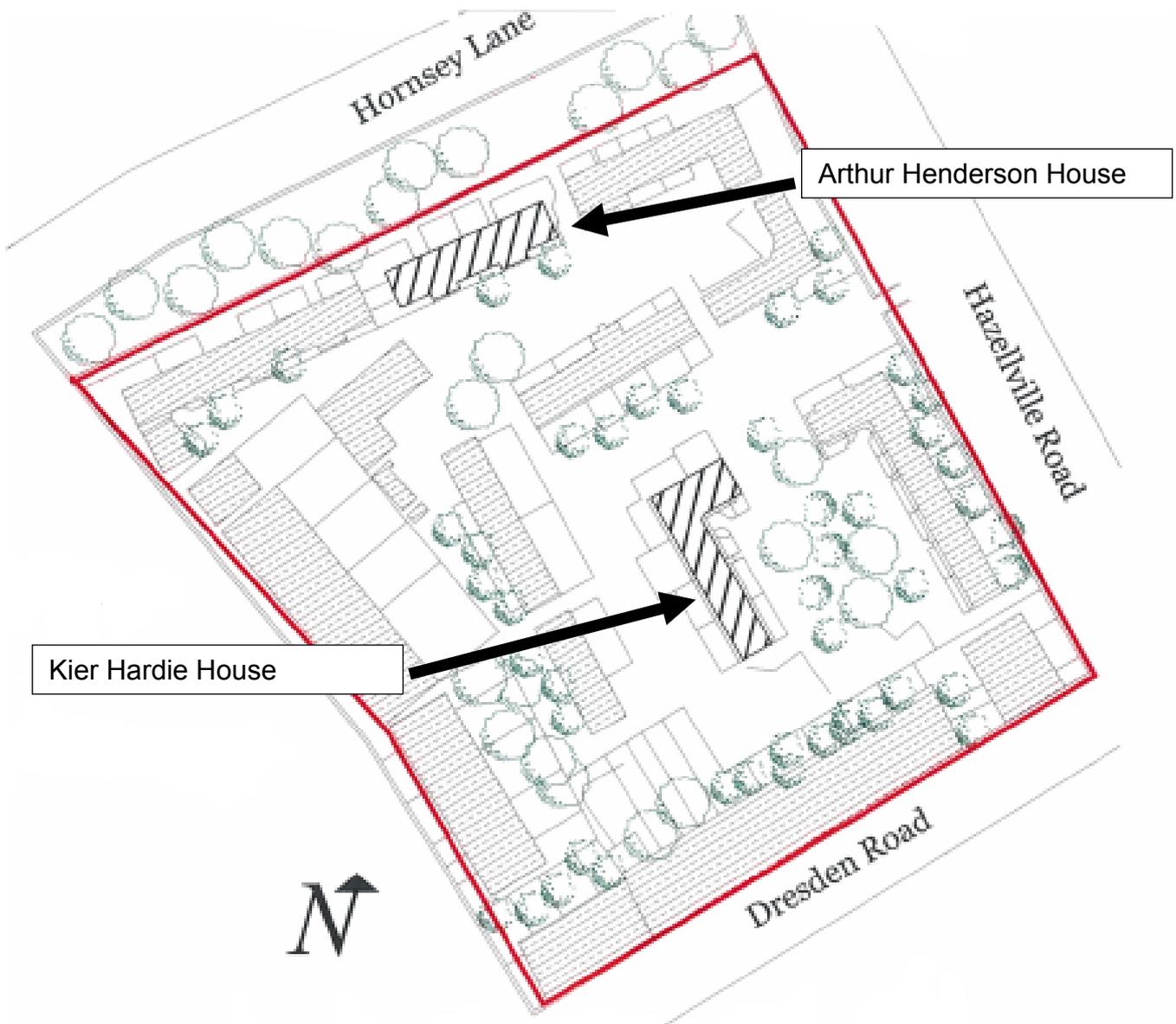
Application number	P2017/4951/FUL (Council's own)
Application type	Full Planning Application
Ward	Hillrise
Listed building	Not Listed
Conservation Area	Whitehall Park
Development Plan	Local Cycle Route
Licensing Implications	None
Site Address	Hornsey Lane Estate: 32 – 54 Keir Hardie House, 1 – 12 Arthur Henderson House, Hazellville Road, London, N19 3BX
Proposal	Replacement of existing single glazed timber/ plastic coated windows and doors with double glazed uPVC windows.

