

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 333
222 Upper Street
LONDON N1 1YA

PLANNING SUB- COMMITTEE B		AGENDA ITEM NO:	
Date:	19 th March 2015	NON-EXEMPT	

Application number	P2014/3189/FUL
Application type	Full Planning Application (Councils Own Development)
Ward	Barnsbury
Listed Building	Not Listed
Conservation Area	Barnsbury Conservation Area
Licensing Implications Proposal	None
Site Address	Nos. 4, 9, 10-37 Legion Close, London, N1 1PJ
Proposal	Replacement of existing single glazed timber windows and doors with UPVC double glazed windows.

Case Officer	Eoin Concannon
Applicant	Islington Council
Agent	Steven Barron

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission:

1. subject to the conditions set out in Appendix 1;

2 SITE PLAN (SITE OUTLINED IN BLACK)



3 PHOTOS OF SITE/STREET



Image 1: Aerial view of existing car park to the west of Community Lane

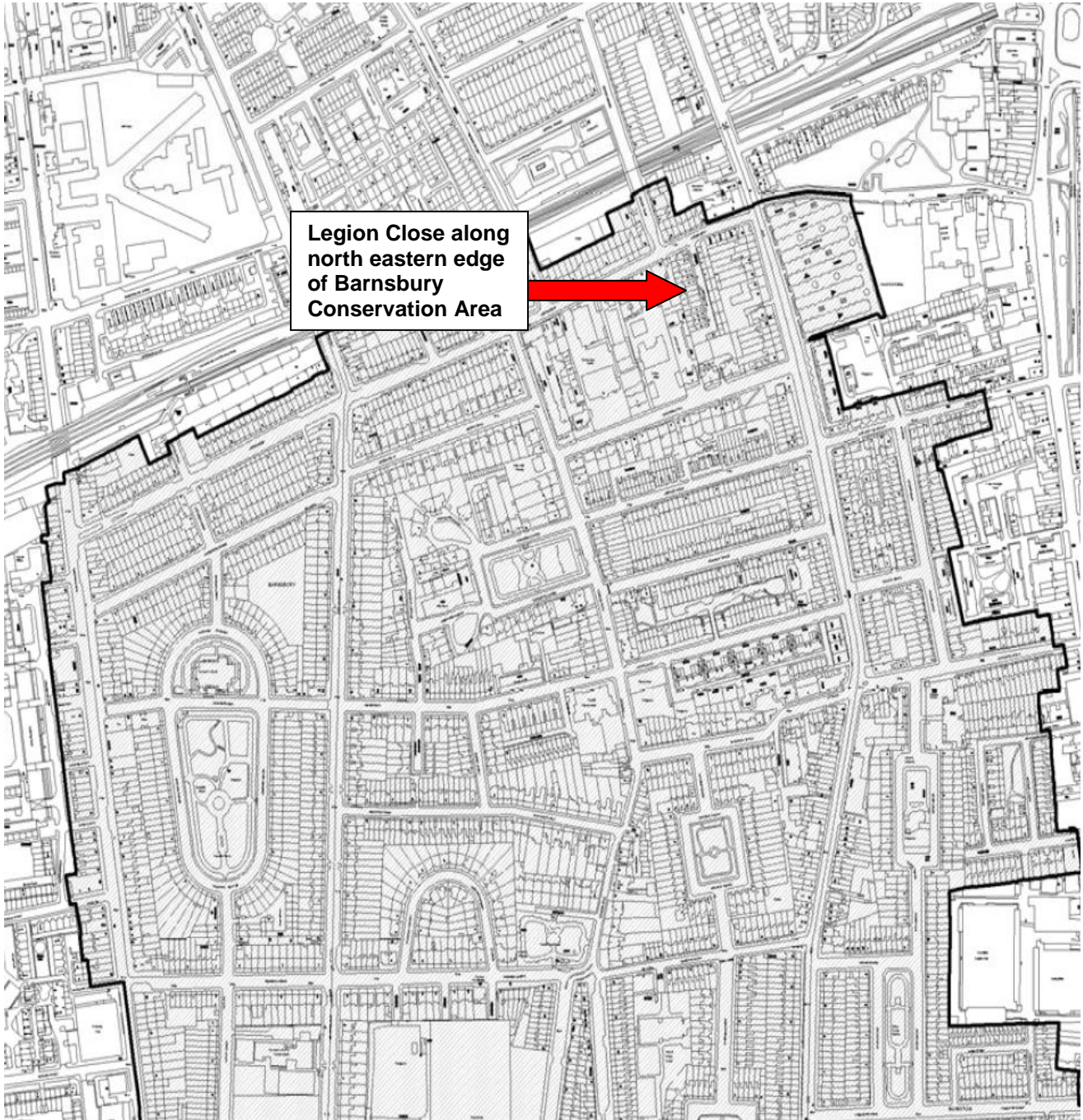


Image 2: Barnsbury Conservation Area (CA10)



Image 3: Entrance to Legion Close with Nos. 150-152 Offord Road on the left



Image 4: Nos. 150-158 Offord Road adjacent site with existing UPVC windows (also Barnsbury Conservation Area)



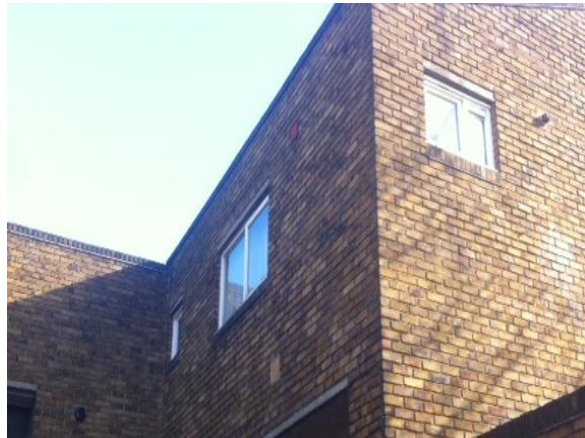
Image 5: Unique design of Legion Close



Image 6: Existing variation to window frames in Legion Close with Aluminium, Timber and UPVC



Image 7: Existing variation to window frames in Legion Close with Aluminium, Timber and UPVC



Images 8, 9 and 10: Variation in frames



4 SUMMARY

- 4.1 The application seeks permission for the replacement of the existing timber framed windows with double glazed UPVC windows. The application relates to specific properties situated within Legion Close; namely Nos. 4, 9 and 10-37 Legion Close. The key considerations in determining the application relate to the impact on the existing building and Barnsbury Conservation Area, as well as sustainability.
- 4.2 Legion Close is a post war development situated along the north eastern boundary of Barnsbury Conservation Area. Whilst it is acknowledged the development is of unique architectural merit with defining features such as its distinctive drum staircases and entrances set back from main front walls, due to the variation in the existing frames (mixture of timber, aluminium and UPVC) in the wider cul de sac, it would not be justified refusing the application on the impact on the existing building in this instance.
- 4.3 The positioning of the buildings within a cul de sac reduces their overall visual prominence within the Barnsbury Conservation Area. Whilst it is acknowledged some of the rear elevation would be visible, this visibility would be from oblique views along the Offord Road and it is considered the frames would not be readily distinguishable. Furthermore, it must be added that similar window materials have been used on some post moderns developments directly adjacent the site at Nos. 150 to 158 Offord Road. As such, given its location, it is considered that the replacement double glazed UPVC windows and doors would have a neutral impact on the Barnsbury Conservation Area.
- 4.4 It is considered that the material and double glazing would improve the sustainability and heating arrangements of each individual unit over and above that of the existing single glazed arrangement. The design statement also indicates that the materials would be recycled material, therefore contributing towards reducing the carbon footprint. On balance, the proposal is considered acceptable and recommended for approval subject to conditions.

