

# Public Document Pack

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

THURSDAY, 17TH NOVEMBER, 2022

### SUPPLEMENTARY AGENDA

Please find attached supplementary papers relating to the above meeting, as follows:

Agenda No	Item
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| 10. | <b><u>PLANNING APPEALS</u></b> (Pages 3 - 26) |
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REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

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**PLANNING CONTROL COMMITTEE****DATE: 17 November 2022****PLANNING APPEALS LODGED**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
Mr Jonathan Lovejoy	14 October 2022	Erection of one detached 4-bed dwelling, detached garage/store room/double carport, creation of vehicular access off High street, parking and landscaping.	Land North East Side Of The High Street Hinxworth	21/02739/FP	Written Representations
Colin & Linda Gore	26 October 2022	Erection of one detached 4-bed dwelling including creation of vehicular access off Priors Hill following demolition of existing water tower.	Pirton Water Tower Priors Hill Pirton	21/03134/FP	Written Representations

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PLANNING CONTROL COMMITTEE

DATE: 17 November 2022

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Hertfordshire County Council	Outline planning application for residential development of up to 42 dwellings, all matters reserved but access (as amended by plans and information received 09-06-2020, 23-07-2020 and 10-12-2020).	Land Between Croft Lane Norton Road And Cashio Lane Letchworth Garden City	19/00520/OP	Appeal Dismissed On 17 October 2022	Committee	<p>The Inspector stated that in respect of the issue of highway safety they were satisfied that the amount of traffic generated by the site would not prejudice highway safety. However, with respect to the Unilateral Undertaking the Inspector concluded the planning obligations included in the Undertaking do not comply with the tests as required by the CIL Regulations and Paragraph 57 of the Framework. 32 and therefore the Unilateral Undertaking, dated 16 June 2022 is not valid.</p> <p><b>The associated application for an award of costs was refused</b></p>
Mr and Mrs R Bell	Single storey rear extension	17 Common Rise Hitchin SG4 0HN	22/00643/FPH	Appeal Dismissed On 21 October 2022	Delegated	<p>The Inspector concluded that the proposal would result in an unacceptable increase in enclosure that would be overbearing and would detract from the living conditions of the residents of 19 Common Rise with regard to outlook.</p>

Mr Mathew Malone	Insertion of front and rear dormer windows to facilitate additional living accommodation at second floor level (as variation of previously approved planning application 22/00620/FPH granted 24.05.2022)	12 St Andrews Place Hitchin SG4 9UA	22/01493/FPH	Appeal Dismissed On 21 October 2022	Delegated	The Inspector concluded that the proposal would represent poor design that would detract from the character and appearance of this area. It would conflict with Policy 28 (House Extensions) and Policy 57 (Residential Guidelines and Standards) of the North Hertfordshire District Local Plan 1996 as it would not be sympathetic to the existing house in form or proportions; and would not enhance the site or its surroundings. As these policies remain consistent with the design objectives of the National Planning Policy Framework, they can be afforded full weight. The proposal would be at odds with Policy D2 (House extensions, replacement dwellings and outbuildings ) of the emerging local plan.
Dr L Hadley And Mr R Hadley	Development A: Single storey rear extension and Development B: detached single garage (as amended by plans received 11.03.2021 and 31/08/21)	The Cottage High Street Hinxworth SG7 5HH	20/01026/FPH	Appeal Part Allowed On 24 October 2022	Delegated	<b>The appeal is dismissed insofar as it relates to the detached single garage. The appeal is allowed insofar as it relates to the single storey rear extension.</b>  The Inspector stated that the detached garage would harm the significance of the Grade II listed buildings by reason of its impact on their setting and would harm the character and appearance of the