Case Officer	Anna Luu
Applicant	Islington Council
Agent	Mears Group

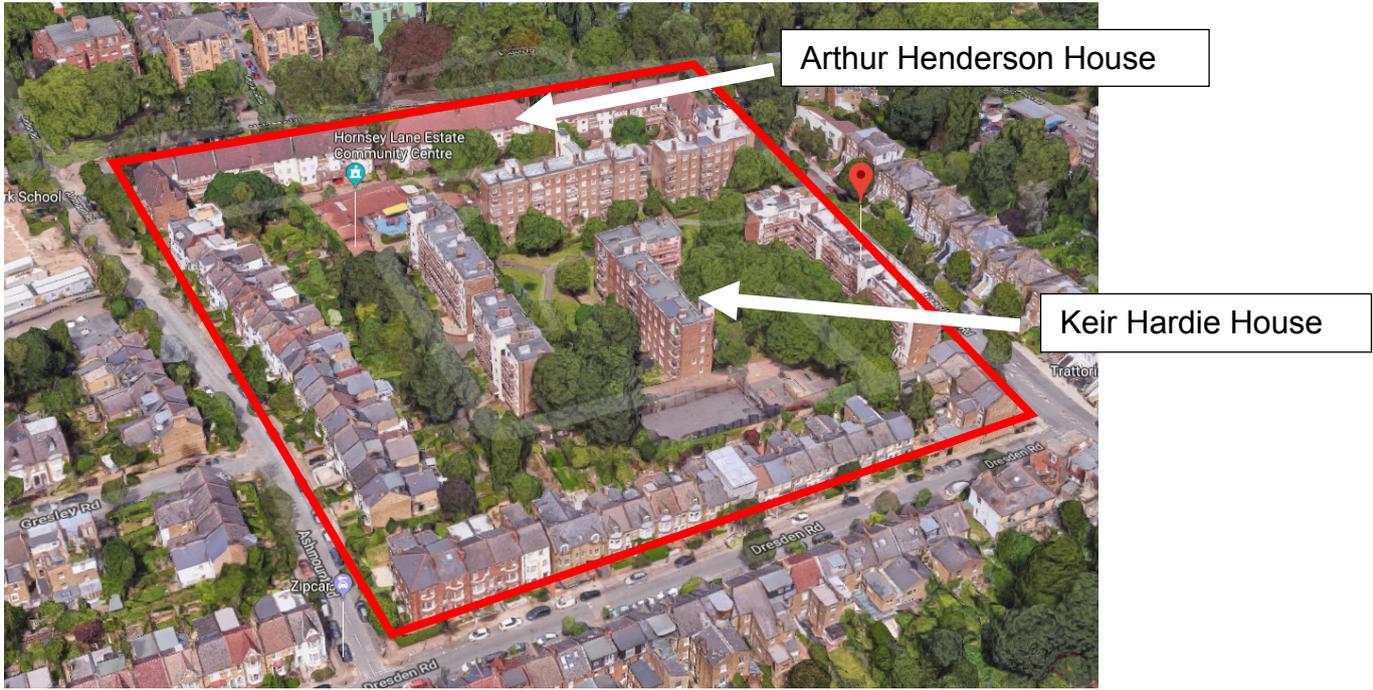
### 1. RECOMMENDATION

- 1.1 The Committee is asked to resolve to **GRANT** planning permission - subject to the conditions set out in Appendix 1.

