

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**



6 December 2019

Our Ref Planning / 19.12.19  
Your Ref.  
Contact. Committee Services  
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To: Members of the Committee: Councillors Terry Tyler (Chairman), Daniel Allen (Vice-Chairman), Ruth Brown, Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Mantle, Ian Moody, Sue Ngwala, Sean Prendergast, Mike Rice, Val Shanley and Michael Weeks

Substitutes: Councillors David Barnard, Sam Collins, George Davies, Gary Grindal, Michael Muir, Kay Tart and Tom Tyson

You are invited to attend a

**MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
GERNON ROAD, LETCHWORTH GARDEN CITY**

On

**THURSDAY, 19TH DECEMBER, 2019 AT 7.30 PM**

**\*\*MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL  
AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION  
ON YOUR TABLET BEFORE ATTENDING THE MEETING\*\***

Yours sincerely

Jeanette Thompson  
Service Director – Legal and Community

## **Agenda** **Part I**

<b>Item</b>	<b>Page</b>
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. MINUTES - 14 NOVEMBER 2019</b> To take as read and approve as a true record the minutes of the meeting of the Committee held on the 14 November 2019.	(Pages 5 - 14)
<b>3. NOTIFICATION OF OTHER BUSINESS</b> Members should notify the Chairman of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.  The Chairman will decide whether any item(s) raised will be considered.	
<b>4. CHAIRMAN'S ANNOUNCEMENTS</b> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
<b>5. PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public.	
<b>6. 19/01598/FP - SERVICE STATION, BEDFORD ROAD, HITCHIN, HERTFORDSHIRE SG5 2UG</b> REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  Re-development and enlargement of shop, works to existing canopy and increase number of parking spaces, (as amended by drawings received 16/10/2019).	(Pages 15 - 28)
<b>7. 19/02061/FP - 3 COMMONS LANE, KIMPTON, HITCHIN HERTFORDSHIRE SG4 8QG</b> REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  Erection of one 4-bed detached dwelling including creation of vehicular access.	(Pages 29 - 42)

8. **19/02501/FPH - 3 Highbury Road, Hitchin, Hertfordshire SG4 9RW** (Pages 43 - 50)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Single storey rear extension; replacement of garage door with window & brickwork to facilitate garage conversion; clear glazing in existing first floor window in side, (south) elevation and replacement windows in front elevation; 2.5m fence with trellis along part of north boundary; and ancillary works following demolition of existing rear conservatory.
9. **19/02621/AD - LLOYDS PHARMACY, 7 ST MARTINS ROAD, KNEBORTH, HERTFORDSHIRE SG3 6ER** (Pages 51 - 58)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Installation of internally illuminated fascia sign and internally illuminated projecting sign.
10. **PLANNING APPEALS** (Pages 59 - 82)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

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## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
GERNON ROAD, LETCHWORTH GARDEN CITY  
ON THURSDAY, 14TH NOVEMBER, 2019  
AT 7.30 PM

#### MINUTES

- Present:** Councillors Terry Tyler (Chairman), Daniel Allen (Vice-Chairman), Ruth Brown, Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Mantle, Ian Moody, Michael Muir, Sue Ngwala, Sean Prendergast, Mike Rice and Michael Weeks
- In Attendance:** Tom Rea (Principal Planning Officer), Richard Tiffin (Principal Planning Officer), Nurainatta Katevu (Legal Advisor), Amelia McNally (Committee Member and Scrutiny Officer) and Matthew Hepburn (Committee Member and Scrutiny Officer)
- Also Present:** At the commencement of the meeting approximately 25 members of the public, including 4 registered speakers.

#### 63 APOLOGIES FOR ABSENCE

*Audio Recording – Start of Item - 9 Seconds*

Apologies for absence were received from Councillor Val Shanley.

Having given due notice Councillor Michael Muir advised that he would be substituting for Councillor Shanley.

#### 64 MINUTES - 19 SEPTEMBER 2019

*Audio Recording – Start of Item - 15 Seconds*

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 19 September 2019 be approved as a true record of the proceedings and be signed by the Chairman.

#### 65 MINUTES - 17 OCTOBER 2019

*Audio Recording – Start of Item - 27 Seconds*

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 17 October 2019 be approved as a true record of the proceedings and be signed by the Chairman.

