

**WELWYN HATFIELD BOROUGH COUNCIL
ASSISTANT DIRECTOR (PLANNING)**

DELEGATED APPLICATION

Application No: 6/2023/1726/FULL
Location: 26-52 Rooks Hill Welwyn Garden City AL8 6ET
Proposal: Replacement of existing timber double glazed windows with UPVC double glazing
Officer: Ms Louise Sahlke

Recommendation: Granted

6/2023/1726/FULL

Context	
Site and Application description	<p>26-52 Rooks Hill are detached blocks of flats. Rooks Hill is located within the Welwyn Garden City Conservation Area and the dwelling is set within a verdant landscaped setting.</p> <p>Planning permission is sought for the replacement of existing timber double glazed windows with UPVC double glazing.</p>
Constraints (as defined within WHDP 2005)	<p>CA - Conservation Area: WGC1; - Distance: 0</p> <p>SAG - 0 - Distance: 0</p> <p>EM - Estate Management - Distance: 0</p> <p>UOL - Urban Open Land (Proposal map 2) - Distance: 0</p> <p>Wards - Handside - Distance: 0</p> <p>CP - Cycle Path (National Cycle Network) - Distance: 16.4</p> <p>CP - Cycle Path (Cycle Facility / Route) - Distance: 16.4</p> <p>HEN - No known habitats present (medium priority for habitat creation) - Distance: 0</p> <p>SAGB - Sand and Gravel Belt - Distance: 0</p>
Relevant planning history	<p>Most relevant planning history</p> <p>Application Number: N6/1993/0760/FP Decision: Approval Subject to s106 Decision Date: 17 February 1994 Proposal: Residential development comprising 147 dwellings for sale, 38 affordable housing units, internal estate roads, car parking, landscaping, noise barriers, new footway and cycleway. Off-site highway works involving closure</p> <p>Application Number: N6/1994/0482/FP Decision: Granted Decision Date: 04 August 1994 Proposal: Residential development comprising 147 dwellings for sale, 38 affordable housing units, internal estate roads, car parking, landscaping, noise</p>

	barriers, new footway and cycleway. Off-site highway works involving closure		
	Application Number: N6/1994/0847/FP Decision: Granted Decision Date: 06 February 1995 Proposal: Installation of binstores and drying areas		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 19 September 2023 Site Notice Expiry Date: 10 October 2023 Press Advert Display Date: 30 August 2023 Press Advert Expiry Date: 20 September 2023		
Summary of neighbour responses	None.		
Consultees and responses	Place Services - Conservation Officer- Objection. (Full text available on the Council's website)		
Relevant Policies			
<input checked="" type="checkbox"/> NPPF			
<u>The Welwyn Hatfield Borough Council Local Plan 2016-2036 (October 2023)</u>			
SP1 Delivering Sustainable Development SP9 Place Making and High-Quality Design SP15 Historic Environment of Welwyn Garden City SADM11 Amenity and Layout SADM15 Heritage			
Main Issues			
Design (form, size, scale, siting) and Character (appearance within the streetscene) Impact on the Conservation Area.	<u>Context</u> <p>The site is located within the Welwyn Garden City Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area.</p> <p>Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:</p> <ul style="list-style-type: none"> a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness <p>Paragraph 199 of the NPPF outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset,</p>		

'great weight' should be given to the asset's conservation.

Paragraph 201 states that where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm.

Section 202 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy SADM15 is consistent with the NPPF and Policy SP15 aims to protect Welwyn Garden City's historical significance and unique heritage as a garden city. It states that proposals for new development should protect, conserve and where appropriate enhance its heritage assets. All development proposals, through their design and detailing, will be required to demonstrate that they have responded to the key characteristics of a Garden City.

Also of relevance, and consistent with the NPPF, are Policies SADM11 and SP9 of the Local Plan 2023. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG).

