



Appeal Decisions

Hearing held on 19 November 2025

Site visit made on 19 November 2025

by **D Boffin BSc (Hons), DipTP, MRTPI, DipBldg Cons (RICS), IHBC**

an Inspector appointed by the Secretary of State

Decision date: 16th January 2026

Land at Regency Lodge, Adelaide Road, London NW3 5EE

Table of appeal references, flat numbers and date of issue of listed building enforcement notices:

Appeal	Flat no.	Appeal Reference	Date of Issue
A	2	APP/X5210/F/24/3348046	31 May 2024
B	5	APP/X5210/F/24/3348109	4 June 2024
C	6	APP/X5210/F/24/3348127	18 June 2024
D	7	APP/X5210/F/24/3348134	20 June 2024
E	9	APP/X5210/F/24/3348259	21 June 2024
F	10	APP/X5210/F/24/3348263	25 June 2024
G	21	APP/X5210/F/24/3352657	19 August 2024
H	100	APP/X5210/F/24/3352659	19 August 2024
I	101	APP/X5210/F/24/3352661	20 August 2024

- The appeals are made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the LBCA Act) by the Planning and Compensation Act 1991.
- The appeals are made by Daejan Properties Limited against listed building enforcement notices (LBENs) issued by the Council of the London Borough of Camden.
- The contravention of listed building control alleged in the LBENs is without Listed Building Consent the removal of the original steel/Crittall windows and replacement with UPVC windows.
- The requirements of the LBENs are:
 - 1) Permanently remove the UPVC windows and reinstate steel or appropriate aluminium framed windows of a similar size, design, profile, and opening method (outward opening) as the original steel windows.
 - 2) Make good any damage caused as a result of the above works.
- The period for compliance with the requirements is: 6 months
- The appeals are made on the grounds set out in section 39(1) (c), (e) and (h) of the LBCA Act.
- These decisions supersede those issued on 23 January 2025. Those decisions on the appeals were remitted for re-determination by order of the High Court.

Decisions – Appeals A, B, C, D, E, F, G, H and I

1. It is directed that all the LBENs be corrected by:

- the deletion of all the words of requirement 1) within section 5 of all the LBENs and substitute it with the words "*Permanently remove the UPVC windows and reinstate steel or aluminium framed windows to match the size, design, profile, and opening method (outward opening) of the original steel windows as shown annotated as "existing" only on Drawing Nos 112 A019 and 112 A020 annexed to this decision*"; and

varied by:

- the deletion of "SIX (6) months" and its substitution with "TWELVE (12) months" in section 5 of all the LBENs.

Subject to the corrections and variations the appeals are dismissed and all the LBENs are upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the LBCA Act.

Preliminary Matters

2. The previous Inspector's decisions, dated 23 January 2025, were remitted for redetermination as it was accepted that *"the Inspector's decision was inadequately reasoned, such that it did not make clear how (if at all) the Inspector had had regard to the PPG"*. As such, I have redetermined the ground (e) appeals. In addition, given my findings in those appeals with regard to the affect of the works on the listed building's character of special architectural or historic interest the ground (c) appeals do not fall to be redetermined.
3. There is no dispute that the ground (h) appeals do not fall to be redetermined. The previous Inspector's decisions on those grounds of appeal therefore remains and the periods for compliance for all the LBENs is to be varied by the deletion of "SIX (6) months" and substitution with "TWELVE (12) months" in section 5 of the LBENs.
4. The appeals have all been made by the appellant and they relate to separate LBENs that have been issued in relation to works that have been undertaken in 9 of the flats that are all within the grade II listed building, Regency Lodge. As such, to avoid duplication, I have dealt with them together, except where otherwise indicated.