#### 66 NOTIFICATION OF OTHER BUSINESS

*Audio Recording – Start of Item - 35 Seconds*

There was no other business notified.

#### 67 CHAIRMAN'S ANNOUNCEMENTS

*Audio Recording – Start of Item - 43 Seconds*

- (1) The Chairman welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chairman advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (3) The Chairman drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

**68 PUBLIC PARTICIPATION**

*Audio Recording – Start of Item - 2 Minutes 19 Seconds*

The Chairman confirmed that the 4 registered speakers were in attendance.

**69 19/00950/FP BLACKETT ORD COURT, STAMFORD AVENUE, ROYSTON, HERTFORDSHIRE SG8 7EB**

*Audio Recording – Start of Item - 2 Minutes 30 Seconds*

Extension to an existing sheltered housing/retirement apartment block and construction of a new sheltered housing/retirement apartment block to provide a total of 17 number new apartments.

The Principal Planning Officer provided the following updates to the report:

- Correction at Paragraph 4.2.5 – parking space ratio should be 0.7.
- At the end of Paragraph 4.3.7 add:

“Block A would introduce 3 storey development into the partial rear aspect of No 41 Mill Road. However, this would be an addition to the existing three storey block but with a much lower roof and a significantly lesser mass. Furthermore, the building would be set off the boundary by some 12 metres from No 41 and largely opposite the flank of this property with intervening trees remaining. The occupier of No 41 had objected to the development for other reasons but concluded that the new buildings themselves would not impact unduly on their living conditions. I agree with this assessment”

- Add Noise Informative as follows:

**Construction Noise**

During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the construction phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

The Principal Planning Officer presented the report in respect of application 19/00950/FP supported by a visual presentation consisting of photographs and plans.

Councillor Jean Green who had called the application in, was unable to attend the Planning Control Committee meeting that evening, but had provided the Committee with a written statement in objection to application 19/00950/FP which was read out by the Principal Planning Officer and the following points were highlighted:

- Allocation of 26 car parking spaces to service 39 apartments was insufficient;
- The report stated that there was “off road” parking facilities within a 2 minute walk from the proposed development, however neither Royston Town Hall car park or The Station car park could be realistically reached by walking in the stated time, it would take much longer;
- The site area was already being considered under a parking review by North Hertfordshire District Council owing to congestion; and
- The suggested height of the proposed Block A would be obtrusive to the Victorian Cottages opposite.

Mr Geoff Reynolds, Housing 21, thanked the Chairman for the opportunity to address the Committee in support of application 19/00950/FP and informed as follows:

- A non-profit positive alternative to residential care;
- Provision of 39 Apartments, (18 x 2 beds and 21 1 x bed);
- The properties would provide specialist accommodation in self-contained properties;
- A manager would be in situ to provide advice and support to residents and be pro-active in organising community activity; and
- Affordable Housing provision, (21 x apartments and 18 x shared ownership.  
The scheme was part of Housing 21’s Shared Ownership and Affordable Housing Programme 2016-2021 and would contribute to Havant Council’s Housing Strategy which identified the need to increase the supply of housing for older people and a projected population growth in people aged 65 and over of 35% by 2035. Discussions had taken place with Julie Clark, Housing Manager (Development) at Havant Council who had confirmed support for the proposal.

The following Members asked questions for clarification of the presentation:

- Councillor David Levett;
- Councillor Mike Hughson; and
- Councillor Michael Weeks;

Points raised by Members were as follows:

- Car parking provision;
- The waiting list for tenants; and
- Tenant allocation criteria;

In response to questions raised, Mr Reynolds provided the following:

- Surveys had been conducted across schemes nationwide to look at car park provisions and parking data had been obtained from the scheme in Cornwall; and
- Accommodation would be directed towards local people in the first instance.