This part of Welwyn Garden City is characterised by various sized dwellings and flatted schemes and by substantial soft landscaping and trees. It is acknowledged that there are examples of similar replacement windows within Rooks Hill.

Assessment

The Conservation Officer has been consulted and has objected to the proposal.

The application proposes the replacement of all windows on all three blocks of flats from timber to UPVC. The Case Officer has gone back to the agent and requested additional photos, both internally and externally. These supporting photos show that there is structural damage to windows and significant mould and damp issues internally. The windows were installed in the mid 1990's but would appear to be in a substantially poor condition.

The replacement windows would be in the same sash style and white colour as the existing. They would include internal glazing bars. The appearance of these windows would match the existing flats and would be of a character corresponding to the existing flats.

Whilst it is noted that the conservation officer has raised objection to the change of materials, it is important to note that there are other examples of UPVC windows within Rooks Hill and the surrounding area. In addition, there are several examples of similar proposals being approved within the Conservation Area nearby, including at 14 Rooks Hill and 109-117 Longcroft Lane (6/2020/1633/FULL), 119-129 Longcroft Lane (6/2020/1634/FULL), 131-141 Longcroft Lane (6/2020/1635/FULL and 143-153 Longcroft Lane (6/2020/1636/FULL).

	<p>These applications were approved on the basis that many of the residential houses within the area have got UPVC windows, so the development would not be uncharacteristic of the area. This proposal is not materially different to those approved schemes for windows, so it would be unreasonable and inappropriate to refuse the application on this basis, given that neither local nor national policy has materially changed since the granting of the permissions at these premises (emerging policies which were previously referred to in officer reports are now adopted policies). As such, it is judged that the proposal would not detrimentally impact upon the character of this part of the Welwyn Garden City Conservation Area in this instance.</p> <p>To conclude, no harm is caused to the significance of the area. Accordingly the proposed development would be of a good standard of design which has paid special attention to the desirability of preserving or enhancing the character or appearance of this application site and this part of the Conservation Area acceptable to the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Supplementary Design Guidance, Policies SADM11, SP9 and SADM15 of the Local Plan and the National Planning Policy Framework.</p>
<p>Impact on neighbours</p>	<p>The proposal is considered acceptable in regards to a loss of daylight, sunlight, outlook, overlooking and overdominance.</p> <p>With regard to privacy, it is common for first floor side windows and rooms within close proximity of neighbouring properties to be obscure glazed and fixed, to prevent overlooking. The proposed plans suggest some of the replacement windows will be obscure glazed. However, a condition will also be imposed to ensure privacy is maintained, by requiring any windows which are currently obscure glazed/fixed to be replaced with windows which are also obscure glazed and fixed where necessary.</p>
<p>Conclusion</p>	
<p>Subject to the suggested conditions, the development would be in accordance with the relevant national and local planning policies.</p>	

Conditions:

1. The development shall be implemented in the proposed materials demonstrated within the application form and supporting documentation and subsequently, the proposed materials shall not be changed unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and its location within the Conservation Area in accordance with Policies SP9 and SADM15 of the Local Plan 2016-2036 and the National Planning Policy Framework.

2. Any existing upper floor windows which are obscure glazed and fixed shut must be replaced with obscure-glazed windows to a level equivalent to Pilkington Level 3 or above and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter. Obscure glazing does not include applied film or one-way glass.

REASON: To protect the residential amenity and living conditions of existing and adjoining occupiers in accordance with Policy SADM11 of the Local Plan 2016-2036 and the National Planning Policy Framework.

DRAWING NUMBERS

3. The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
9206/005		Site Location and Block Plan	16 August 2023
9206/004		Windows Schedule	16 August 2023
9206/001		Existing Elevations	16 August 2023
9206/002		Existing Elevations	16 August 2023
9206/003		Existing Elevations	16 August 2023

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 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 viewed on the Council's website or inspected at these offices).

Informatives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
3. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
4. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.

5. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk

Determined By:

Ms Emily Stainer
16 October 2023