The LBENs

5. On an appeal any defect, error, or misdescription in a LBEN may be corrected using the powers available in section 41(1)(a) of the LBCA Act, or the terms may be varied, where the correction or variation will not cause injustice to the appellant or local planning authority.
6. There is a typographical error within section 3 of the LBEN I therefore intend to delete the word 'Crittall' and replace it with 'Crittall'. As this is a minor error no injustice to either main party would be caused by this correction.
7. At the Hearing both parties agreed that, to ensure clarity, a reference to the existing window design, elevation and details drawings¹ submitted with the listed building application² in 2011 (the 2011 listed building consent), relating to replacement windows within various flats in Regency Lodge, could be included within the wording of requirement 1) of the LBENs. There is no evidence before me to indicate that the 2011 listed building consent is still extant. Nevertheless, the details shown on those drawings of the pre-existing windows provide clarity on what design of window needs to be installed. There is no dispute that the inclusion of a reference to the drawings can be added without injustice to both main parties.
8. Moreover, the previous Inspector had determined that the words 'appropriate' and 'similar' within that requirement on the LBENs meant it was vague. I therefore intend to delete the wording of that requirement within section 5 of all the LBENs and substitute it with *'Permanently remove the UPVC windows and reinstate steel or aluminium framed windows to match the size, design, profile, and opening method (outward opening) of the original steel windows as shown annotated as "existing" only on Drawing Nos 112 A019 and 112 A020 annexed to this decision'*. For the reasons given above, I conclude that no injustice would be caused by

¹ Drawing 112 A019 and 112 A020

² Application Ref: 2011/5547/L

correcting the LBENs in accordance with my powers under section 41(1)(a) of the LBCA Act.

Background and relevant policy

9. Section 16(2) of the LBCA Act requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant listed building consent.
10. Regency Lodge was listed in Grade II in 2006. The list description states, amongst other things, *“Listed at grade II as a carefully designed scheme of inter-war flats with a parade of shops and underground garage by the notable early-C20 architect Robert Atkinson. The Moderne style development has a characteristic horizontal emphasis that suggests speed on this arterial route, and it effectively fills the trapezoidal site at the south end of the Swiss Cottage triangle, which was redeveloped in the 1930s. It is well detailed, including bas-relief panels of the building trades, as well as having planning interest and it is comparable with the best of the commercial flats of its date.”*
11. The development plan policies cited within the LBEN are Policies D1 (Design) and D2 (Heritage) of Camden’s Local Plan 2017. These policies are consistent with the National Planning Policy Framework (the Framework). They are material considerations which I have taken into account in reaching my decisions.

The ground (e) appeals

12. This ground is that listed building consent ought to be granted for the works.

Main Issue

13. Based on my observations and the evidence before me I consider that the main issue is whether the removal of the original steel/’Crittall’ windows and replacement with UPVC windows in flats 2, 5, 6, 7, 9, 10, 21, 100 and 101 preserves the special architectural and historic interest of the listed building and whether the significance of the heritage asset is harmed.

Reasons

14. The appeal properties are individual residential flats within Regency Lodge. That building is a relatively large structure that consists of 9 linked blocks with a courtyard layout, a parade of shops and an underground garage. It is located on a trapezoidal site at the south end of the Swiss Cottage triangle with frontages onto Adelaide Road, Finchley Road and Avenue Road.
15. Based on the evidence before me and my own observations the special interest/significance of the listed building derives from its architectural, artistic and historic interest as a commercial flatted development of the interwar period. Its Moderne styling and the horizontal emphasis provided by the contrasting banding of materials with curved bays suggest speed and form part of its architectural and artistic interest. There is also architectural and artistic interest provided by the bas relief panels and the quality of its interior and exterior detailing. As the building was designed by Robert Atkinson, who was a notable architect of national importance, that association provides architectural and historic interest.