In response to questions, the Principal Planning Officer added the following:

- “The development would provide 20-26 parking spaces within the site, which would fail to comply with the requirements of the North Hertfordshire District Council Vehicle Parking at New Development Supplementary Planning Document 2011 (the SPD) which required a minimum of “1 space per dwelling” to be provided. The appellant, however, is an experienced provider of retirement accommodation and within its Transport Statement (TS), sought to demonstrate that such accommodation generated an average parking demand of some 0.28 spaces per residential unit. Thus, as the development would provide some 0.66 spaces per unit, there wouldn’t be a requirement to provide one space per unit as it would not generate a demand for such levels of parking provision;”
- The allocation criteria was in line with NHDC Policy and was included in Condition 13 within the report.

The following Members asked questions and took part in the debate:

- Councillor Ian Mantle;
- Councillor Terry Tyler;
- Councillor Ruth Brown;
- Councillor David Levett;
- Councillor Tony Hunter;
- Councillor Michael Weeks;
- Councillor Ian Mantle;
- Councillor Michael Muir;
- Councillor Mike Rice; and
- Councillor Daniel Allen.

Questions and points raised by Members:

- Electrical Vehicle Charging Points / implementation of rapid charging points;
- Storage for mobility scooters and cycles;
- Appearance and Impact the proposed building would have on the street scene;
- Parking issues;
- Altering the roof material; and
- Possibility of reduction in the number of proposed units.

In response to points raised during the debate, the Principal Planning Officer provided the following:

- Condition 15 could be broadened in respect of charging facilities and electric vehicle ready domestic charging points for personal battery powered transport;
- There were already other buildings in the street that were not necessarily in-keeping with the street scene immediately adjacent to the site;
- Condition 21 could be broadened in respect of residents cycle parking;
- For architectural reasons, it was suggested that the slate roof had to be the shade stated, however, a new condition could be added in relation to the materials used on the roof; and
- If the top floor were to be removed, the scheme was unlikely to be viable.

In response to points raised, Mr Reynolds added further clarification as follows:

- There was provision in an existing building to charge and store electric vehicles;



- If the top level were to be removed, it would unacceptably reduce the amount of units from 17 to 14.

With the inclusion of the suggested amendments, it was proposed by Councillor Daniel Allen and seconded by Councillor Mike Hughson that application 19/00950/FP be granted planning permission.

Upon being put to the vote, it was:

**RESOLVED:**

That application 19/00950/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager, and:

- The correction at paragraph 4.2.5 – parking space ratio should read 0.7.
- At the end of paragraph 4.3.7 the following to be added:

“Block A would introduce 3 storey development into the partial rear aspect of No 41 Mill Road. However, this would be an addition to the existing three storey block but with a much lower roof and a significantly lesser mass. Furthermore, the building would be set off the boundary by some 12 metres from No 41 and largely opposite the flank of this property with intervening trees remaining. The occupier of No 41 had objected to the development for other reasons but concluded that the new buildings themselves would not impact unduly on their living conditions. I agree with this assessment.”

Add Noise Informative as follows:

**Construction Noise**

During the construction phase the guidance in BS5228-1:2009, (Code of Practice for noise control on construction and open sites) should be adhered to.

During the construction phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

**Condition 15 be amended to read:**

The approved scheme shall incorporate at least 2 rapid Electric Vehicle (EV) ready domestic charging points as well as charging facilities for personal battery powered transport such as mobility scooters and cycles. These will be available prior to first occupation.

**Reason:** To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

**Condition 21 be amended to read:**

Residents cycle parking: Prior to first occupation of the development hereby approved the details of the type, design of twelve cycle parking spaces as well as facilities for personal battery powered transport shall be submitted to and approved in writing by the Local Planning Authority and the Highway Authority. Residents cycle parking should be in the form of lit, lockable and weather resistant cycle lockers or stores and be sited away from bin stores.

Cycle parking and other facilities shall be fully completed to the satisfaction of the Local Planning Authority and the Highway Authority before first occupation of the new development.

**Reason:** To ensure the provision in line with the Council's adopted standards contained in Policy 1 and 5 of the Hertfordshire's Local Transport Plan 4 and in accordance with the North Hertfordshire's parking standards and the NPPF as it relates to the promotion of sustainable transport.

**Add a new Condition 26 to read:**

Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

**Reason:** To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

**70 19/01748/FP RECREATION GROUND, SWINBOURNE AVENUE, HITCHIN, HERTFORDSHIRE**

*Audio Recording – Start of Item - 1 Hour 10 Minutes*

Area including play equipment, bonded rubber mulch safety surfacing, site furniture, 1 metre high galvanised steel boundary fencing and access pathway from Swinburne Avenue.

