

5 Potters Wood Close

Dane End Hertfordshire SG12 0LD

Planning Statement For Replacement Windows

Background: This document is to support the application for a Certificate of Lawful Development for the replacement of the existing windows at no. 5 Potters Wood Close.

The original windows at no. 5 are in poor condition, starting to fail and need replacing.

Under Section 55 (1) of the Town and Country Planning Act 1990 development means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land, which includes at section 55(1) (d) other operations normally undertaken by a person carrying on business as a builder.

Section 55(2)(a) states that the following does not involve development of the land: the carrying out for the maintenance, improvement or other alterations of any building works that –

(i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building.

The judgement of *Burroughs Day v Bristol CC* [1996] 19 E.G.126 provides some guidance on the question of material effect.

The case highlights that the “*change in appearance must be visible from a number of vantage points, visibility from the air or a single building would not be sufficient and it has to be judged for its materiality in relation to the building as a whole and not by reference to a part of the building taken in isolation*”.

Alterations to windows must be assessed on a case by case basis and must be judged against the appearance and stamp of the building and the materiality of the perceived change, if any, in the external appearance of the entire building, not just part of it.

It is our opinion that on the balance of probability, that the proposed works would not amount to development as defined in section 55(1) of the Town and Country Planning Act 1990 or that the works would be exempt under the provisions of section 55 (2) of the 1990 Act.

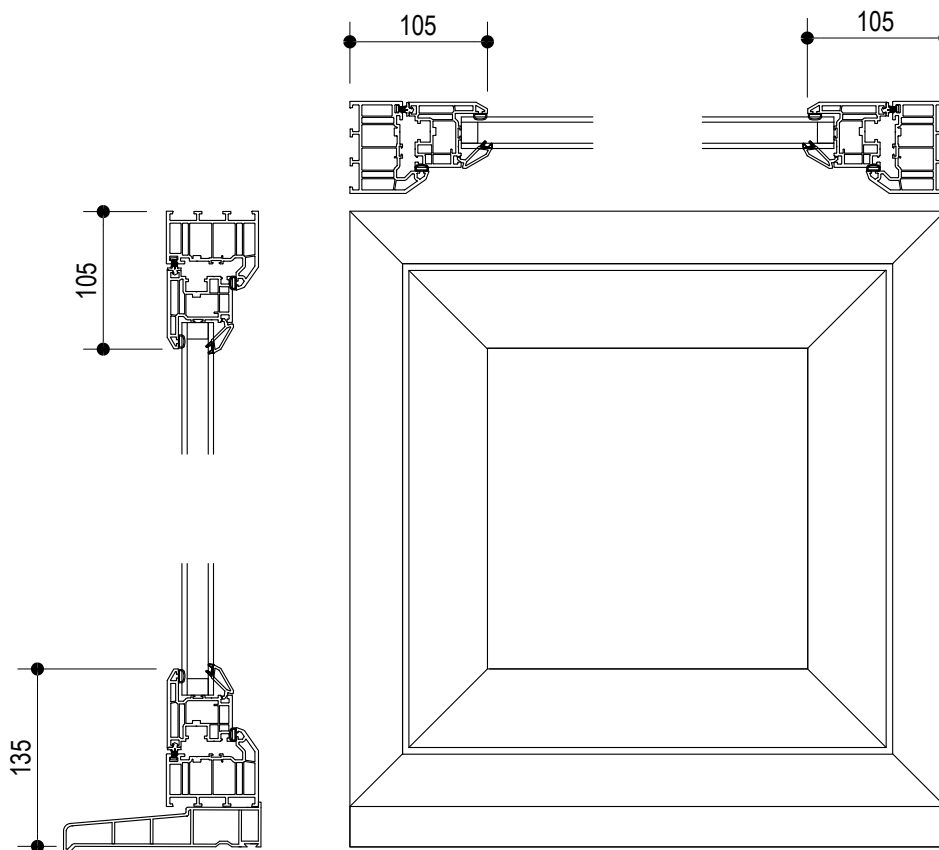
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Supporting Statement: As stated on the submitted drawing no. 224010-100 Existing / Proposed Elevations that the existing windows would be replaced with new UPVC windows style, material, glazing to match existing.

Detailed manufacturer specifications for the proposed windows, demonstrating that the proposed windows would have similar appearance to the existing ones are also submitted to support this application.

Given the similar appearance of the proposal to the existing windows, it is considered, on the balance of probability, that the proposed windows would not materially affect the external appearance of the building and therefore amount to 'development'.

Manufacturers profile details for replacement windows



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