						Hinxworth Conservation Area. In the absence of any public benefits to outweigh this harm it would fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Framework. It would also conflict with Policy HE1 (Designated heritage assets) of the Proposed Submission Local Plan Incorporating the Proposed Main Modifications which relates to designated heritage assets and to which the Inspector attributed significant weight.
Mr Guy Butler-Henderson	Erection of one detached 4-bed dwelling (all matters reserved).	Beckfield Farm Beckfield Lane Green End Sandon SG9 0RL	21/01559/OP	Appeal Dismissed On 27 October 2022	Delegated	<p>The Inspector stated that the proposal would not be a suitable site for housing having regard to the adopted settlement strategy and would cause harm to the character and appearance of the appeal site and area. Overall, it would conflict with Policy 6 (Rural Area beyond the Green Belt) of the North Hertfordshire Local Plan and Policies SP1 (Sustainable development in North Hertfordshire), SP6 (Sustainable transport), CGB1 (Rural areas beyond the Green Belt ) and D1 (Sustainable design ) of the Emerging Local Plan.</p> <p>The Inspector also concluded that</p>

						<p>the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the proposal would not be the sustainable development for which Paragraph 11 d) ii. of the Framework indicates a presumption in favour.</p>
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# Appeal Decision

Site visit made on 7 September 2022

**by Richard Aston BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 October 2022**

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**Appeal Ref: APP/X1925/W/22/3293220**

**Beckfield Farm, Beckfield Lane, Green End, Sandon, Buntingford, Hertfordshire SG9 0RL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr Guy Butler-Henderson against the decision of North Hertfordshire District Council.
  - The application Ref 21/01559/OP, dated 14 May 2021, was refused by notice dated 28 July 2021.
  - The development proposed is described as *'outline planning permission for the erection of 1 x 4 bed detached house with all matters reserved'*.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The appeal concerns an application for outline planning permission with all matters reserved for later consideration. A block/site plan has been submitted but the accompanying 'Notes' refer to approximate dimensions with some details of landscaping to be decided at a later stage. I have dealt with the appeal on this basis.
3. The appeal form refers to both an appeal against refusal of planning permission and non-determination of the application. After several attempts at clarifying the matter the Council confirmed that their decision was made outside of the statutory period. Despite the appellant's email response of 22 September 2021, it is clear that the appeal is against the non-determination of application 21/01559/OP and I have determined the appeal on that basis.
4. The Council's evidence, taken as a whole confirms that had they been in a position to determine the application they would have refused planning permission on the grounds of the effects on the character and appearance of the area, location, accessibility, highway safety, and overall that it would be unsustainable development. I have taken this into account in my decision.
5. The examination into the North Herts Local Plan 2011 – 2031 ('the ELP') has ended and the Inspector's report was recently issued to the Council (8 September 2022). Both parties have commented on its relevance to the appeal and I have been provided with the latest version. The ELP is therefore at an advanced stage, with no proposed modifications to the policies I have been provided with, which are consistent with The National Planning Policy

Framework ('the Framework'). In accordance with paragraph 48 of the Framework, as a material consideration they carry significant weight in my decision and I return to them below.

### **Main Issue**

6. The main issue is whether the site is a suitable site for housing, having regard to the Council's adopted and emerging settlement strategy and the effect on the character and appearance of the appeal site and area.

### **Reasons**

7. The site lies outside the selected village area of Sandon, somewhat remote from it but on the edge of a small hamlet of rural properties and formed by a rectangular corner of an agricultural field accessed from Beckfield Lane. For planning purposes it is in the countryside and the proposal is not covered by any of the exceptions in the adopted or emerging development plan policies concerning development in Rural Areas Beyond the Green Belt.
8. Given the presence of neighbouring development the site should not be considered as isolated in terms of the Framework, but that does not automatically equate to it being an accessible or suitable location and that no harm would arise.
9. The appeal site is remote from the rural services and facilities in Buntingford, just over 4 miles away. There are some opportunities for pedestrians and cyclists, but these are unlit and narrow rural roads and footpaths, unlikely to be realistic options other than for experienced walkers and cyclists and such a journey would also not appeal to all, especially in inclement weather. This is particularly the case for the local primary school, just over a mile away and where it is doubtful parents would choose to walk the distance along this road with children of a primary school age especially in the winter months.
10. Opportunities to maximise sustainable transport solutions will vary from urban to rural areas and vehicle journeys between rural settlements are to be expected. However, with no practical public transport options future occupants would realistically have no choice but to rely on private vehicles in order to access day to day facilities and services further afield. There would also be additional visitor and delivery trips associated with the occupation and servicing of the dwelling.
11. Such reliance would ultimately cause some minor environmental harm because the proposal would not be located where it would contribute to a cumulative reduction in harmful greenhouse gas emissions, improve air quality and public health. An electric vehicle charging point could be secured by condition but whilst electric vehicle usage is increasing the wider infrastructure is not sufficient to make any determinative impact or demonstrate it would be taken up other than on a limited individual basis.
12. Turning to character and appearance, the presence of boundary landscaping in combination with the openness and spaciousness of the site positively contributes to its rural character and appearance and this wider Agrarian landscape. Although all matters of the outline scheme would fall to be assessed in greater detail at a later stage, in trying to achieve an appropriate scheme for a 4 bedroom dwelling, given the size, typography and nature of the appeal site