16. Moreover, the location of the building near an underground station and cinema at an important transport interchange that was being developed in the 1930's forms part of its historic interest. The listed building is experienced in views from the three roads it has frontages onto and from within its courtyard. The proximity of the underground station, cinema and the major thoroughfare junctions to the building can be understood and seen by passersby whether walking or in a vehicle. Furthermore, the attractive composition of the building's elevations can be seen from those thoroughfares. In these respects, the setting also makes a positive contribution to the significance of the listed building.
17. Windows and doors are often among the most prominent features and an integral part of the design of a listed building. The design, materials and details of construction of traditional windows can therefore make a positive contribution to the significance of a heritage asset and its special interest. I observed that a large number of the windows within the listed building are currently UPVC but the Council has indicated that it considers that the majority of those are unauthorised and that it will decide whether to begin proceedings on those when these decisions have been determined.
18. There is no dispute that at the time Regency Lodge was first listed the windows in all the flats, affected by the LBENs, were metal 'Crittall' style windows. I acknowledge that 'Crittall' style windows were mass produced in the interwar period and therefore they were used extensively across England. Nevertheless, this type of metal window is architecturally, artistically and historically associated with buildings designed and constructed in the interwar period including those designed in the Moderne style. The slim metal frames and horizontal glazing bars of this type of window complement and do not compete visually with that Moderne styling. Moreover, the pattern and rhythm provided by the design of those windows is/was an integral element of the detailing associated with the overall architectural design. As such, I consider that the pre-existing metal windows made a moderate contribution to the special interest/significance of Regency Lodge.
19. There are examples of original metal windows elsewhere on Regency Lodge. The pattern within those windows is of taller bottom lights with narrow top lights with horizontal glazing bars. There are side hung opening outward bottom lights and top hung opening lights at the top. The replacement UPVC windows in all 9 flats follow a similar pattern and have white frames and storm fitted opening casements.
20. Those in flat 2, fronting Adelaide Road, have mock glazing bars internally between the double-glazing panes of glass. Several of those glazing bars have fallen to the bottom of the windows. The larger window to that flat on this frontage has 4 lights with the 2 outer bottom lights being opening casements. The central 2 top lights are opening casements. However, the pre-existing metal window that has been replaced had 5 lights. The top floor window vertically above that window has only 4 lights but that top floor does not include the horizontal banding and the window opening appears to be narrower.
21. The courtyard window to this flat reflects the design of its Adelaide Road frontage windows. The UPVC windows have wide and heavy frames exacerbated by the storm fitted casements. The failure of the internal glazing bars, the introduction of 4 lights instead of 5 in the larger window and the modern production sheen finish on

those wide, heavy frames means that these windows contrast significantly with the slim metal framed windows they have replaced and those remaining in Regency Lodge. They therefore appear incongruous on this listed building, and they detract from and divert attention from the attractive architectural composition of the elevations when viewed from Adelaide Road and the courtyard.

22. The windows in flat 10, fronting Adelaide Road, do not have any glazing bars and its larger window also only has 4 lights instead of 5. Moreover, the opening casements have trickle vents applied to them and the smaller window has no transom bar between the bottom and top panes on the outer lights. The courtyard windows to this flat are similar in design to that on the Adelaide Road frontage. For the reasons given above the UPVC windows in flat 10 also contrast significantly with the slim metal framed windows and they have materially diminished the architectural and artistic interest that the composition of the elevations makes to the special interest/significance of the listed building.
23. Flat 6's Adelaide Road frontage windows follow the pattern of glazing of the pre-existing windows more accurately than those in Flats 2 and 10 as its larger window has 5 lights, bottom and top panes with transoms. The courtyard windows replicate the ones on the road frontage. However, the wide, heavy frames, modern production sheen finish and trickle vents mean that the UPVC windows in flat 6 contrast sharply with the slim metal framed windows. As such they have also materially diminished the architectural and artistic interest that the composition of the elevations makes to the special interest/significance of the listed building.
24. Flats 5, 7, 9 and 101's windows all have internal glazing bars, trickle vents and incorporate the same pattern of glazing as each other. They all have a 5 light curved bay window on the Adelaide Road frontage and the wide heavy frames are pronounced within them due to the storm fitted casements. The UPVC windows in these flats also contrast sharply with the slim metal framed windows and they have materially diminished the architectural and artistic interest that the composition of the elevations makes to the special interest/significance of the listed building.
25. Flats 21 and 100's windows are similar in design to each other with internal glazing bars and trickle vents. These windows also contrast sharply with the slim metal framed windows and they have materially diminished the architectural and artistic interest that the composition of the elevations makes to the special interest/significance of the listed building.
26. Given my findings above, in my judgement the replacement of the original steel/'Crittall' windows with UPVC windows in each of the 9 flats has not preserved the special interest of Regency Lodge contrary to the expectations of the LBCA Act. I must attach considerable importance and weight to these considerations when reaching my decisions. A condition has been suggested relating to the introduction of external glazing bars to the UPVC windows. However, such a condition would not mitigate the harm cited above in relation to each set of works.
27. In the language of the Framework each set of works has resulted in less than substantial harm to the listed building's significance. In those circumstances, paragraph 215 of the Framework says that this harm should be weighed against the public benefits of the works including, where appropriate, securing its optimum viable use. Even though I have found that the harm to the designated heritage

