

DELEGATED FILE NOTE

CASE OFFICER: ...Harriet Sanders.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01926/FPH	Replacement ground floor front bay window and window sill; first floor front window and ground floor rear window.	24 Benslow Lane Hitchin Hertfordshire SG4 9RE

Submitted Plan Nos

LocationPlan Replacement Window Plans

1.0 Policies

D1 Sustainable design

D3 Protecting living conditions

HE1 Designated heritage assets

2.0 Site History

2.1 None relevant.

3.0 Representations

3.1 Neighbour notifications and site notice - no objections have been received to this application.

3.2 Conservation Consultation – objection for the following reason:

“The proposal for uPVC windows would be harmful to the historic and architectural significance of the Conservation Area and contrary to the guidance within the Hitchin Conservation Area Character Statement.

The proposal would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

With regards to the National Planning Policy Framework the level of harm is ‘less than substantial’ as per paragraph 208. ‘Great weight’ should be given to the heritage asset’s conservation as per paragraph 205.”

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The application property is a mid-terraced dwelling located in the Hitchin Conservation Area. The surrounding area is largely residential with properties of a similar design and appearance – particularly on the same side of Benslow Lane as the application property. A large number of the dwellings on both sides of Benslow lane have upvc windows.

4.1.2 This part of the Hitchin Conservation Area is subject to an Article 4 directive which removes permitted development rights for alterations to windows.

4.2 Proposal

4.2.1 Consent is sought for *“Replacement ground floor front bay window and window sill; first floor front window and ground floor rear window.”*

4.2.2 It is proposed to replace the existing windows with heritage style copies in white upvc.

4.3 Key Issues

4.3.1 The key issues for consideration are:

- ☐ The impact of the proposed development on the character and appearance of the Conservation Area;
- ☐ The acceptability of the design of the proposed development;
- ☐ The impact on the living conditions of neighbouring occupiers;
- ☐ The impact on the environment.

Impact on Conservation Area

4.3.2 Consideration needs to be given to the impact of the proposed replacement windows on the heritage asset that is the Conservation Area.

Hitchin Conservation Area – Character Area 6

4.3.3 The application site falls within the area designated as *Character Area 6: Benslow Lane, Trevor Road and part of Radcliffe Road and Verulam Road* in the Hitchin Conservation Area: Character Statement (2011). The Character Statement identifies Benslow Lane with its terraced houses “*mainly two windows wide with natural slate roofs facing the street and small front gardens, historically contained by low brick walls.*”

4.3.4 The Character Area 6 covers five streets in the area and lists positive features as:

- ☐ Residential development of the mid to late 19th century;
- ☐ High concentration of well detailed mid to late 19th century houses, mainly retaining their original materials and details;
- ☐ Use of red brick with natural slate roofs.

4.3.5 Negative features are noted as:

- ☐ Some use of modern materials and details, such as concrete roof tiles or uPVC windows, mostly facing Walsworth Road.

Policy Context for Assessing Impact of the Proposal on the Heritage Asset the Conservation Area

4.3.6 National policy as set out in the NPPF provides clear guidance on assessing the impact of proposals on heritage assets. This is reflected in Local Plan Policy HE1. Relevant to the assessment of this application is the guidance set in paragraphs 205, 206, 208 and 213 of the NPPF which is summarised below:

- ☐ Great weight should be given to the designated heritage asset – the more important the asset, the greater the weight should be.
- ☐ Any harm to the significance of a designated heritage asset should require clear and convincing justification.

- ☐ Where a 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.
- ☐ Not all elements of a Conservation Area will necessarily contribute to its significance and that account should be taken of the relative significance of the element affected and its contribution to the significance of the Conservation Area.

Implications of Policy Context for the Proposed Replacement Windows

4.3.7 Taking into account the policy context above, the following considerations need to be addressed when assessing the acceptability of the proposed replacement windows:

- How significant is the Conservation Area.
- What degree of harm will the replacement windows have on the Conservation Area.
- If harm is caused:
 - ☐ Is there a clear and convincing justification for the harm.
 - ☐ The harm should be weighed against the public benefit of the proposal.

☐ Not all elements of a Conservation Area will contribute to its significance.

Significance of the Conservation Area and Potential Harm Caused

4.3.8 As part of the application consultation process, Place Services were consulted as Heritage consultees. The consultee response does not support the proposal for the following reasons (summarised):

- ☐ The proposal would clearly not replicate the existing timber framed traditional windows to an acceptable degree.
- ☐ It is noted from a recent site visit that nearly all houses on this section of Benslow Road from No's 16 to 34 (even) have timber windows, many of which appear to be historic and/or single glazed.
- ☐ The proposal for uPVC windows would be harmful to the historic and architectural significance of the Conservation Area and contrary to the guidance within the Hitchin Conservation Area Character Statement.
- ☐ The proposal would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is 'less than substantial' as per paragraph 208. 'Great weight' should be given to the heritage asset's conservation as per paragraph 205.