there are a limited number of ways in which it could be developed and the building is likely to be sited centrally.

13. In any part of the site, the proposal would result in an intensification of built form in an area where such openness contributes positively to the locally distinctive settlement and countryside pattern. It would introduce built form that, by virtue of its likely scale, form and siting would be a prominent development that would appear unduly dominant and incongruous within this rural context.
14. Further, the inevitable associated requirements for domestic paraphernalia on such a large plot, including garaging, outbuildings, play equipment, hard surfaces and so on would result in the further suburbanisation of the appeal site and area. It would represent a harmful visual intrusion that would be at serious odds with the spacious and open quality of the appeal site and its rural surroundings. It would not be a positive enhancement of this rural environment. Such harm could not be addressed by the imposition of conditions or, on the evidence before me at the reserved matters stage.
15. The proposal therefore would not be a suitable site for housing having regard to the adopted settlement strategy and would cause harm to the character and appearance of the appeal site and area. Overall, it would conflict with Policy 6 of the North Hertfordshire Local Plan ('the LP') and Policies SP1, SP6, CGB1 and D1 of the ELP.
16. Amongst other things and when taken as a whole, these allow certain exceptions in rural areas beyond the Green Belt, require key settlements as the focus for new housing, encourage development in locations which enable sustainable journeys to key services and facilities and development to be of a high quality that respects and improves its surroundings, responding positively to the site's context.
17. In Framework terms the development would fail to recognise the intrinsic character and beauty of the countryside at this point and in this location, would not add to overall quality of the area and result in harmful additional greenhouse gas emissions.

### **Other Matters**

18. The Council's third, fourth and fifth reasons relate to access, parking and ultimately highway safety, referring to certain details not being provided or demonstrated. Despite reference to works to the lane by the appellant, such as widening, a passing place and better drainage no details are included. Although access and layout are reserved matters the relevant highway authority would also need to be consulted on any such works to the public highway.
19. I find both cases to be lacking sufficient detail so much so that on the evidence before me I am unable to be conclusive on any likely effects on highway safety and I find no conflict with the adopted or emerging policies of the development plan. I have not therefore considered this issue any further, and even if I were to agree with the appellant it would not have resulted in a different decision.
20. I acknowledge the appellant's apparent frustration with the Council's handling of the application and whilst unfortunate the appellant considers the Council to not be as proactive as it claims to be, the Council's administration and determination of the proposal has no bearing on the planning merits of this

appeal. I note a number of comments and responses in relation to third party representations but as I have dismissed the appeal for the reasons it has not been necessary to consider these any further, other than in terms of the main issues I identified.

*Planning balance and conclusion*

21. The harm and conflicts are such that the proposal should be regarded as being in conflict with the development plan, as a whole. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is simply one such consideration and in this case the presumption in favour of sustainable development set out within paragraph 11 d) ii. of the Framework applies by virtue of Footnote 7 and is not disapplied by 11 d) i.
22. The adverse impacts arise from the failure to adhere to an adopted and emerging settlement strategy, and harm to the character and appearance of the appeal site and area. Whilst the LP is of some age, the policies before me are broadly consistent with the Framework and I have also found conflict with some of the requirements of national policy as set out above and the ELP.
23. Balanced against this, the proposal would result in an additional dwelling in a district where there is currently a considerable shortfall in housing supply<sup>1</sup> although a single family sized dwelling would make a minimal contribution. There would be short-term economic benefits during construction and in the longer term, from future occupants spending in the local economy. Future occupation could assist in maintaining the vitality of rural communities although there is little substantive evidence to qualify or quantify this benefit.
24. I note the intention to construct a dwelling that would perform at net zero carbon levels, reduce surface water flooding along the lane, and with some intended ecological improvements. However, all matters are reserved so no substantive details are before me, including of contributions to increasing the scale of local woodland. I am unable therefore to be confident that this would be '*largely achieved by landscaping*' and there is also little before to suggest environmental benefits relating to biodiversity would result. Accordingly I give these considerations only a limited amount of weight in this particular case.
25. The dimensions of sustainable development in paragraph 8 of the Framework are not criteria which every decision can or should be judged. Nonetheless, and whilst there is accordance with some elements of the Framework, overall this proposal would fail to fulfil the environmental, economic and social dimensions of sustainable development.
26. Taking everything together, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the proposal would not be the sustainable development for which Paragraph 11 d) ii. of the Framework indicates a presumption in favour.

