

51 E/10/0212/A – The unauthorised replacement of windows in a ground floor flat from brown wood to white UPVC at 5 Heron Court, Bishops Stortford, Herts, CM23 2AY

Parish: BISHOPS STORTFORD

Ward: BISHOPS STORTFORD - MEADS

RECOMMENDATION

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised windows.

Period for compliance: 4 months

Reason why it is expedient to issue an enforcement notice:

The windows by reason of their colour, are out of keeping with and detrimental to the character and appearance of the existing building and surrounding street scene. The replacement windows are thereby contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.

_____ (021210A.PD)

1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It is located within the built up area of Bishops Stortford. The property is a ground floor flat located within a larger three storey block of residential accommodation.
- 1.2 It was brought to the attention of the Enforcement Team in June 2010 that the owner of the property had replaced the original wooden windows coloured brown with new white UPVC double glazed windows without the benefit of planning permission.
- 1.3 As the property is a ground floor flat, the installation of replacement windows does not constitute “permitted development” under Class A of the General Permitted Development Order and on 28th June 2010 a letter was sent to the owner of the site confirming that the installation of the new windows required planning permission.

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- 1.4 On 15th September 2010, an application was submitted for the retention of the windows and after due consideration the application was refused permission on the 24th November 2010 for the following reason:

The proposed windows by reason of their colour, would be out of keeping with, and detrimental to the character and appearance of the existing building and surrounding street scene. The proposal would thereby be contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

2.0 Planning History

- 2.1 The recent relevant planning history is as follows: -

3/10/1643/FP	3no white Upvc double glazed windows to front and rear elevations - retrospective	Refused
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3.0 Policy

- 3.1 The relevant policy of the East Herts Local Plan Second Review April 2007 is:-

- ENV1 –Design and Environmental Quality.

4.0 Considerations.

- 4.1 The determining issue in this case relates to the impact of the new windows on the appearance of the building itself and on the surrounding area.
- 4.2 Officers acknowledge that the alteration to the building is not a significant one in this case and of course there is a judgement to be made as to whether the new windows cause such disruption to the appearance of the property that would warrant the service of an enforcement notice. However, it is considered, on balance, that the windows do cause harm to the uniform appearance of the building and that this is detrimental to the appearance of the property. If it were to be repeated on other flats within the block, then the resulting impact would of course be exacerbated.

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- 4.3 Policy ENV1 states that all development proposals will be expected to be of a high standard of design and layout to reflect local distinctiveness. The three storey building benefits from windows and bargeboards which are either timber stained brown or a wood effect finish. Some of the original timber framed, single glazed windows have been replaced with double glazing. However, these replacement windows have either a wood effect finish or comprise of brown UPVC, both of which blend in with the existing fenestration details on the existing building.
- 4.4 It is acknowledged that the proposed double glazing provides a more thermally efficient solution to single glazed windows and therefore officers have no objection in principle to this aspect of the proposal. However, it is considered, on balance, that the white window frames within a building that is punctuated by timber effect or brown windows, doors and fenestration details, such as the cills and bargeboards, is out and keeping with, and detrimental to the overall character and appearance of the building.
- 4.5 The site is also located in a prominent location at the bottom of the junction between Heron Court and Kingfisher Way and the white UPVC windows are clearly visible within the front elevation against the wood effect and fenestration details.
- 4.6 The applicant has suggested painting the UPVC windows with a brown stain or paint; however, it is not considered that this would achieve the same high quality finish as other windows and doors within the building and is unlikely to provide a permanent solution.

5.0 Recommendation

- 5.1 For the above reasons it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised replacement windows.