2. SITE PLAN



**3. PHOTOS OF SITE/STREET**



**Image 1:** Aerial View of the Application Site (Hornsey Lane Estate)



**Image 2:** Existing South Elevation of Arthur Henderson House



**Image 3:** Existing South Elevation of Arthur Henderson House



**Image 4:** Existing East Elevation of Kier Hardie House



**Image 5:** Existing South Elevation of Kier Hardie House

## **4. SUMMARY**

4.1 The application seeks planning permission for the replacement of existing single glazed uPVC clad timber windows with double glazed uPVC windows. Planning permission is also sought to replace the existing timber doors associated with the private terraces along the rear elevation of Arthur Henderson House with new uPVC doors. The key considerations in determining the application relate to the impact on the appearance of the existing buildings and on the character and appearance of the surrounding area, as well as sustainability.

The application site relates to two (2) residential blocks situated within the Hornsey Lane Estate (the estate); namely No.s 32 – 54 Keir Hardie House and No.s 1 – 12 Arthur Henderson House. The estate forms part of the Whitehall Park Conservation Area. The building elevation which fronts the highway, namely Hornsey Lane, feature original timber windows. However, the rear elevations which are orientated toward the internal courtyards display a degree of variation, with a mix of timber, uPVC and uPVC clad timber framed windows and doors in the wider estate. Over time, this has deteriorated the uniformity of the rear elevations of the buildings. This current proposal forms part of a broader phased development scheme for the replacement of windows units. Namely, it is noted that planning permission was granted for the replacement of uPVC windows in the past, to a number of blocks within the same housing estate (Bruce Glasier House, John Wheatley House, Margaret McMillan House, Kier Hardie House, Enid Stacy House, Mary McArthur House and Caroline Martin House).

4.2 The application is brought to committee given the properties are owned by the Council.

4.3 The proposal affects the rear elevations of the blocks. Although there would be some harm caused to the appearance of the buildings by the installation of new uPVC units, having regard to the existing appearance of the buildings, their location to the rear of the residential blocks and the lack of consistency with respect to the materials of the existing windows and doors, the proposed alterations and replacement window and door units would provide a more uniform appearance to the rear and side elevations of the two blocks in question. The proposal would not cause substantial harm to the streetscene nor the character or appearance of the wider Conservation Area.

4.4 It is also considered that the proposed uPVC windows and the provision of double glazing would improve the sustainability and thermal efficiency of the residential units. As such, the proposal is considered acceptable and is recommended for approval subject to conditions, in accordance with policies DM2.1, DM2.3 and DM7.2.

## **5. SITE AND SURROUNDING**

5.1 The application site is situated on the southern side of Hornsey Lane and comprises a number of lower rise residential blocks which collectively, form the 'Hornsey Lane Estate'. The estate was built in the 1930s and falls within the Whitehall Park Conservation Area, within the Hillrise Ward. The area includes a variety of residential properties which exhibit differing architectural qualities and styles, including some late Victorian properties located on Hazellville Road.

5.2 A total of 34 properties are situated within these two (2) buildings. The design and architectural features of these buildings are varied, noting the following:

- No.s 32 – 54 Keir Hardie House is a five storey building that is located centrally within the housing estate. Only the elevations fronting the internal courtyard (facing east and south) are subject to this application. The northern and western elevations are not subject to change.
- Nos. 1 – 12 Arthur Henderson House is a three storey building fronting Hornsey Lane. The proposed replacement windows and doors are located on the rear elevation. The front (north) and side (east and west) elevations of Arthur Henderson House would not be affected by this application.

## 6. PROPOSAL (IN DETAIL)

- 6.1 Planning permission is sought for the installation of uPVC double glazed windows to replace existing windows to two (2) of the residential blocks within the Hornsey Lane Estate. With respect to Arthur Henderson House, the elevations which front the public highway (Hornsey Lane) are not subject to this application. Relevant to Kier Hardie House, the existing northern and western elevations are not subject to change as part of this application. The proposal also includes the replacement of 12no. timber doors which provide access to the private terraces along the rear elevation of Arthur Henderson House with uPVC doors. The proposed replacement window and door units are similar in appearance to existing conditions, albeit, differ in terms of materials.
- 6.2 The replacement windows will comprise uPVC profile sizes slightly larger than existing openings.
- 6.3 The application was revised in February 2018 to include the installation of replacement door units to the rear elevation of Arthur Henderson House. Specifically, the existing timber doors are to be replaced with uPVC.