5 SITE AND SURROUNDING

- 5.1 The application site is situated on the southern side of Offord Road and comprises a row of terrace maisonettes part Council owned known as Legion Close. The terrace is a two storey development which was built in the 1970's, is unique in architectural merit with the flank wall fronting onto Offord Road and the façade fronting onto the close.
- 5.2 A total of 37 properties are situated within this close each with access to parking and small garage on ground floor. The façade has strong architectural features with a double storey round turret stairwell projecting to the front of the

building line. In general the building use of London stock brick, dark tiling, and white painted timber cladding along with their discrete location allows it to blend in with its surrounding environment.

- 5.3 The surrounding area is predominantly residential in character with a mixture of architectural style and eras. Directly opposite the subject site lies three storey Victorian terraces which retain a significant amount of original design features (timber sash, London stock brick and cornicing. To the immediate north east of the site, there is a similar post-war construction Nos. 150-158 Offord Road which a mixture of London stock brick, UPVC/timber/aluminium windows and silver weathered timber cladding. Directly south west of the site lies a contemporary new development known as the "Wallpaper Apartments" which is a mixture of light render, dark stained timber tiles, baked terracotta tiles and dark grey powder coated aluminium framed windows.
- 5.4 The subject site is neither locally/listed building however it does lie towards the north east edge of Barnsbury Conservation Area. The Conservation Area is the largest in the borough and characterised by formal late-Georgian/early-Victorian residential developments.

6 Proposal (in Detail)

- 6.1 The application seeks planning permission for installation of UPVC double glazed doors and windows to replace existing soft wood on the front and rear elevations of properties Nos.4, 9 & 10-37 Legion Close. The reasoning for the application is due to the poor state of existing timber frames which are in.
- 6.2 The application is a resubmission on a recently refused scheme P2013/3125/FUL which was refused on the use of materials, its overall thickness, design and appearance which would harm the character and appearance of the Conservation Area. Under the previous scheme, no justification for the use of UPVC accompanied the application.
- 6.3 The accompanying Design & Access Statement indicates that the Estate is a mixture of freeholders, council tenants and long term leaseholders with many of the properties already having altered the window materials from its original form. All tenanted properties in the block retain the original windows and it is proposed to alter these windows to UPVC
- 6.4 The revised application has been altered from the original submission to include Nos.4 and 9 Legion Close. Within the Design & Access Statement, the justification for use of UPVC windows highlights the variation of glazing configurations within the estate at present with Nos.10, 11 and 14 Legion Close already having UPVC materials. The current proposal has also reduced the overall thickness of the UPVC materials with a flat rather than chamfered profile to try and mimic the existing timber profile.
- 6.5 The statement also indicates that the materials would be sourced from Veka Recycling Ltd which recycles old frames and offcuts. It also indicates that the

existing leaseholders who have UPVC windows will be contacted and offered replacement windows in order to give the estate a uniform appearance. No confirmation has been provided whether this has occurred and if any leaseholders have taken up the option. This would be subject to obtaining planning permission.

7. RELEVANT HISTORY

Planning Applications:

- 7.1 **P2013/3125/FUL 10-37 Legion Close** Replacement of existing timber single glazed windows and doors with UPVC double glazing. **(Refused 16/12/13)**

Reason: The proposed replacement UPVC doors and windows, by reason of the materials, thickness of framing, design and appearance would cause undue harm to the character and appearance of the conservation area, contrary to the NPPF; policies CS8 and CS9 of Islington's Core Strategy (2011) and policies DM2.1 and DM2.3 of the Development Management Policies and guidance contained within the Islington's Urban Design Guide (2006) and the Barnsbury Conservation Area Design Guidelines.

- 7.2 **P112164 26, Legion Close,** Erection of a single storey rear extension and installation of replacement windows at first floor level to the front and rear elevations. **(Granted 11/11/2011)**

- 7.3 **P021007 14 Legion Close,** Replacement of single glazed timber windows, doors and shiplap with double glazed white UPVC windows, doors and fascia board **(Granted 17/06/2002)**

- 7.4 **P021006 18 Legion Close,** Replacement of single glazed timber windows, doors and shiplap with double glazed white UPVC windows, doors and fascia board. **(Granted 17/06/2002)**

- 7.5 **891819 Extension** to existing community centre. **(Granted 06/03/90)**

Enforcement:

- 7.6 None

Pre-application:

- 7.7 **Informal discussions** with Design & Conservation regarding resubmission of planning for replacement windows. Discussions concluded that

- More justification required for the use of UPVC;
- Emphasis on consistency appearance of the Estate as a whole;

- A slimmer profile would be required to reduce the chunkiness of the windows.

