

**WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>S6/2012/1879/FP</b>
<b>APPLICATION Site:</b>	<b>24 Church Street, Hatfield</b>

**NOTATION:**

The site lies within Old Hatfield Conservation Area and is a Grade II Listed Building as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF PROPOSAL:**

The proposal seeks planning permission for the replacement of the existing front elevation windows on a 'like for like' basis apart from the two basement/cellar windows which will remain as they are. The changes relates to introducing double glazing where single glazed windows currently exist.

**PLANNING HISTORY:**

S6/1989/0472/LB - Re-building of rear of house and the refurbishment of and external alterations to the rest of the dwelling. Granted 18 August 1989

N6/1990/0703/LB – Erection of conservatory. Granted 8 October 1990

**SUMMARY OF POLICIES:**

National Planning Policy Framework

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

ENV6: The Historic Environment

ENV7: Quality in the Built Environment

Welwyn Hatfield District Plan, 2005:

SD1: Sustainable Development

GBSP2: Towns and Specified Settlements

R3: Energy Efficiency

D1: Quality of Design

D2: Character and Context

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

**CONSULTATIONS:**

WHBC Building Control: No adverse comments

**TOWN/PARISH COUNCIL COMMENTS:**

None received

**REPRESENTATIONS:**

This application has been advertised by neighbour notification letters and site notice and no representations have been received. Period expired 10 December 2012

**DISCUSSION:**

The main issues are:

- 1. Whether the proposed development would preserve or enhance the character or appearance of the area, and would sufficiently sustain and enhance the conservation area in accordance with the National Planning Policy Framework, and would respect and relate to the character and context of the property and surrounding area, and**
  - 2. The impact of the proposed development on the residential amenity of neighbouring dwellings.**
  - 3. Other Material Planning Considerations**
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- 1. Whether the proposed development would preserve or enhance the character or appearance of the area, and would sufficiently sustain and enhance the conservation area in accordance with the National Planning Policy Framework, and would respect and relate to the character and context of the property and surrounding area**

Section 72 of the Listed Buildings and Conservation Areas Act states that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*” It is now accepted case law that preserving the character or appearance of a conservation area can be achieved not only by a positive contribution to preservation, but also by development which leaves the character or appearance of the area unharmed. Chapter 12, paragraph 131 of the National Planning Policy Framework (March, 2012) states, ‘*In determining planning applications, local planning authorities should take account of:*

- *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *The desirability of new development making a positive contribution to local character and distinctiveness’*

Policies GBSP2, D1 and D2 of the adopted Welwyn Hatfield District Plan apply which seek to provide a good standard of design in all new development and require that all new development respects and relates to the character and context of the area in which it is to be sited. These policies are expanded upon in the Council’s Supplementary Design Guidance which requires that residential extensions should be complementary in design and be subordinate in size and scale to the existing

dwelling. The impact of a development is assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area.

The proposed replacement windows are on a like for like basis in terms of the design and visual appearance. The Georgian glazing bars are to remain as part of the proposal. The introduction of double glazing element will be minimal in terms of the proposed spacing between the two glazing panels and therefore the introduction of double glazing would remain sympathetic to the character and appearance of the original building and the existing streetscene when the development has been completed.

Subject to compliance of condition which requires the replacement windows to be painted in white gloss, the proposed alterations would sustain the character and appearance of the historic environment, the application site and the Old Hatfield Conservation Area in accordance with the National Planning Policy Framework and Policies, GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

## **2. The impact of the proposal upon the residential amenity of neighbouring dwellings**

The proposal is a like for like replacement in terms of the window openings and therefore the proposal is not considered to result in a detrimental impact upon the residential amenity of neighbouring properties in accordance with policy D1 of the Welwyn Hatfield District Plan, 2005.

## **3. Other Material Planning Considerations**

**Sustainable Development:** Policy R3 states that the council expects all development to include measures to maximise energy conservation through the design of buildings, site layout and provision of landscaping. The development proposes double glazing to replace single glazing to help insulate the building and improve its energy efficiency. The applicant has submitted a sustainability checklist in accordance with policy SD1 and R3 of the Welwyn Hatfield District Plan, 2005.

**Protected Species** The presence of protected species is a material consideration, in accordance with the National Planning Policy, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.

Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981).

The existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would a EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 and amended 2012 Regulations further.

**East of England Plan 2008:** On 10th November 2010, The High Court quashed the decision of the Secretary of State for Communities and Local Government to unilaterally revoke Regional Spatial Strategies in England on two grounds:

That he acted outside his statutory powers in circumventing the need for parliamentary scrutiny of such a fundamental change to the national planning system; and

He failed to consider the likely environmental effects of revoking Regional Strategies

However, the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Act. In the meantime, the policies in the East of England Plan are re-established and form part of the development plan again and are therefore a material consideration which can be taken into account in reaching a decision. However, the Government's intention to abolish Regional Spatial Strategies is also a material consideration that could be considered to reduce the weight to be attached to policies in Regional Spatial Strategies.

The application has been considered against policies in the East of England Plan, which at the time of this decision forms part of the development plan for the Borough but that the weight accorded to these policies, in light of the above circumstances, has been carefully considered in reaching a decision.

#### **CONCLUSION:**

It is considered that the proposed alterations would sustain the character and appearance of the historic environment, the application site and the Old Hatfield Conservation Area in accordance with the National Planning Policy Framework and Policies, GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

#### **RECOMMENDATION: APPROVAL WITH CONDITIONS**

##### **CONDITIONS:**

1. C.2.1 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans/details: Site Location Plan (1:1250) & Drawing No.1 & Proposed Front Elevation received and dated 18 October 2012
3. The replacement windows hereby approved shall be painted in white gloss unless otherwise approved in writing by the Local Planning Authority

REASON: To ensure the historic and architectural character and setting of the building is properly maintained, in accordance with The National Planning Policy Framework and the Historic Environment and Policy ENV6 of the East of England Plan 2008.

#### **SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:**

The proposal has been considered against the National Planning Policy Framework, East of England Plan 2008 SS1, ENV6, ENV7 and Development Plan policies SD1, GBSP2, R3, D1 and D2 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of this decision indicate that the proposal should be approved. The decision has also been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

**Signature of author..... Date.....**