The Principal Planning Officer updated Members of the Committee as follows:

- That he had circulated conditions within the report to the Crime Prevention Officer. The Crime Prevention Officer had responded, and advised that the conditions regarding the CCTV Cameras and lighting would help to mitigate concerns and would increase the formal surveillance of the sight. The officer had also advised that having checked records, no recent incidents had been reported in the proposed designated area.

The Principal Planning Officer presented the report in respect of application 19/00950/FP supported by a visual presentation consisting of photographs and plans.

Ms Jacqueline McDonald thanked the Chairman for the opportunity to speak in objection to application 19/01748/FP, she explained that she, along with many residents from the Westmill Community were opposed to the proposed play area and drew the Members attention as follows:

- Locating a children's play area in the Swinburne Playing Fields behind houses, without visibility from the majority of the Westmill houses had caused concern from both local residents and the Police;
- Children's safety and welfare – A children's play area should be located and remain within the hub of the community to ensure both visibility and accessibility;
- Owing to the out of sight proposed location of the park there would be a strong chance that it would be subject to antisocial behaviour and vandalism;
- The proposed CCTV and large floodlights would have a negative visual and atmospheric impact which would be out of character with the natural environment; and
- On 8 November 2019 a public meeting had been held at Westmill Community Centre whereby a vote had been taken, this had resulted in the large majority having voted against the proposal.

The following Members raised points and asked questions:

- Councillor Daniel Allen;
- Councillor Ruth Brown; and
- Councillor Michael Weeks.

Ms McDonald informed that:

- The playground was being moved as a result of the John Barker Place re-development.

In response to points raised, the Principal Planning Officer highlighted that Crime Prevention Design Advisor's comments within the report were a concern, not an objection to the application.

Councillor Martin Stears-Handscomb, Member Advocate, thanked the Chairman for the opportunity to address the Planning Committee and explained that he had called the item into the Committee in the wider public interest only, and was not making a recommendation. He further explained that he had taken legal advice but for complete transparency he wished to inform the Members of the Committee that whilst some of his family members had objected to the application, he did not have a Declarable Interest.

- Councillor Martin Stears-Handscomb made the following points:
- Settle's proposals to re-develop John Barker Place had been held up for a number of years, one factor was due to the need to find a suitable replacement location for a play area.
- Settle had worked with the Council on a number of options, but to no avail.
- Most residents would prefer a more centrally located play area, however, taking more time to establish a different location would just cause further delay.
- Objections had been received from residents, particularly from those living adjacent to the suggested location and their opinions should be considered.
- The majority of constituents who had contacted Cllr Stears-Handscomb and Cllr Billing in respect to the application, had been in support.
- Asked The Committee to decide the application on it's merits.

The Chairman thanked Councillor Martin Stears-Handscomb for his presentation.

Ms Shenaz Virgi, settle, thanked the Chairman for the opportunity to speak in support of application 19/01748/FP and reported as follows:

- The reasons that the current play area needed to be relocated;
- The play area would provide new equipment for all ages, including equipment accessible to wheelchair users;
- The proposed location on Swinburne playing fields had been suggested by local families as part of a previous consultation which had run in 2017.
- Public exhibitions, meetings and coffee mornings, had taken place to gather feedback from residents;

- Lighting and CCTV had been requested as conditions; and
- CCTV footage would be monitored back to the control centre in Stevenage.

The following Members asked questions of Ms Virgi's presentation:

- Councillor Michael Muir;
- Councillor Ian Mantle; and
- Councillor David Levett.

In response to questions raised by Members, Ms Virgi provided the following:

- It would be dependent on the terms of the lease agreement as to whether the proposed play area would remain after the first phase of build was completed at John Barker Place; and
- settle would be responsible for the ongoing maintenance of the play area.

The following Members took part in discussion and debate:

- Councillor David Levett;
- Councillor Michael Weeks;
- Councillor Michael Muir;
- Councillor Daniel Allen;
- Councillor Ian Mantle; and
- Councillor Ruth Brown.