8 CONSULTATION

Public Consultation

8.1 Letters were sent to occupants adjoining and nearby properties on the 12th August 2015. A site notice was also displayed and press advert was also published in local paper. Five letters of objection and two letters of support have been received.

8.2 The concerns raised included:

- Application form indicates the use of aluminum rather UPVC - which is confusing (10.17)
- Misleading information on the correct make up of residents in the estate - correct break down 7 Freeholders, 12 Tenants, 3 Shared Owners, 15 Leaseholders; tenants with 10-37 Legion Close - only represent 36% of these flats (10.3, 10.6-10.7)
- Misleading information on existing variation in window materials - 6 flats UPVC (20%), 2 aluminum (7%) and 22 wood (73%) - a majority have original configuration (10.6)
- Concerns over the values of properties (10.18)
- The siting of the property on the edge or centre of the Conservation Area bears no relationship to its architectural value (10.9)
- The Close remains of undeniable architectural urban quality which has been highlighted in recent publications (10.2-10.8)
- The increase in the frames of the UPVC would impact the design quality of the building (10.2-10.8)
- Contrary to the materials recommended in the Barnsbury CA guidelines (10.12)
- Vika Infinity range of windows using recycled materials is inaccurate as Astraseal Company is indicated at the producer which is 100 percent UPVC. (10.14-10.16)
- Survey provided is flawed with windows misrepresenting incorrectly in terms of dimensions and configuration (10.2-10.8)
- No large scale drawings included illustrating the increased in frame thickness (10.7)
- Contrary to the guidance within Islington's publication "Reducing carbon emissions and adopting to climate change in historic buildings" - "the use UPVC windows is not considered to be acceptable in Conservation Area and Listed Buildings as detracts from character and appearance of historic buildings.(10.19)

8.3 The letters of support raised the following points

- Residents in the Estate have been seeking replacement windows for up to 13 years.
- Current state of windows and patio doors is very poor condition and in need of replacement
- Damp and mold issues as a result of the poor condition of windows which is affecting residents' health
- Objectors have raised issues of design grounds but also focused on housing value which is not a planning consideration
- Many of the leaseholders already have double glazing and the objections raised affect those who most need the double glazing vulnerable people - those who suffer poor health, fuel poverty.

Internal Consultees

- 8.4 **Design & Conservation:** The Design & Conservation Officer recognises that there are particular circumstances to this proposal. The close is set in its own context (albeit slightly exposed at the Offord Road entrance) and the construction is modern, therefore the use of modern materials would not necessarily detract from its original design and character as it would on a Victorian terrace for instance. UPVC is not supported in principle. However, due to the specific circumstances of this case, D&C officer felt there may be scope for the use of uPVC material subject to slim profiles of appropriate design. Part of the justification should be to achieve a consistent treatment to all properties of the close which has suffered some unsympathetic alteration.

External Consultees

- 8.5 **None**

9 RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the relevant development plan policies and documents.

National Guidance

- 9.1 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.
- 9.2 The National Planning Practice Guidance is a material consideration and has been taken into account as part of the assessment of these proposals

Development Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.4 The relevant SPGs and/or SPDs are listed in Appendix 2.

10 ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:

- Impact on the character and appearance of existing building
- Impact on the character and appearance of the Conservation Area
- Sustainability.
- Other issues