## 7. RELEVANT HISTORY

- 7.1 **P060137 33-53 Kier Hardie House & 1-23 Mart McArthur House:** Replacement of windows and doors with new double glazed sealed units. Frames to be constructed from timber. **(Approved 17/05/2006)**
- 7.2 **P061540 Bruce Glasier House, John Wheatley House:** Replacement of PVCU clad timber windows with double glazed UPVC windows in Bruce Glasier House and John Wheatley House. **(Approved 25/01/2007)**
- 7.3 **P062298 Margaret Mcmillian House:** Replacement of existing PVCU clad timber windows with double glazed white UPVC windows to rear **(Approved 14/03/2007)**
- 7.4 **P2014/3189/FUL Nos. 4,9,10-37 Legion Close:** Replacement of existing single glazed timber windows with UPVC double glazed windows. **(Approved 14/10/2015)**
- 7.5 **P2015/0890/FUL Caroline Martyn House, Enid Stacy House, Mary McArthur House and Kier Hardie House:** Replacement of existing single glazed timber/plastic coated windows with double glazed UPVC windows **(Approved 05/05/2017)**

### ENFORCEMENT:

- 7.6 None Relevant.

### PRE-APPLICATION ADVICE:

- 7.7 None.

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of 233 adjoining and nearby properties on 5 February 2018. A site notice was displayed outside the site and a press advert was also published in the local paper. Following amendments to the drawings, further consultations were carried out on 28 February 2018. As a result, the public consultation of the application therefore expired on 21 March 2018, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report, 2 letters of objection had been received from the public with regard to the application. The comments are summarised as follows:

- 8.3 uPVC windows are inferior to wood given:
- 8.4 In the event of a fire, uPVC windows fuse shut, and could no longer be used as an escape route in the case of a fire; **(see paragraph 11.15)**
- 8.5 uPVC windows are less durable than modern wooden windows; **(see paragraph 11.9)**
- 8.6 uPVC windows do not offer significant savings on maintenance; **(see paragraph 11.15)**
- 8.7 uPVC windows are not eco friendly; **(see paragraphs 11.13 – 11.14)**

### **Internal Consultees**

- 8.8 Design and Conservation: The proposed replacement of the existing uPVC coated timber windows with new uPVC windows is considered acceptable in principle in this case as the windows are to the rear and only the windows that are already uPVC coated will be replaced.

### **External Consultees**

- 8.9 None.

## **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES**

- 9.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
  - As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
  - As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- 9.2 National Planning Policy Framework (NPPF): Paragraph 14 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay..."
- 9.3 At paragraph 7 the NPPF states: "that sustainable development has an economic, social and environmental role".
- 9.4 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.5 Since March 2014 Planning Practice Guidance for England has been published online.

- 9.6 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.7 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
  - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.8 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.9 The Quality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Development Plan**

- 9.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.11 Some weight is attributable to the Draft London Plan.
- 9.12 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013:
- Whitehall Park Conservation Area (and Article 4 Direction)
  - Local Cycle Route

## **10. This report considers the proposal against the following development plan policies and documents.**

### **National Guidance**

- 10.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

10.2 The National Planning Practice Guidance is a material consideration and has been taken into account as part of the assessment of the proposal.

### **Development Plan**

10.3 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

10.4 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

## **11. ASSESSMENT**

11.1 The main issues arising from this proposal relate to:

- Design and impact on the character and appearance of the existing buildings and the Whitehall Park Conservation Area
- Neighbouring Amenity
- Sustainability