asset is less than substantial, it is not to be treated as a less than substantial objection.

28. The Planning Practice Guidance states that *'within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.'* The visual contrast of the UPVC windows in Flats 2 and 10, to the slim metal framed windows, is somewhat greater than that of the UPVC windows in the other flats, attacked by the LBENs, given the factors cited above. As such, the works within those 2 flats has diminished the significance of the listed building by a slightly greater amount than the works within the other flats. Nevertheless, the degree of harm must also be considered in the context of the sum of the significance of Regency Lodge as a whole. Therefore, in my judgement, the impact of the works in each of the flats is at the lower end of the scale of less than substantial harm on the significance of Regency Lodge.
29. There is no dispute that any public benefits associated with the works to each flat are the same for each of them. The appellant has indicated that the public benefits that they consider relevant are: improving energy conservation; maintaining the appearance of the building; and living conditions and long-term conservation.
30. I have no reason to doubt that an improved energy rating certificate has been achieved for one of the flats through the installation of the UPVC windows. Paragraph 167 of the Framework indicates that significant weight should be given to the need to support energy efficiency, and it goes on to state that where the proposals would affect listed buildings the policies set out in chapter 16 of the Framework should be applied.
31. The introduction of double-glazed windows will have improved the occupiers', of those flats, living conditions with regard to damp, cold and noise attenuation. Whilst these matters, may have some impact on the use of the flats by their occupiers I have been given no indication that the part of the building's optimum viable use as flats is seriously threatened. Moreover, it appears that other flats within Regency Lodge still have metal windows, some with secondary glazing, and those flats appear to be occupied.
32. Furthermore, I accept that the Historic England Advice Note 18 (advice note 18) states that *'Around one quarter of the UK's building stock is at least 100 years old. These buildings can and must adapt, not only to support the transition to a Net Zero society, but also to improve energy/cost-efficiency and thermal comfort for occupants, and to ensure they remain safe, desirable and viable assets for future generations to enjoy.'*³ It also states that *'Replacement of windows which do not contribute to the architectural or historic interest of a building with double-glazed windows of appropriate material and pattern, will generally be acceptable.'*⁴ Nevertheless, in that paragraph it goes on to state that *'This will not be so in the case of original or other windows which contribute positively to a building's special interest through both historic fabric and design. Such windows should not be replaced (although their panes could be replaced with slim-profile or vacuum double-glazing within the existing frames - see above). Stuck-on or applied glazing*

³ Paragraph 4

⁴ Paragraph 82

bars rarely replicate the character of historic windows and are unlikely to be acceptable.'