Points and issues raised:

- Children's safety
- Police concerns
- Remoteness of the play area
- The decommissioning of the play area
- CCTV and flood lighting monitoring and specifications
- Light pollution.

In response to questions and issues raised, the Principal Planning Officer stated the following:

- The Crime Prevention Design Advisor gave the assurance that Conditions 4 and 5 would mitigate the concerns with safety;
- There was a decommissioning condition at Condition 6 within the report;
- There were already play areas on the edge of settlements i.e. Purwell Meadows.
- Condition 5 could be brought back to the Committee if required.
- Drew the Members attention to Condition 6 within the report confirming the requirement for the submission of a decommissioning and removal scheme of the play area should it no longer be required.

It was proposed by Councillor David Levett and seconded by Councillor Ruth Brown to defer planning permission and

**RESOLVED:**

That application 19/01748/FP be **DEFERRED** planning permission for the following reasons:

- In respect of Condition 4 within the report – CCTV Monitoring - Members requested that they be provided with fuller, in-depth detail and specification with respect to the type of

surveillance system proposed, hours of operation and monitoring, positioning and height;

- In respect of Condition 5 within the report – Members requested that they be provided with more detailed information and specification to include the type of lighting proposed, a programme of maintenance and operation, position and height; and
- Paragraph 3.2 within the report - In light of the concerns raised by the Police Crime Prevention Design Advisor, Members felt that they would be in a position to make an informed decision once they had been supplied with and were satisfied with the outcome of information with respect to CCTV and lighting.

## 71 PLANNING APPEALS

*Audio Recording – Start of Item - 1 Hour 54 Minutes 33 Seconds*

The Principal Planning Officer presented the Planning Appeals stating:

- There were two planning appeals; both of which were written representations. A decision on these would be made in due course; and
- The Barratt Scheme at the LS1 site had now been withdrawn from the enquiry and planning permission had been granted for an alternative scheme.

**RESOLVED:** That the report entitled Planning Appeals be noted.

The meeting closed at 9.26 pm

Chairman

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<b>ITEM NO:</b>	
<u>Location:</u>	<b>Service Station Bedford Road Hitchin Hertfordshire SG5 2UG</b>
<u>Applicant:</u>	<b>Mr V Thayaparan</b>
<u>Proposal:</u>	<b>Redevelopment and enlargement of shop, works to existing canopy and increase number of parking spaces (as amended by drawings received 16/10/2019).</b>
<u>Ref .No:</u>	19/01598/FP
<u>Officer:</u>	<b>Kate Poyser</b>

**Date of expiry of statutory period:** 27 August 2019 and an extension of time has been agreed to 23 December 2019.

**Reason for delay:** Negotiations.

**Reason for referral to committee**

The application has been called to committee by Cllr Ian Albert on the grounds of public interest. The following concerns are added to the request to call-in.

“Residents have a number of concerns, some of which span both licensing and planning. I have tried to set out here the issues where at least more information may be needed. The application is less than expansive in explanations.

1. The forecourt area and grass at the back of the garage slope away significantly from the front. It's not clear how this will be drained when the grass area is removed to create parking. Residents in King George's Close are concerned about the risk of at least minor flooding to their properties with heavy rain.
2. On that issue, Anglian Water has visited. They said that they were not aware of the planning application and may have some issues themselves.
3. Part of this is also due to the fact that the properties in King George's Close are built on stilts I believe as the site was formerly a pond. Residents are concerned about potential subsidence and damage to their properties as a result of building work on the garage site.
4. It's not clear whether the forecourt will levelled. At the moment, as I mentioned earlier, the new parking spaces will be herring boned. But inevitably, this will mean that most cars will drive in front first. This will mean that residents will have headlights shining in their windows, particularly intrusive late at night. And for residents using their gardens in the daytime, additional car fumes added to existing petrol smell.