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<sup>1</sup> 1.5 years in the LPA's Delegated File Note.

27. Drawing everything together, the proposal would conflict with the development plan, when read as a whole and the ELP. Material considerations, including the Framework and the ELP do not indicate that a decision should be made other than in accordance with the development plan.
28. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

*Richard Aston*

INSPECTOR

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## Appeal Decision

Site visit made on 23 September 2022

**by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 October 2022**

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**Appeal Ref: APP/X1925/W/22/3290344**

**The Cottage, High Street, Hinxworth SG7 5HH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Dr Linda Hadley against the decision of North Herts Council.
- The application Ref: 20/01026/FPH, dated 9 May 2020, was refused by notice dated 21 October 2021.
- The development proposed is single storey rear extension and detached single garage.

### Decision

1. The appeal is dismissed insofar as it relates to the detached single garage.
2. The appeal is allowed insofar as it relates to the single storey rear extension and planning permission is granted for single storey rear extension at The Cottage, High Street, Hinxworth SG7 5HH in accordance with the terms of the application, Ref 20/01026/FPH, dated 9 May 2020, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan Unique plan reference: #00472343-9429DE; Block Plan; Floor plan; and revised proposed single storey rear extension August 2021.
  - 3) The external materials to be used in the construction of the extension hereby permitted shall match those used in the existing dwelling.

### Preliminary Matters

3. I note the description of development as stated on the application form. Since there were amendments to the scheme during the application process, I have used the description from the decision notice in the header above as it more accurately reflects the scheme that was determined by the Council.
4. The Report on the Examination of the North Hertfordshire Local Plan 2011 – 2031 was submitted by the Council during the course of the appeal. It concludes that with the recommended main modifications set out in the Appendix to the report, the North Hertfordshire Local Plan 2011 – 2031 is sound. I have had regard to the Appellant's comments in response to the report in my assessment.



5. Given the conclusions of the Inspector noted above, I attribute significant weight to Policy HE1 of the Proposed Submission Local Plan Incorporating The Proposed Main Modifications (PSLP).
6. As the proposal affects the setting of listed buildings and is in a conservation area, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
7. The Council has issued a 'split decision' granting planning permission for the single storey extension and refusing planning permission for the detached garage. However, the whole proposal is before me and I will assess the appeal on this basis.
8. From the evidence the single storey extension would be modest in scale and would be sited to the rear of the existing building. As such it would have a neutral effect on the significance and special interest of the listed buildings, The Cottage and Gordon's Cottage and a neutral effect on the significance and character and appearance of Hinxworth Conservation Area (HCA). Accordingly, this part of the proposal would not conflict with the development plan and would not conflict with the Act. Therefore, this aspect of the proposal should be allowed. Conditions regarding time limits and specifying plans are necessary in the interests of certainty. While I note that materials are indicated on the application form, a condition regarding matching materials is necessary as the drawings do not provide such an indication.

### **Main Issue**

9. The main issue is the effect of the proposed detached garage on the setting of nearby grade II listed buildings and character or appearance of HCA.