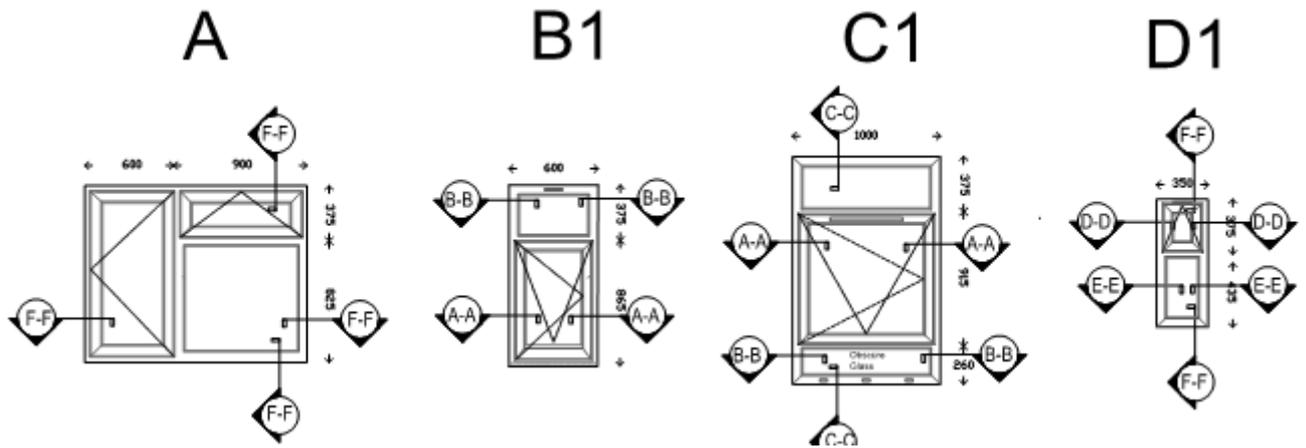
### **Design and Conservation**

11.2 Islington's Planning Policies and Guidance encourage high quality design which serves to compliment the character of the area. In particular, DM2.1 of Islington's adopted Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics.

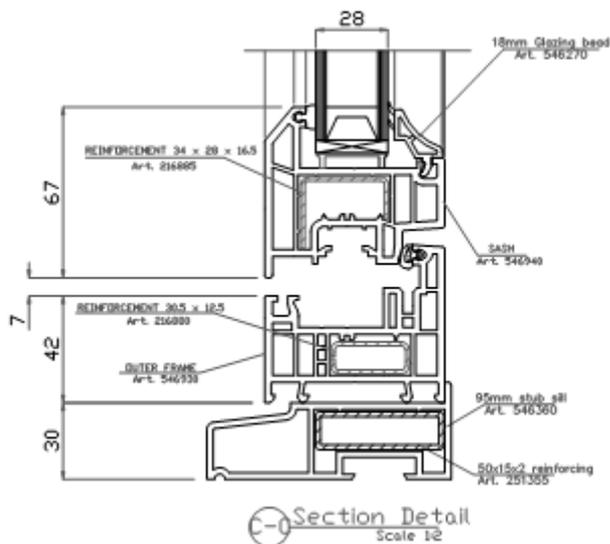
11.3 In addition, policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the Council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.

11.4 The estate subject to this planning application has undergone a number of repairs and improvement works in the past. Notably, there were three planning permissions at the site which were approved for replacement uPVC windows and doors to be installed on Bruce Glacier House, John Wheatley House (P061540) and Margaret McMillian House (P062298) and Kier Hardie House (P2015/0890/FUL). Also, following a site visit, officers observed that uPVC coated windows have been installed on blocks without planning consent to individual units by occupiers. Many of these windows have become lawful with the passing of time. The existing fenestration comprises a variation of timber and uPVC windows. The elevations which front the public highways all contain timber windows of original form and are not subject to change as part of this application. To the rear and courtyard elevations, there is significant variance in the existing material is used, with many featuring uPVC window frames.

11.5 The submitted plans detail that the proposed window profile would have slightly thicker frames than the existing uPVC windows. The proposed frame thickness would measure 28mm. However, the proposed windows would have a flush profile, not chamfered, which would serve to ameliorate some of the visual impact caused by the proposal - specifically, reducing their visual bulk. A sample has been provided to Council officers. Should planning permission be granted, a condition outlining that the materials be consistent with the details provided in this application would be imposed (Condition 3).