Impact on the character and appearance of existing building

- 10.2 The proposal relates to several properties situated within Legion Close which a unique part is Council/Private owned development built in the 1970's.
- 10.3 Originally built as Council Housing overtime the development has become a mixture of Council tenants, long term leaseholders and private freeholders. The information provided in the Design & Access Statement and subsequent information submitted from objectors indicates that the current breakdown of the Estate – 7 Freeholders, 15 Leaseholders, and 15 Tenants (3 of which on Share-ownership scheme). As such, it represents a fine example of a housing development with a retained balance between freeholder/leaseholders and tenant which the Council seeks to establish.
- 10.4 Legion Close has been highlighted by the representations received as a building of architectural value which has been highlighted in several architectural publications. Whilst there is no doubt that the building is of rich architectural merit, the original form has slowly altered overtime with several individual applications approved for conversion of existing garages and the replacement of windows with a range of materials.
- 10.5 It must however be noted that the strong architectural design is retained with the double storey round turret stairwell continuing to be the eye catching feature on the façade. The eye is drawn to these prominent features above

anything else within the terrace and this is furthered by the dominant and rich nature of the London Stock brickwork. In the context of the building materials and form, it is considered that the fenestration represent a secondary feature. As such, from the entrance to the Estate, it is difficult to distinguish between the window types.

- 10.6 From inspecting the site and information submitted by both Applicant and Objectors, it is clear that many of the properties within the Estate have already altered the window frames from the original timber form to either aluminium or UPVC frames. This is highlighted by the fact nine of the twenty eight properties on the main block of Legion Close (10-37) have either aluminium or UPVC framed windows. This represents a figure of 32% of the building which is considered a sizeable proportion. The objectors received make the converse arrangement to the fact that two thirds of the terrace remains unaltered from the original form.
- 10.7 Whilst, the Design Officer's comments are noted of the need for a more consistent approach to the Estate with a uniform material proposed to the whole Estate; due to the mixture of both freeholds, leasehold and tenants, this would not be possible without full agreement of all parties. Given the current variation between windows forms and the previous historical permission granted for the use of similar form of UPVC material at Nos. 14, 18 and 26 Legion Close, it would not be justified in refusing the application on the use of this material. As such it has been important to secure slim line UPVC frames that would cause minimum damage to the architectural detailing of the terrace. While the submitted drawings give a clear indication that the profile of the proposed window frames would be similar to that of the existing timber frames, it is suggested that given the lack of large scaled drawings a condition be attached securing further detailing of the materials to be submitted prior to implementation of the development.
- 10.8 Overall on balance, given the strong remaining features of the building (double storey round turret stairwell & the dominance of London Stock brick), and the proportion of windows that have already been altered, it is considered that the proposal would have a neutral impact on the architectural integrity of the existing building and is therefore acceptable in this instance subject to conditions securing the final detailing of the design.

Impact on the character and appearance of Barnsbury Conservation Area

- 10.9 The subject site is situated towards the north eastern edge of Barnsbury Conservation Area. As noted by the representations received, this would not justify the use of UPVC materials due to its proximity to the edge. Notwithstanding this, the proposal must be assessed in the context of the immediate area which is a mixture of period style properties, post war developments and contemporary new build.
- 10.10 The period style properties directly north of the subject site continue to retain a large proportion of their original fabric with timber sash windows, original

iron wrought railing and London stock brick finish. These properties are situated directly across the highway from the subject site and are generally read in their own context. Along same side of the highway as Legion Close lies the Wallpaper Apartments, a contemporary new build which has a mixture of render, aluminium and metallic finish applied to its façade and retains a uniform design.

- 10.11 The application site has a similar design to the properties situated directly north east of the site Nos. 150-158 Offord Road. These properties have a similar height, brick and quirky design to the subject site with strong façade features. It must be noted that each of these properties have installed UPVC windows to the front elevation and given their prominent positioning along the main highway, the impact on the design is far more obvious than the subject site.
- 10.12 The subject site is situated in a cul de sac and as noted by the Design Officer is set in its own context (albeit slightly exposed on Offord Road entrance). The construction is modern, therefore the use of modern materials would not necessarily detract from its original design and character as it would on a Victorian terrace for instance which the Barnsbury Conservation Area guidance note advises the use of traditional materials. However due to the specific circumstances of this case; there is scope for the use of uPVC material subject to slim profiles of appropriate design. While it is acknowledged that there would not be a uniform design to the Close, given its semi-secluded location, it is not considered to cause sufficient harm to the character and appearance of the Conservation Area to warrant a refusal. This is also due to the existing variation of the material presently located in the Close as well as the existence of uPVC windows on Nos. 150-158 Offord Road.
- 10.13 As such it is considered to have a neutral impact on the visual amenity of the Barnsbury Conservation Area and would therefore on balance comply with CS policies 8 & 9, and DM policies DM2.1, DM2.3 & Islington's Urban Design Guidance 2006