5. Further to this, presumably the car park area will itself be lit. What lights are planned, what hooding of lights will there be? But there will be light gain experienced by residents neighbouring the garage which is a detriment to residents' enjoyment of their property.
6. A number of trees are planned to be removed as well as the grass area. Some of these existing trees would provide some cover to houses. But this will not be true in future as the car park spaces are up against the fence of residents without much additional screening if I read the plans correctly. What new trees will replace them? Could some more mature trees be planted? But screening is the key question here.
7. I noticed on the plans that the car park spaces seem very deep as currently designed – about 15 metres I think. This seems way more than necessary. There was an earlier plan to put in a roadway for a new car wash facility which was rejected I believe. Having expanded car parking spaces would leave it open for a future application. I know this is speculative but it does beg a question.
8. Residents are rightly concerned about additional noise, particularly at night time with a larger shop and especially if the shop remains as 24/7 opening with a much larger footfall planned presumably.
9. It's worth noting that there a number of properties impacted by this application including in Bedford Road itself, Deacons Way and King George's Close. It's not clear how many residents are aware of what's happening or been informed directly by any NHDC mailing.
10. The owner has stated that he will be able to use existing air conditioning units for the new shop even though it is much bigger. I'm not a technical expert to know if this is possible or indeed where the units will be sited in relation to existing properties and whether this will increase noise.
11. A new canopy for the forecourt is undoubtedly needed. However, it will be larger and more intrusive for residents.
12. There has been a long running issue about the siting of the fuel tanks which is fairly near residential properties both in terms of safety and smell. Are they at a safe distance?

I hope this is helpful to your considerations. Residents I have spoken to are not completely against change at the garage. Indeed, they may use the facilities themselves from time to time. But they do not want to be detrimentally impacted by the plans and at this time they feel that this may well be the case. And a number of people did not pick up that the garage was moving to 24/7 opening until after it was too late.”

## 1.0 **Site History**

- 1.1 84/00137/1 Redevelopment of sales building, pump and UG storage. Refused for the following reason:

“The proposed forecourt canopy by reason of its size and design would resent an unduly prominent feature to the detriment of the visual amenities of the residential area within which the premises are located.”



- 1.2 85/00017/1 Redevelopment sales building, pumps and UG storage. Refused as above, but allowed on appeal.
- 1.3 13/02426/1 New access road from existing hand car wash to front of retail shop, with freestanding canopy over hand car wash. Refused for the following reason:  
 “The car wash activities of the existing site, in conjunction with the 24 hour use of the service station as a whole, already have adverse impacts upon the living conditions of the adjacent properties, namely 1-4 Kings Georges Close. The proposed access road would not only result in an intensified and increased activity of the car wash operation of the site, but would also bring these impacts closer to the neighbouring properties. By reason of this intensified use of the car wash operation and the resulting impacts of noise, vehicle fumes, spray, loss of privacy, and general increased disturbance from the proposed access road, in the opinion of the Local Planning Authority, the living conditions and quality of life of occupiers of these neighbouring properties would be unacceptably harmed. The proposal is therefore contrary to Paragraph 123 of the National Planning Policy Framework. “
- 1.4 14/00009/1 Freestanding canopy over existing hand car wash area. Conditional permission.
- 1.5 18/02270/PRE Redevelopment and enlargement of shop, works to existing canopy and increase number of parking spaces.
- 1.6 There have been several applications for advertisement consent, including one application being dismissed at appeal.

## 2.0 **Policies**

### 2.1 **North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies)**

- Policy 8 – Development in towns
- Policy 42 – Shopping
- Policy 55 – Car parking standards

### 2.2 **Supplementary Planning Documents**

- Vehicular Parking at New Development

### 2.3 **National Planning Policy Framework**

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 6 – Building a strong, competitive economy
- Section 7 – Ensuring the vitality of town centres
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed places

### 2.4 **North Hertfordshire District Local Plan 2011-2031 (awaiting Inspector’s final report)**

- Policy ETC7 – Scattered local shops and services in towns and villages
- Policy T2 – Parking
- Policy D1 – Sustainable design
- Policy D3 – Protecting living conditions
- Policy HC1 – Community facilities

### 3.0 **Representations**

3.1 Environmental Health (noise and nuisance) – initially raised an objection due to general noise and disturbance that would be caused by cars parking adjacent residential boundaries throughout the night. However, following negotiations and the receipt of amended drawings, the objection has now been withdrawn.

“I am satisfied that the proposed rising bollards to these spaces for the night time period (23.00hrs to 07.00hrs) will ensure that such noise sources are further away from the residential dwellings and therefore will not have a significant adverse effect. I include a Condition below relating to the hours of use of the bollards.”