### **Reasons**

10. The Cottage and Gordon's Cottage are both historic rural vernacular dwellings. The Cottage is single storey with accommodation in the roof space, has a plain tile pitched roof and roughcast walls with two gabled attic dormers. Gordon's Cottage is also single storey but with thatched roof and is orientated perpendicular to the street.
11. As such, the special interest of these listed buildings, insofar as they relate to the appeal, lie in the evidence of modest historic rural vernacular architecture.
12. The proposed garage would be sited between the two listed buildings. I note the evidence regarding previous structures on the site. Currently, there is a modest shed which is sited behind a fence and given its modest height, form and siting, is not prominent from the street. As such, the space between the listed buildings appears largely undeveloped and this sense of spaciousness provides a positive contribution to the rural setting and significance of the listed buildings.
13. The proposed garage would occupy the majority of the width of the space between the listed buildings. Its height and form would result in a massing that would significantly reduce the spaciousness between the buildings particularly when viewed from the street. As such, although the garage would not be sited directly adjacent to the historic fabric of Gordon's Cottage, the garage would diminish the rural setting of the listed buildings, thereby eroding their significance.



14. I note the evidence regarding the Old Bakery. However, that scheme appears to be sited in a different location near to a different listed building such that it is not directly comparable to the appeal scheme. I also acknowledge the evidence regarding the garage and extensions relating to Gordon's Cottage. Since those structures differ in their siting and size compared with the proposal, they too are not directly relevant to the appeal scheme. In any event, limited further details are before me regarding those circumstances and the appeal must be determined on its individual merits.
15. The site lies in the historic core of HCA, the significance of which lies in the way its range of buildings of various ages and styles reflect the historic evolution of this rural settlement. The proposal would diminish the sense of separation between the two listed buildings and reduce the spaciousness of the vicinity that contributes to the semi-rural feel of HCA. Therefore, the proposed garage would harm the character of HCA, thereby eroding its significance.
16. Consequently, the proposed detached garage would harm the significance of the nearby Grade II listed buildings and would harm the character and appearance, and thereby the significance of, the HCA.
17. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Given the limited scale of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
18. The appellant has noted the need for storage. However, this is a private benefit. In any event, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence. In the absence of any substantiated evidence to the contrary neither would any public benefits accrue in relation to the HCA.
19. The detached garage would harm the significance of the Grade II listed buildings by reason of its impact on their setting and would harm the character and appearance of the HCA. In the absence of any public benefits to outweigh this harm it would fail to satisfy the requirements of the Act and the Framework. It would also conflict with PSLP Policy HE1 which relates to designated heritage assets and to which I attribute significant weight.

## **Conclusion**

20. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the single storey rear extension but dismissed insofar as it relates to the detached garage.

*R.Sabu*      INSPECTOR

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## Appeal Decision

Site visit made on 20 September 2022

**by P Eggleton BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 October 2022**

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**Appeal Ref: APP/X1925/D/22/3303699**

**12 St Andrews Place, Hitchin, Hertfordshire SG4 9UA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr M Malone against the decision of North Hertfordshire District Council.
  - The application Ref 22/01493/FPH, dated 30 May 2022, was refused by notice dated 19 July 2022.
  - The development proposed is a loft extension.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect on the character and appearance of the area.

### Reasons

3. The proposal would result in a large dormer to the rear of this property and a smaller dormer to the front. The same front dormer was accepted as part of a previous planning approval. That consent also included a large rear dormer. The currently proposed rear dormer would be wider than the approved and would have a pitched roof rather than the flat roof previously accepted.
  4. The proposed rear dormer would dominate the roof slope, extending across much of the width of the property. The pitched roof would include eaves and gutters which would increase its perceived width further, especially as these would be viewed alongside the eaves of the adjoining property. The scale of the addition would be at odds with the design of the dwellings generally and the pitch of the roof proposed would conflict with the design and details of the existing dormers and gables. The gabled fascia would increase the prominence of the structure and contrast with that of the rear elevation of the adjoining property, number 13. The structure would appear cramped within this roof slope; it would be extremely dominant within the roofscape; and it would not represent good quality design within this context.
  5. The roof of this property is not prominent in the wider area. It can be glimpsed from Storehouse Lane to the rear, which forms the boundary to the conservation area beyond, but it is largely screened by vegetation, although it
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will be more evident in winter. These views are from a low level, from within the narrow roadway, with intervening trees. As these large buildings are set back, the prominence of this high-level structure, despite its uncharacteristic form, would not be highly noticeable, given the limited views available. The dormer would be more visible from some of the properties to the rear which lie within the conservation area. Longer views may be available, but these would be from a long distance and viewed against the backdrop of these modern properties. Although the new structure would have a limited wider impact, its contribution would not be positive. I am not satisfied that it would be sufficiently prominent to result in harm to the setting of the adjacent conservation area, but it would detract from the character and appearance of this building and the immediate area. In any event, lack of prominence is not a good reason for accepting poor design.

