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North Hertfordshire Council
Council Offices
Gernon Road
Letchworth Garden City
SG6 3JF

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Dear Sir / Madam,

Planning Application for 37 Manton Road, Hitchin, SG4 9NP

On behalf of our client Mrs Marsden-Jones, please find enclosed a planning application for retrospective householder consent for the site comprising 37 Manton Road, Hitchin, SG4 9NP ('the site').

As part of validation of the application, the Council has requested the following description of development:

"Alterations to pre-existing dormer windows to existing side roofslopes. Open sided front canopy porch following demolition of existing canopy porch. Alterations to fenestration and external rendering. (Development already carried out)".

This letter provides detail on the site context, development proposals and planning policy position to demonstrate that the application should be considered acceptable.

Site Context

The application site comprises a 3-bedroom detached dwelling on the north side of Manton Road. The property is a chalet-style bungalow with existing accommodation in the loft and side dormers on the eastern and western elevations. An indicative site location plan is included below.

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Figure 1: Indicative site location

The locality consists of a mixture of detached and semi-detached dwellings, with the houses on the north side of Manton Road varying in scale, design and roof form. The site is not subject to any site-specific designations or allocations.

Planning permission for a rear extension and extension of existing roof with 2no side dormer windows to provide first floor accommodation was granted on 27 September 2000 under application ref. 00/00921/1HH. The elevations approved under this application are shown below.



Figure 2: Elevations approved under application ref. 00/00921/1HH

Proposed Development

The proposed development comprises the retrospective replacement of existing side dormers and external rendering. As shown on the proposed drawings, this principally involves the following minor works:

- Eastern elevation – replacement flat-roof dormer comprising the infilling of the gap between the two existing dormers windows;
- Western elevation – minor extension to existing side dormer;
- External walls finished in a smooth through-coloured render, off-white finish; and
- Replacement of existing, open-sided front canopy porch.

There is no increase in overall height as part of the proposed development. Similarly, the dormer windows themselves have been replaced like-for-like in terms of their size, position and location. Notwithstanding this, the windows in the replacement dormer are proposed to be obscure glazed.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise. At present, the adopted Development Plan for the borough comprises the North Hertfordshire Local Plan 2011-2031 (2022).

The following policies in the North Hertfordshire Local Plan are considered relevant to the proposals:

- Policy D1: Sustainable design
- Policy D2: House extensions, replacement dwellings and outbuildings
- Policy D3: Protecting living conditions

Consideration should also be had to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO'). Part 1, Class B sets out the permitted development regarding any other alterations to the roof of a dwelling house, specifically:

B.1. Development is not permitted by Class B if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (change of use);*
- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;*
- (c) any part of the dwelling would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;*

- (d) *the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than —*
 - (i) *40 cubic metres in the case of a terrace house, or*
 - (ii) *50 cubic metres in any other case;*
- (e) *It would consist of or include—*
 - (i) *the construction or provision of a verandah, balcony or raised platform, or*
 - (ii) *the installation, alteration or replacement of a chimney, flue or soil and vent pipe;*
- (f) *the dwelling is on article 2(3) land;*
- (g) *the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or*
- (h) *the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).*

B.2 Development is permitted by Class B subject to the following conditions —

- (a) *the materials used in any exterior work must be of similar appearance to those used in the construction of exterior of the existing dwellinghouse;*
- (b) *the enlargement must be constructed so that—*
 - (i) *other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—*
 - (aa) *the eaves of the original roof are maintained or reinstated; and*
 - (bb) *the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and*
 - (ii) *other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellings; and*
- (c) *any window inserted on a wall or roof slop forming a side elevation of the dwellinghouse must be—*
 - (i) *obscure-glazed, and*
 - (ii) *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.*

Planning Assessment

Principle of Development

Policy D2 states that planning permission for house extensions will be granted where the extension is sympathetic to the existing house in height, form, proportions, roof type, window details, materials and orientation of the main dwelling.

As set out above, the proposed development comprises the replacement and alterations to the existing side dormers at No 37 Manton Road.

Firstly, it is highly relevant that the works undertaken would typically constitute permitted development under Part 1, Class B of the GPDO. The works comply with all the requirements of the regulations, including that the windows in the side elevations would be obscure-glazed.

The works have been deemed not to comply with permitted development solely due to the presence of openable windows less than 1.7 metres above the floor level. However, it is a material consideration that the works have not resulted in a change to window position, height, size or arrangement compared to what was an existing established position.

As set out above, the side dormer windows on both the eastern and western elevation were granted by planning permission ref. 00/00921/HH on 27 September 2000 and installed around this time. Figure 3 below includes an extract from Google Streetview dated November 2009 showing the side dormers in-situ at this time.



Figure 3: Streetview of No 37 Manton Road dated November 2009

Figure 4 also includes the latest Google Streetview dated August 2024 confirming that the side dormers continued to be present at this time, albeit the view of the western elevation is largely obscured by vegetation:



Figure 4: Streetview of No 37 Manton Road dated August 2024

This demonstrates that the presence of side dormer windows on both the eastern and western elevations is a longstanding, established position. Notably, the previous side dormers were not obscured-glazed and were openable below 1.7m, as shown in both Figures 3 and 4. Given these were in-situ from at least November 2009, these would have been immune from enforcement action due to the passage of time.

Given this context, rather than pursuing a permitted development compliant scheme, the applicant is seeking to benefit from the pre-existing arrangement of having openable windows in these locations. The application is therefore for alterations to the existing side dormers, including the retention of openable windows. Additional works to the property also undertaken are included for completeness, including the external rendering and replacement of existing open-sided front canopy porch. These are not unusual features of a residential property.