**Image 6:** Examples of the proposed window design



**Image 7:** Example of proposed window section

- 11.6 As set out above, some of the properties within the estate have altered window frames, compared to the original timber frames with either uPVC or uPVC coated frames. The proposed replacement works would achieve a more consistent and uniform fenestration design. Therefore, it is considered that this would improve the appearance of the buildings within the estate, and the proposal would not have undue harm on the architectural integrity of the existing building.
- 11.7 The proposed replacement windows would largely not be visible from the streetscene and would have a limited impact on the visual amenity of the wider conservation area. Compared to the surrounding terrace and semi-detached properties, the estate is set in its own context. The Whitehall Park Conservation Area Design Guidelines suggests that Victorian terraces shall retain their original appearance by using traditional materials. However, due to the specific circumstances of this case, it is considered that replacement uPVC material, subject to the appropriate design, would be acceptable as it would provide consistency to the blocks, and would not result in material harm to the setting of the conservation area to justify a refusal of planning permission.
- 11.8 Similarly, the proposed replacement doors, are of limited visibility, with the doors allowing access to the private terraces to Arthur Henderson House and are largely obscured by the overhanging balconies above.
- 11.9 Concerns have been raised with regard to the durability of the uPVC window units. The applicant has confirmed that the lifespan of the units is anticipated to be 30 – 35 years and that the same window frame units as per planning permission for phase 1 (ref: P2015/0890/FUL) are proposed,

designed to ensure consistency. Notwithstanding this, Council officers are required to assess the current proposal at hand, which seeks permission to replace existing openings with uPVC. Whilst it is acknowledged that timber would be a preferable material, as discussed above, from a design and conservation perspective, the proposed materials are considered to be acceptable, having regard to their location, design and existing conditions.

- 11.10 Overall, it is considered that the proposed replacement windows would create a more uniform and consistent appearance to the rear elevations of the buildings. The proposed double glazed windows would not result in significant harm to the appearance of the buildings nor the setting of the Whitehall Park Conservation Area. The more prominent front elevations of the blocks would continue to have timber windows which are not affected by this application. Having paid special attention to the desirability to preserve or enhance the character and appearance of the conservation area, it is considered that the less than substantial harm caused to the Whitehall Park Conservation Area in this instance, would not be outweighed by the public benefits that would be gained by the proposal (sustainability and consistency of appearance). It would therefore, comply with the NPPF, London Plan 2016, CS policies 8 and 9, Development Management policies DM2.1, DM2.3, Islington's Urban Design Guidance 2017 and the Whitehall Park CA Guidance 2002.

### **Neighbouring Amenity**

- 11.11 Policy DM2.1 of the Development Management Plan states that development should not have an adverse impact on neighbouring amenity in terms of overshadowing, overlooking, privacy, direct sunlight and daylight, over dominance and sense of enclosure.
- 11.12 The application proposes the replacement of the existing windows and some doors with new windows and doors to be located within the same openings. As no additional windows or doors will be installed, it is not considered that the proposal will have a detrimental impact on the amenity of any adjoining occupiers by way of overlooking or loss of privacy. As such, it would comply with policy DM2.1 of the Development Management Policies 2013.

### **Sustainability**

- 11.13 The proposed double glazed uPVC windows would serve to improve the thermal efficiency of each individual residential unit, thereby contributing to reductions in carbon emissions, energy usage and would assist in combatting fuel poverty.
- 11.14 In light of the above, the proposal is compliant with Policy DM7.2, which requires developments to be energy efficient in design and specification.

### **Other Matters**

- 11.15 Concerns have been raised with regard to the uPVC windows fusing shut and that the openings would not be able to be used as an escape route in the case of a fire. It should be noted that similar styled windows compared to existing conditions are proposed. Notwithstanding this, the applicant is required to ensure that all works are carried out in accordance with the relevant fire safety and building regulations.
- 11.16 Concerns have also been raised with regard to uPVC units not offering significant savings on maintenance. This is not a planning consideration per se.