6. The extant permission is a material consideration. It is likely that if this appeal fails, that permission would be implemented. The approved dormer would also be at odds with the design details of these houses and would also be a dominant feature within this roof slope. Given that the views that are available are from significantly below, the horizontal roofline would follow that of the eaves and ridge and would be less evident compared to the wider and higher, low-pitched gable and fascia. The approved structure would also represent a less cramped arrangement given the space retained to each side, particularly with regard to its proximity to the gable and eaves of number 13. Overall, the currently proposed details would be more harmful than those previously accepted by the council. The extant permission does not therefore represent a good reason for accepting this proposal and indicates that a less harmful development, that would achieve similar objectives, could be achieved.
7. The proposal would represent poor design that would detract from the character and appearance of this area. It would conflict with Policy 28 and Policy 57 of the North Hertfordshire District Local Plan 1996 as it would not be sympathetic to the existing house in form or proportions; and would not enhance the site or its surroundings. As these policies remain consistent with the design objectives of the *National Planning Policy Framework*, they can be afforded full weight. The proposal would be at odds with Policy D2 of the emerging local plan. The inspector has reported on this plan but it has not, as yet, been adopted. The changes recommended to Policy D2 would not alter the current development plan design objectives.
8. I have had regard to the comments of neighbours including those that have offered support. The matters in support do not indicate that a different conclusion should be reached. As many of the benefits of this proposal could be achieved by the existing permission, which would be less harmful, I dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**

## Appeal Decision

Site visit made on 20 September 2022

**by P Eggleton BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 October 2022**

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**Appeal Ref: APP/X1925/D/22/3302266**

**17 Common Rise, Hitchin, Hertfordshire, SG4 0HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Bell against the decision of North Hertfordshire District Council.
  - The application Ref 22/00643/FPH, dated 3 March 2022, was refused by notice dated 14 April 2022.
  - The development proposed is a single storey rear extension.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect on the living conditions of the residents of 19 Common Rise with regard to outlook and light.

### Reasons

3. The property has a two-storey rear extension that adjoins the shared boundary with 19 Common Rise. This has undoubtedly increased the shading within the neighbouring garden, reduced the outlook from the rear facing window and enclosed the area of garden closest to it. The single storey extension now proposed would increase the depth of works along the boundary. This would have only a very limited further impact on the outlook from the rear facing ground floor window. Given the shading of this area caused by the two-storey extension, there would also be only a limited further loss of sunlight to parts of that area outside the window.
  4. Although only single storey, the extension would enclose the neighbouring garden more and would increase the dominance of development further into the garden. It would increase shade for a short period after midday but given the angle of the sun, this is unlikely to materially alter the living conditions of the neighbouring residents at this time, either within their garden or their conservatory. Whilst I do not consider that the loss of direct sunlight would be significant because of the particular aspect of these properties, the increased prominence of development on the boundary would add to the already imposing character of the two-storey extension. Having a maximum height of over 3 metres, the extension would add unacceptably to the enclosure of the
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neighbouring garden. Whilst the height would reduce as a result of the pitched roof to just over two metres, overall, the proposal would be unacceptably overbearing.