4.3.9 Whilst it is important to take into consideration the comments from Place Services as Heritage consultee, they are not a statutory consultee. It is the role of the planning officer to consider all factors relevant to the assessment of a planning application. The officer is required to make a balanced judgement of the merits of the proposal within the context of national and local planning policy and taking into account any relevant material considerations if necessary.

- 4.3.10 As specified in the assessment made by Place Services, it is agreed that the replacement of the existing, single glazed timber windows with upvc replacements will cause some degree of harm to the character and appearance of the dwelling and therefore the heritage asset that is the Conservation Area. The degree of harm caused is less than substantial. Weight should be given to the significance of the Conservation Area, but the harm arising can be justified for the reasons set out below.
- 4.3.11 The significance of the Conservation Area is moderate and the overall change in appearance to the dwelling arising from the replacement windows is modest. The replacement windows will not unacceptably undermine the key features of the character and appearance of Benslow Lane that the Conservation Area is seeking to preserve. The positive features identified in the Conservation Area Character Statement will be maintained. It is noted that the Character Statement does identify the introduction of modern materials such as upvc windows as a negative feature. The replacement windows will introduce nontraditional materials at the dwelling but will replicate the existing design thereby retaining the overall appearance of the dwelling.
- 4.3.12 A site visit by the planning officer observed that along the wider extent of Benslow Lane from nos 8 to 38 (even) just under half have non timber windows. Supporting information submitted with the proposal details heritage style replacement windows with traditional sash horns, astragal bars with back to back spacer bars inside the double glazed unit to give the appearance of separate panes and gold heritage hardware. Although this would not fully replicate the existing timber framed traditional windows, it is considered that on balance, it is supportable.
- 4.3.13 The NPPF notes at paragraph 213 that not all elements of a Conservation Area will contribute to its significance and account should be taken of the element affected and its contribution to the Conservation Area. The element affected in this instance is the windows. The materials of the windows are not the most significant element of the character and appearance of the Conservation Area. The overall style of the windows will be maintained and the proposed upvc materials is supportable in this context.
- 4.3.14 Lastly, policy guidance is clear in the NPPF that a presumption in favour of sustainable development is at the heart of the Framework and that “Decision-makers at every level should seek to approve applications for sustainable development where possible” (paras 10 and 38). Policy also requires that 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.
- 4.3.15 The existing single glazed, timber windows at the property are in a poor state of repair. Replacement with thermally efficient, double glazed replicas will reduce the environmental impact of the dwelling and provide a more sustainable option to heating the property.
- 4.3.16 The proposed replacement upvc windows will cause less than substantial harm to the heritage asset of the Conservation Area. However, the Conservation Area is of moderate significance and the harm caused is modest. The windows will not preserve the character and appearance of the Conservation Area but will maintain the overall appearance of the traditional windows and will not undermine the key features that contribute to the character and appearance of the heritage

asset. The windows will significantly improve the thermal efficiency of the property, contributing to the sustainability of the dwelling. On balance, there is clear justification for the modest harm arising.

Design and Appearance

- 4.3.17 The design and appearance of the windows and sill are acceptable. The proposed development complies with Policy D1 of the Local Plan and the core principles set out within Section 12 of the NPPF.

Impact on Neighbouring Properties

- 4.3.18 The replacement windows will not result in any unacceptable harm to neighbouring occupiers and therefore complies with Policy D3 of the Local Plan and the aims of the National Planning Policy Framework.

Highways and Parking

- 4.3.19 No impact.

Environmental Implications

- 4.3.20 The proposed development is small in scale and would have no significant implications for the local environment in terms of carbon emissions. The proposal will improve the overall thermal efficiency of the dwelling and will be generally in compliance with Section 14 of the NPPF.

Biodiversity Net Gain

- 4.3.21 This development is not subject to the statutory Biodiversity Gain Plan condition because householder applications are exempt in respect of the biodiversity gain condition, under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exemptdevelopments>).

4.4 Conclusion

- 4.4.1 On balance, the proposed development is considered acceptable and to meet the policy requirements set out in the Local Plan and the National Planning Policy Framework. Grant conditional permission.

4.5 Alternative Options

- 4.5.1 None applicable.

4.6 Pre-Commencement Conditions

- 4.6.1 None applicable.

5.0 Recommendation

- 5.1 That planning permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 19 November 2024	