The recommended condition is copied in the recommendation below, together with a further recommended condition requiring noise measure controls relating to fixed plant and machinery.

3.2 Hertfordshire Highways – considers the development would not generate a significant number of trips to the site; notes existing access arrangements and raises no objections. Advisory notes for the construction process are given.

3.3 Environmental Health (land contamination) – no objections are raised and a standard condition is recommended requiring a preliminary environmental risk assessment report (Phase 1) prior to the commencement of work on site.

3.4 Anglian Water – any comments received will be reported to the Planning Control Committee orally at the meeting.

3.5 Local Residents – 11 letters of objection have been received from the occupiers of 1, 2, 5, 6, 8, 9, 11 and 16 Deacons Way, 4 King Georges Close and 210 Chaucer Way. The objection can be summarised as follows:

- Highway matters – increase in traffic, danger to school children, no loading/unloading area, insufficient parking leading to parking in Deacons Way, insufficient space for construction vehicles.
- Residential amenity – increase in general noise and disturbance, increase in noise and disturbance during night/early morning, site already attracts gathering of “boy racers” during unsocial hours and a complaint has already been made to police and Environmental Health, no restriction on delivery times, adverse effect on living conditions of No. 1 Deacons Way due to close proximity of parking spaces and intrusion on rear garden, exacerbate disturbance from lights.
- Appearance - unsightly, over-development of site.
- Other matters - loss of trees, increase in litter, loss of property value to 1 Deacons Way, would further encourage children to buy sweets and energy drinks.

### 4.0 **Planning Considerations**

#### 4.1 **Site and Surroundings**

4.1.1 Westmill Service Station is a petrol filling station with a small convenience store and is located on Bedford Road, between Deacons Way and King Georges Close. It is in a primarily residential area and a petrol filling station has occupied this site for at least 40 years. The service station currently operates a 24 hour service, 7 days a week.

## 4.2 Proposal

- 4.2.1 The proposal is to demolish the existing convenience store and replace it with a larger shop. The existing store measures approximately 99 square metres and the proposed store would measure 256 square metres, an increase in 157 square metres. 5 new car parking spaces are proposed. The provision of a compound for goods just delivered and the relocation of the air/water facility also form part of the proposed works. The existing petrol pumps would remain. The existing canopy would also remain, changed only by the removal of the link with the existing store. The underground petrol storage tanks would not be affected.
- 4.2.2 Negotiations have taken place with the applicant following an initial objection from Environmental Health relating to night time noise and disturbance to adjacent residents. The amended scheme now includes retractable bollards to 4 of the 5 car parking spaces and an agreement to have them in the raised position from 11pm to 7am. The purpose of this is to stop cars parking adjacent residential boundaries during the night. This matter will be considered later in the report.
- 4.2.3 Following negotiations, the replacement shop has also been reduced in footprint to bring it further from the side boundary with 1 Deacons Way.

## 4.3 Key Issues

### 4.3.1 Principle of the development

National and local policies encourage small scale shops to serve a local population. Larger retail units will require a sequential test to ensure new proposals would not have an adverse effect on the vitality and viability of established town centres. The proposed shop is small scale and no such test is required in this case.

- 4.3.2 For evidence of this I would refer you to the National Planning Policy Framework (NPPF), paragraph 83 (d) which requires planning decisions to enable:

*“the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open spaces, cultural buildings, public houses and places of worship.”*

In the emerging Local Plan 2011 – 2031 Policy ETC7 is relevant. It advises that:

*“Planning permission for small-scale proposals providing new shops and services will be granted within existing settlements to serve the local community as an exception to the sequential approach set out in Policy ETC3(a).”*

(The threshold for the impact test in Hitchin is 2,500 square metres.)

Saved Policy 42 of the NHDLP No. 2 with Alterations does not require a sequential test for shops below 1,500 square metres.