5. The appellants have made reference to two fall-back situations. I cannot pre-judge the outcome of a notification procedure despite the lack of objection to this planning application. As the prior approval procedure has not been undertaken, I can afford little weight to the permitted development scenario suggested. It is not at this point, a fall-back position. The appellants also suggest that an application could be made for an extension of a lower height that would have a lesser impact on the neighbouring residents. This is not a fall-back position either as consent would still be required and the appearance would need to be assessed. I am not able to pre-judge a different application as part of this procedure. As it would in any event, result in less harm with regard to the main issue, it is not a matter that offers support for this proposal.
6. With regard to the details before me, the proposal would result in an unacceptable increase in enclosure that would be overbearing and would detract from the living conditions of the residents of 19 Common Rise with regard to outlook. The over-dominance of development on this boundary would conflict with Policy 28 of the Local Plan 1996. As this remains consistent with the amenity requirements of the *National Planning Policy Framework*, it can be afforded full weight. The inspector has reported on the emerging local plan but it has not, as yet, been adopted. Policy D3 is likely to remain unaltered and the changes to Policy D2 would not change its original objectives. Whilst these policies can be afforded greater weight given that the emerging local plan is nearer to adoption, they do not change the aspirations of the council's policies, in any event.
7. Whilst I have considered the matters put forward by the appellants; and the lack of objection from the neighbour, there are no matters that outweigh my concerns. I therefore dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**

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## Costs Decision

Site visit made on 12 July 2022

**by Stephen Wilkinson BA BPI DIP LA MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> October 2022**

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### **Costs application in relation to Appeal Ref: APP/X1925/W/21/3289940 Land between Croft Lane, Norton Road and Cashio Lane, Letchworth Garden City, Hertfordshire**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Hertfordshire County Council for a full award of costs against North Hertfordshire District Council.
  - The appeal was against the refusal of an application for planning permission for residential development of up to 42 dwellings, all matters reserved apart from access.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Planning Practice Guidance (the Guidance) advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expenses in the appeal process.
3. The application for costs concerns the Committee's decision to overturn the officer's recommendation to grant planning permission. This is despite the comments of the Highway officer who had no objection to the appeal scheme. The applicant states that Council Members took a different course without adequate reason to do so.
4. Planning Practice Guidance indicates that local planning authorities will be at a risk of an award of costs being made against them if they fail to produce evidence to substantiate the reason for refusal.
5. In this case, I have noted the officer's recommendation. However, the decision is one which is a matter of judgement. The Minutes of the Committee meeting indicate that several members interrogated the applicant and the second deferral was made to secure the comment of an officer from the Highway Authority despite the written evidence before them. They made their own judgement that planning permission should be refused following the receipt of additional information in respect of traffic calming which they had requested following the second deferral.
6. I am satisfied that the Members had sufficient evidence to inform a counter view from that of the officers in this case. Despite the site's allocation in the emerging plan and the housing land supply position Members were entitled to take an opposing view.

7. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the Applicant has been put to unnecessary or wasted expense.

**Conclusion**

8. I therefore, find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has not been demonstrated in this case.

*Stephen Wilkinson*

INSPECTOR



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## Costs Decision

Site visit made on 12 July 2022

**by Stephen Wilkinson BA BPI DIP LA MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> October 2022**

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### **Costs application in relation to Appeal Ref: APP/X1925/W/21/3289940 Land between Croft Lane, Norton Road and Cashio Lane, Letchworth Garden City, Hertfordshire**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Hertfordshire County Council for a full award of costs against North Hertfordshire District Council.
  - The appeal was against the refusal of an application for planning permission for residential development of up to 42 dwellings, all matters reserved apart from access.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Planning Practice Guidance (the Guidance) advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expenses in the appeal process.
3. The application for costs concerns the Committee's decision to overturn the officer's recommendation to grant planning permission. This is despite the comments of the Highway officer who had no objection to the appeal scheme. The applicant states that Council Members took a different course without adequate reason to do so.
4. Planning Practice Guidance indicates that local planning authorities will be at a risk of an award of costs being made against them if they fail to produce evidence to substantiate the reason for refusal.
5. In this case, I have noted the officer's recommendation. However, the decision is one which is a matter of judgement. The Minutes of the Committee meeting indicate that several members interrogated the applicant and the second deferral was made to secure the comment of an officer from the Highway Authority despite the written evidence before them. They made their own judgement that planning permission should be refused following the receipt of additional information in respect of traffic calming which they had requested following the second deferral.
6. I am satisfied that the Members had sufficient evidence to inform a counter view from that of the officers in this case. Despite the site's allocation in the emerging plan and the housing land supply position Members were entitled to take an opposing view.

7. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the Applicant has been put to unnecessary or wasted expense.

**Conclusion**

8. I therefore, find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has not been demonstrated in this case.

*Stephen Wilkinson*

INSPECTOR