As such, the principle of the proposed development should be considered acceptable and in compliance with Policy D2. The massing, form and proportion of the replacement side dormers could have been undertaken under permitted development rights. Moreover, the principle of openable windows on the side elevations is well-established, and there is no change to this arrangement apart from these now being obscure-glazed.

Character and Appearance

In addition to the requirements of Policy D2, Policy D1 of the Local Plan also requires new development to achieve high quality design.

The planning application is for the replacement and alterations to the existing side dormers, principally to increase the internal useable floor area. As set out, there is no change to the window position, height or arrangement of the side dormer windows compared to what previously existed.

As noted, the locality consists of a mixture of detached and semi-detached dwellings, with the houses on the north side of Manton Road varying in scale, design and roof form. The works are therefore not out of keeping with the character and appearance of the surrounding area, owing to its varied context. It is also a material consideration that, as demonstrated above, the massing of the replacement side dormers could have been undertaken under permitted development.

The works also included external rendering of the property. Class A, Part 1 of the GPDO allows for alterations to a dwellinghouse including the use of render to the exterior of a dwellinghouse where this is not located on Article 2(3) land, which the dwellinghouse is not. Notwithstanding this, the application is seeking consent for the works as a whole, including the rendering.

The local context is characterised by residential properties utilising a range of materials, including brick, pebbledash and render. There are prominent examples of rendered properties in the immediate vicinity of the site, including Nos 43 and 45 Manton Road. The addition of render to these properties was consented by way of planning application ref. 23/00615/FPH. In considering the acceptability of this, Officers made the following comment in the Officers Report:

"Materials proposed include rendered walls, a departure from the existing facing brickwork. However, it is noted that white render is already in use within the street scene and therefore the materials would not result in an unacceptable harmful impact to the locality."



Figure 5: Nos 43 and 45 Manton Road

The works also included replacement of an existing canopy porch at the front of the property. The principle of a porch in this location across the majority of the front elevation was already established. Moreover, the property is set back from the boundary and therefore the porch would not appear dominant in the streetscene, particularly given

the variety context of the surrounding area. It would also not impact the building line and the open-sided nature of the report reduces the perception of additional massing.

On this basis, it is considered the overall design is acceptable and in keeping with the mixed character of the area. The application is therefore in accordance with Policies D1 and D2 of the Local Plan.

Residential Amenity

Policy D3 sets out that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. Where the living conditions of proposed developments would be affected by an existing use or the living conditions of an existing development would be affected by a proposed use, the Council will consider whether there are mitigation measures that can be taken to mitigate the harm to an acceptable level.

The proposed development is for the retrospective replacement of the existing side dormers. As set out above, the presence of side dormers on the east and west elevations of No 37 Manton Road is longstanding and well-established, and there is already a pre-existing relationship between the host dwelling and the immediate neighbours at No 35 and No 39 Manton Road. There is no change as part of this application to the window position, height or arrangement of the side dormer windows compared to what previously existed, with the main design change being the change to the roof profile of the side dormers.

The side dormer windows of No 37 have been in situ since at least November 2009 and, as demonstrated in Figures 3 and 4 above, these were previously unobscured and openable. This application therefore represents a betterment to the pre-existing situation given the replacement side dormer windows will be obscure-glazed.

It is also relevant that side windows facing habitable rooms are a design feature of multiple houses along this street and in the nearby area. Notably, there are unobscured windows serving habitable rooms at Nos 40 and 42 on the southern side of Manton Road:



Figure 6: Relationship between Nos 40 and 42 Manton Road

Similarly, No 41 Manton Road includes unobscured, openable windows in the side elevations:



Figure 7: No 41 Manton Road

This demonstrates that this arrangement is not uncommon in the vicinity of the site. Moreover, the application should be considered acceptable given it is for the replacement of the side dormers with the windows in exactly the same location as previously existed, albeit with the windows now proposed as obscure-glazed to provide a betterment on the pre-existing arrangement.

On this basis, it is not considered that the alterations to the existing side dormers would result in a material change to the relationship with the adjacent properties insofar as this would cause unacceptable harm to residential amenity. The development would therefore comply with Policy D3.

Conclusion

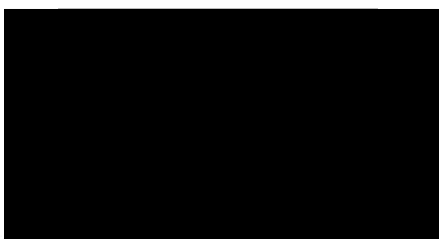
This application is seeking retrospective planning consent for the replacement of existing side dormers and addition of external render to elevations at No 37 Manton Road.

As set out, the replacement side dormers are on the whole compliant with permitted development, with the exception of the side dormer windows being openable below 1.7m above floor level. However, as demonstrated, the presence of openable side dormer windows at the dwelling is a longstanding and well-established position, and this application is not seeking to change the position, height, size or arrangement of the windows. The only difference to the window beyond the frame is that these will now be obscure-glazed, potentially representing a betterment when compared to the pre-existing condition.

Moreover, whilst the rendered walls would be a departure from the previous facing brickwork, white render is already in use within the streetscene and as such, this would not result in an unacceptable harmful impact to the locality.

We therefore respectfully request that planning permission is granted. If you have any queries, please do not hesitate to get in touch.

Yours sincerely,



Lauren Whiteley
Associate