## **12. SUMMARY AND CONCLUSION**

### **Summary**

- 12.1 The proposed replacement windows and doors would improve the appearance and provide more consistent fenestration for the elevations subject to this application. Due to the specific details of units proposed and variety of building styles, age and materials extant, the proposal is considered to be acceptable in this instance. The frame thickness of the proposed windows (28mm) and doors would be appropriately proportioned to the glazed window pane and door openings. It is not

considered that the proposed frames would be substantially different to those existing in the building.

- 12.2 Having paid special attention to the desirability of preserving and enhancing the character and appearance of the conservation area, it is considered that the proposed replacement windows and doors would cause minor harm to the buildings and would preserve the character and appearance of the Whitehall Park Conservation Area. The proposed double glazed uPVC units would also improve the sustainability and thermal efficiency of the residential units on site.
- 12.3 The proposed development is acceptable and on balance, would not result in unacceptable harm to the application buildings or the Whitehall Park Conservation Area. It would improve the overall sustainability of the buildings and would therefore be in accordance with the Council's Development Management Policies DM2.1, DM2.3 and DM7.2
- 12.4 The proposed development is considered to accord with the policies of the National Planning Policy Framework 2012, the London Plan 2016, the Islington Core Strategy 2011, the Development Management Policies 2013 and Supplementary Planning Documents and as such is recommended for approval subject to appropriate conditions.

### **Conclusion**

- 12.5 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That the Sub Committee resolve to GRANT planning permission subject to conditions to secure the following:

#### List of Conditions:

<b>1</b>	<b>Commencement</b> CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
<b>2</b>	<b>Approved plans list</b> CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:  Site Location Plan; Design and Access Statement (December 2017); Location Plan (SLP); Existing – Arthur Henderson (AH 1-12-01 rev 2); Existing – Arthur Henderson (AH 1-12-02); Existing – Keir Hardie House (KH 32-54-01); Existing – Kier Hardie House (KH 32-54-02); Proposed – Arthur Henderson (AH 1-12-11 rev 2); Proposed – Kier Hardie House (KH 32-54-11); Sections (Windows Type A, B1, C1, D1, E1, F, G1, H, G2, J); Minimum Sight Line Limitations (XXXX/HLE/01); Window Comparison (001); Window Schedule Proposed; Residential Door (Sheet 3 of 4); Aluminium Threshold on 125mm Cill Open Out Door Sash (Std Section – 47x); Aluminium Threshold on 85mm Cill Open Out Door Sash (Std Section – 47).  REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
<b>3</b>	<b>Materials</b> CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.  REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.
<b>4</b>	<b>Non Standard</b> CONDITION: For the avoidance of doubt no permission is granted for alteration of windows in the following elevations of: <ul style="list-style-type: none"><li>- Kier Hardie House</li><li>- Arthur Henderson House</li></ul> REASON: In the interest of preserving the character and appearance of the Whitehall Park Conservation Area and the quality of appearance of the buildings themselves.

**List of Informatives:**

1	It is recommended that you obtain technical advice regarding building control matters during the early stages of project design, and Islington Building Control has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant building control regulations, please contact Andrew Marx on 0207 527 5999 or by email at <a href="mailto:building.control@islington.gov.uk">building.control@islington.gov.uk</a> .
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## **APPENDIX 2: RELEVANT POLICIES**

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

### **1 National Guidance**

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2016 - Spatial Development Strategy for Greater London**

London's living places and spaces  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets  
and archaeology

#### **B) Islington Core Strategy 2011**

##### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

#### **C) Development Management Policies June 2013**

##### **Design and Heritage**

Policy DM2.1 Design

Policy DM2.3 Heritage

##### **Energy and Environmental Standards**

Policy DM7.1 Sustainable design and construction

Policy DM7.2 Energy efficiency and carbon reduction in minor schemes

Policy DM7.4 Sustainable Design Standards

### **3. Designations**

Local Cycle Route

### **4. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

#### **Islington Local Development Plan**

- Conservation Area Design Guidelines (Whitehall Park)

- Urban Design Guide (2017)  
**London Plan**
- Sustainable Design and Construction