Sustainability

- 10.14 The proposed double glazing would improve the thermal efficiency of each individual unit thereby contributing to reducing energy costs. Whilst the UPVC is not ideal due to its non-biodegradable nature, the applicant has indicated that the materials themselves can be recyclable in the future.
- 10.15 The applicant has clarified that it would not be made from recyclable UPVC however it is envisioned that the rate of recycling UPVC windows would substantially increase due to the requirement to meet the Council's green standards. The applicant also indicates that the lifespan of the windows would be 30 years and can be maintained as has been done recently, by Mears Projects on behalf of the Council, on other estates in the borough.

10.16 As such, it is considered that the double glazing UPVC would contribute to sustainability of the terrace than the current arrangement and is therefore in compliance with sustainability policies.

Other issues

10.17 Other issues raised during the consultation process included the confusion over the materials proposed. The consultation letters sent as well as site notice displayed and publication in the local press all made reference to the use of UPVC double glazing within the finish. Furthermore, page 10 of the Design & Access Statement clearly states that the new proposal would involve UPVC windows.

10.18 The representations received also make reference to the property values of individual properties due to the installation of UPVC windows. This is not a material planning consideration in the assessment of this application.

10.19 It is noted that the representations received make reference to Islington's publication "Reducing carbon emissions and adapting to climate change in historic buildings". Within this publication it makes reference to the use of UPVC windows in Conservation Areas due to the impact on the historic buildings. However as argued in Para 10.13, the subject site is a stand alone modern development which has adopted mixture of traditional and modern materials in its finish. It is therefore not considered to compromise the overall setting of the period style dwelling on the opposite side of the highway. As such, in this instance special circumstances exist and it is considered acceptable.

11. SUMMARY AND CONCLUSION

Summary

11.1 The proposed development is acceptable and would not result in unacceptable harm to the existing terrace or the Barnsbury Conservation Area. It would improve the overall sustainability of the building and would therefore be in accordance to the Council's local policies.

Conclusion

11.2 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATION A.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the grant of planning permission be subject to **conditions** to secure the following:

List of Conditions:

	Commencement (Compliance)
1	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>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).</p>
	Approved Plans List: (Compliance)
2	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>[Site Location Plan, LEG 01, LEG 02, LEG 03, LEG 04, LEG 05, LEG 06, LEG 11, LEG 12, LEG 13, LEG 14, LEG 15, LEG 16, Legion Close Design & Access Statement]</p> <p>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.</p>
	Details of windows
3	<p>MATERIALS (DETAILS): Details (elevational and sectional drawings (1:5/1:10) and samples of the type of uPVC frames shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on site. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the appearance of the development is maintained.</p>

List of Informatives:

	Positive statement
1.	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p>

	<p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
	<p>Construction hours</p>
3.	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations as well as Environment Health Regulations.</p> <p>Any construction works should take place within normal working day. The Pollution Control department lists the normal operating times below.</p> <div data-bbox="327 645 1412 907" style="border: 1px solid black; padding: 5px;"><p>Delivery and operating times - the usual arrangements for noisy works are</p><ul style="list-style-type: none">○ 8am –6pm Monday to Friday,○ 8am – 1pm Saturdays;○ no noisy work on Sundays or Public Holidays (unless by prior agreement in special circumstances)</div>

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 2011, 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 2011 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 (Delivering the strategic vision and objectives for London)

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)

Policy CS10 Sustainable design

C) Development Management Policies June 2013

Design and Heritage

Policy DM2.1 (Design)

Policy DM2.3 (Heritage)

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

The following SPGs and/or SPDs are relevant:

- Urban Design Guide
 - Barnsbury Conservation Area Design Guidance
- Note