33. The appellant has also provided examples of approvals for double glazing in the historic environment. However, none of those examples appear to involve the replacement of metal 'Crittall' style windows with UPVC double glazed windows. Therefore, they are not directly comparable to the appeals before me.
34. In this case I have found that the design of the pre-existing 'Crittall' style windows made a moderate contribution to the special interest/significance of Regency Lodge. Moreover, given my findings above, the materials and pattern of the replacement windows is not appropriate. Furthermore, advice note 18 indicates that alternative means of improving thermal performance/energy conservation such as draughtproofing of windows, installation of secondary glazing and installation of slim-profile or vacuum double glazing within historic frames will generally be acceptable.
35. The metal windows are susceptible to corrosion and decay and as a result the leaching of iron stains can affect surrounding materials within the building. I observed that elsewhere on Regency Lodge there are instances where this appears to have occurred. Nonetheless, in my experience, regular maintenance/painting of metal windows minimises those impacts. I note that the appellant has indicated that the cost of replacing metal windows with replacement metal windows is often prohibitive. The UPVC windows have been installed and there is embodied carbon associated with that installation. Nonetheless, there is little evidence to suggest that the pre-existing metal windows had to be replaced.
36. Improvements in energy efficiency and living conditions, maintaining a listed building's appearance and its long-term conservation can reasonably be considered public benefits which attract significant weight in support of works. However, it has not been demonstrated that similar public benefits could not be achieved through alternative means such as secondary glazing or double-glazed windows of appropriate material and pattern, so avoiding the harm identified to the significance of Regency Lodge. Additionally, whilst there is no evidence before me to indicate that it is extant, the 2011 listed building consent illustrates that alternative means of providing double glazing and avoiding the harm identified appear to be possible.
37. Overall, in my judgement, the public benefits associated with each set of works are not sufficient to outweigh the less than substantial harm and provide the clear and convincing justification for that harm. As a result, each set of works conflicts with paragraphs 213 and 215 of the Framework. In so far as they are a material consideration, they also conflict with Policies D1 (Design) and D2 (Heritage) of Camden's Local Plan 2017.

Conclusion

38. For the reasons given above, I conclude that the appeals under ground (e) should be dismissed.

D Boffin

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Dr Ashley Bowes	Counsel, instructed by Daejan Properties Ltd.
Jason Clemons	Executive Director, Vitruvius Heritage Ltd.
Emily Temple	Executive Director, ET Planning

FOR THE LOCAL PLANNING AUTHORITY:

Angela Ryan	Principal Enforcement Officer
Jessica McDonnell-Buwalda	Conservation Officer
Colette Hatton	Senior Conservation Officer
Elizabeth Beaumont	Enforcement Appeals Manager

DOCUMENTS - submitted during the hearing:

Google Streetview Photographs – 2008

Suggested Condition Wording

Drawings associated with the 2011 Listed Building Consent Ref No: 2011/5547/L

Drawing No 112 A019

This is one of the drawings referred to in the decisions dated: 16th January 2026

by D Boffin

Land at: Regency Lodge, Adelaide Road, London NW3 5EE

References: APP/X5210/F/24/3348046, APP/X5210/F/24/3348109, APP/X5210/F/24/3348127, APP/X5210/F/24/3348134, APP/X5210/F/24/3348259, APP/X5210/F/24/3348263, APP/X5210/F/24/3352657, APP/X5210/F/24/3352659 & APP/X5210/F/24/3352661

Scale: Not to Scale



Drawing No 112 A020

This is one of the drawings referred to in the decisions dated: 16th January 2026

by D Boffin

Land at: Regency Lodge, Adelaide Road, London NW3 5EE

References: APP/X5210/F/24/3348046, APP/X5210/F/24/3348109, APP/X5210/F/24/3348127, APP/X5210/F/24/3348134, APP/X5210/F/24/3348259, APP/X5210/F/24/3348263, APP/X5210/F/24/3352657, APP/X5210/F/24/3352659 & APP/X5210/F/24/3352661

Scale: Not to Scale

