



Appeal Decision

Site visit made on 11 September 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 October 2025

Appeal Ref: **APP/X5210/W/25/3368730**

9 Netherhall Gardens, London NW3 5RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Martin John Christopher Freeman against the Council of the London Borough of Camden.
- The application reference is 2024/5597/P.
- The development proposed is the replacement of existing leaded windows.

Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing leaded windows at 9 Netherhall Gardens, London NW3 5RN in accordance with the terms of the application, reference 2024/5597/P, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following drawings and details:
 - Design & Access Statement, Toleman Associates (APJT/2415)
 - Site Plan (2415/01)
 - Existing basement plan (2415/02)
 - Existing & proposed ground floor plan (2415/03 Rev A)
 - Existing & proposed 1st floor plan (2415/04 Rev A)
 - Existing & proposed 2nd floor plan (2415/05 Rev A)
 - Existing front elevation (2415/07)
 - Existing rear elevation (2415/08)
 - Existing west elevation (2415/09)
 - Existing east elevation (2415/10)
 - Proposed front elevation (2415/17 Rev A)
 - Proposed rear elevation (2415/18 Rev A)
 - Proposed west elevation (2415/19 Rev A)
 - Proposed east elevation (2415/20 Rev A)
 - Details of existing single-glazed Crittall windows (2415/31 Rev A);
 - Details of existing double-glazed aluminium windows (2415/32 Rev A)
 - Details of proposed glazed Crittall windows (2415/33)
 - 3) All new external work shall be carried out in materials that resemble as closely as possible in colour and texture those of the existing building, unless otherwise specified in the approved application.

Background and Main Issue

2. The Council had not determined the planning application before the appeal was lodged. During the appeal it submitted a draft report and decision notice which gave a single putative reason for refusal, based on which I consider that the main issue is the effect of the proposed replacement windows on the character and appearance of the Fitzjohns/Netherhall Conservation Area (“the FNCA”).

Reasons

3. The appeal property is within the FNCA, so I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area. As heritage assets are irreplaceable, the National Planning Policy Framework (“the Framework”) states that they should be conserved in a manner appropriate to their significance (paragraph 202). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 213) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 215).
4. The FNCA is primarily a residential area, though it has several small-scale independent schools and a number of other uses. The Council’s 2022 *Fitzjohns/Netherhall Conservation Area Character Appraisal & Management Plan* (“the CAMP”) describes the special interest of the area as being based on three factors: the landscape of smaller front gardens and extensive rear gardens; the townscape of residential buildings set behind low front walls or hedges; and the stylistically diverse architecture (though with common features and materials, and a dominance of Queen Anne Revival or Arts and Crafts influences). The area provides a high-quality and visually interesting example of suburban development during the second half of the 19th century.
5. The appeal property is a detached Arts and Crafts style house on the western side of Netherhall Gardens. It dates from around 1883 and was extended to the rear in the 1920s and again – this time to the side and rear – in around 2008. It is built of red brick, though with a render finish to much of the rear, vertically-hung red clay tiles to most of the first-floor level, and a steeply-pitched clay tile roof. Windows have hardwood timber frames, with leaded glazing in a rectangular grid pattern¹. The property is identified in the CAMP as making a positive contribution to the FNCA, an assessment with which I agree.
6. The proposed development is the replacement of the existing leaded windows. At present, most of those at the front of the property are single-glazed, most of the others are double-glazed. The information before me is that the single-glazed windows date from the house’s original construction; they have individual glass panels set in lead cames, with Crittall steel surrounds in the hardwood frames. The double-glazed ones are more recent (some from the 2008 extension, others from before then), and have aluminium surrounds set in the hardwood frames; the leading on those windows is applied to the external pane.
7. The CAMP advises that existing or original architectural features and detailing characteristic of the FNCA should be retained and kept in good repair, and only replaced when there is no alternative; it goes on to say that alterations should

¹ Other than in the ground floor breakfast room which appears to be part of the 2008 extension; these windows are not affected by the appeal proposal, and won’t be referred to again.

“minimise impacts on historic fabric and avoid destruction of features of interest”, and that “this includes retention of original windows”. I saw on my site visit that many of the single-glazed windows either cannot be opened, or do not close properly and are draughty, as a consequence of movement of the building over the years having distorted the steel frames; the appellant has been advised by the manufacturer’s installer that the extent of the distortion is such that the steel frames cannot be repaired. On many of the double-glazed units the seals have failed and moisture can be seen between the panes.

8. The proposed replacement windows would replicate as closely as they could the design and appearance of the original single-glazed windows. The steel surrounds would be from the same manufacturer, and in keeping with the style of the originals; the new windows would be installed in the existing timber frames, except where their condition made repair and retention impossible, in which case a like-for-like replacement of the frame would be made. The glazing units would be shallower than those of the existing double-glazed units, and therefore more sympathetic to the original detailing of the house as a whole (though, as it happens, the Council did not object to the replacement of the more modern windows).
9. I acknowledge that there are usually some visual differences between newer and older windows, partly because of imperfections and a “waviness” found in older glass when compared to the almost perfect flatness of a large modern pane, and partly because of slight differences in the alignment of the small panels which make up a traditional leaded window. However, that is a distinction which, I would suggest, would not be readily apparent to most people passing along Netherhall Gardens or viewing the property from the neighbouring buildings. At the moment, for example, the visual differences between the mostly original windows on the front elevation and the newer window on the post-2008 extension above the garage are not so great that they draw the eye or stand out as incongruous, though they can be seen on close inspection. To all practical intents and purposes, the replacement windows would retain the appearance of the original single-glazed windows, and the appearance of the appeal property would be preserved.
10. The Council’s draft officer report stated² that “no clear or convincing justification has been put forward in the application submission to show that the proposal would be necessary to preserve the significance of the listed building”. For the avoidance of doubt, the appeal property is not a listed building, and the statutory obligations under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are not engaged³. The officer report also referred to the effect of the development on “the group of terrace properties which are locally listed”. The appeal property is, as I have already described, a detached house and, although it is highlighted in the CAMP as making a positive contribution to the FNCA, there is nothing before me to indicate that it is a locally listed building. I have treated these comments as typographical errors, rather than material planning considerations.
11. Accordingly, I conclude that the character and appearance of the FNCA would be preserved, and its significance as a designated heritage asset would not be harmed. As such, the proposed development would comply with Policies D1 and D2 of the 2017 Camden Local Plan which, among other things, seek to secure

² Paragraph 3.5

³ These require a decision maker 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”

high quality design which respects local context and character, and to preserve and enhance designated heritage assets including conservation areas.

12. The proposal would also comply with the requirements of the Framework relating to conserving and enhancing the historic environment. As I do not find that the proposal has caused harm to or loss of heritage assets, it is not necessary to apply the public benefit test set out in Paragraph 215 of the Framework.

Conditions

13. In addition to the standard time limit condition, I have specified the approved plans so as to provide certainty. In order to protect the character and appearance of the area I have also included a condition requiring those materials not already specified to match those of the existing dwelling.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

M Cryan

Inspector