**I, therefore, conclude that there is no objection in principle to this development.**

#### 4.3.3 Residential Amenity

The closest residential property to the proposed shop is 1 Deacons Way. The original submission showed the side wall of the new shop to virtually abut the side boundary with this property, project 5 metres beyond the rear wall of the house and reaching a maximum roof height of 5 metres. It was felt that this would have an overbearing effect on the rear aspect of that residential property. Following negotiations amended plans have been submitted that reduces the footprint of the building and moves it to 3 metres away from the residential boundary. I consider the scheme now overcomes this particular objection.

4.3.4 Consideration has been given to any noise and disturbance that may be caused to nearby residential properties as a result of the proposed work. The applicant has submitted a Noise Impact Assessment carried out by acousticians, Cass Allen. The Council's Environmental Services has also been consulted. It has been noted that there is not time limit restriction to these premises and that the petrol filling station and shop have operated 24 hours a day for some time.

4.3.5 It is felt that any increase in vehicular traffic would not be great enough to have a significant effect on residential amenity due to noise.

4.3.6 There are currently no car parking spaces laid out on site for visitors to the shop. Five parking spaces are proposed to be marked out close to the shop and towards the rear of the site, just over 3 metres from the property boundary with 1 to 4 King Georges Way and close to 1 Deacons Way. The Council's Environment Health Officer initially objected due to the likely noise associated with the parking of cars during all hours of the night (banging of car doors, revving of engine, car radio etc.) and the effect it would have on the living conditions of the adjacent residential properties. Following negotiations, the applicant has amended the scheme to prevent use of the car parking spaces during the night. Rising bollards would be installed in front of 4 of the bays, to be placed in the raised position each night. This would prevent customers parking close to neighbouring properties when background noise is low enough for the use of cars here to cause disturbance. The Environmental Health Officer is now satisfied and has withdrawn the objection. It is felt that parking further from the boundary within the site would not be detrimental to occupiers' living conditions. The use of the rising bollards can be secured by condition and this is included in the recommendation.

4.3.7 A compound for the short-term storage of retail items is to be located abutting the side boundary with the rear garden of 1 Deacons Way. The compound would be formed using acoustic fencing. The Environmental Health Officer considers the acoustic fence would be effective and raises no objections to this.

4.3.8 Plant, such as relating to chiller units, is proposed to the rear of the shop, which would face Deacons Way. The units would generate some noise. The Council's Environmental Health Officer raises no objections to this subject to a condition requiring noise measure controls to be approved and implemented.

4.3.9 Concern has been raised by some local residents to noise caused by the congregation of youths here during unsociable hours. A complaint has been lodged with the police and Environmental Health Services. Such human behaviour is not a planning matter that can result in the withholding of planning permission, but is a matter for the police or other legislation.

- 4.3.10 Concern has been raised by local residents to noise from delivery vehicles. There is currently no restriction on when delivery vehicles can visit the site. It is felt that the proposal would not generate a significant increase in deliveries to justify restricting any planning permission.
- 4.3.11 Concern has been raised by local residents to intrusive lighting from the site. The proposed scheme does not include any additional lighting. The existing situation would remain. Any concerns can be controlled under environmental health legislation.
- 4.3.12 **I consider there would be no significant harm to residential amenity, subject to a condition to ensure the operation of rising bollards restricting night time use of 4 new car parking spaces.**

4.3.13 Highway matters

There is an existing in and out vehicular access to this site. No changes are proposed to the access, so the existing arrangement would remain. The Highway Authority has been consulted and consideration has been given to any increase in traffic the larger shop may generate. It is not felt to be significant and no objections are raised.

- 4.3.14 There would be an increase in floor space of 157 square metres and one additional member of staff proposed. Five new parking spaces are proposed, which is a shortfall of one space according to the current car parking standards for retail units. However, this is not a standalone shop, but part of a service station, where it is reasonable to expect some shop customer to be combining their trip will filling up with petrol and as such would use the parking areas associated with the petrol pumps. I can see no objections to the number of proposed new parking spaces.
- 4.3.15 Four of the five new parking spaces would be barred from use between 11pm and 7am by the use of rising bollards. I consider it reasonable to expect that there would be fewer customers during these hours and therefore fewer parking spaces required. The size of the site and hard surfaced area is such that customers could find other places to park within the site during these hours, which includes the nine spaces associated with the petrol pumps. The highway authority has been consulted specifically on this matter and no objections have been raised. I, therefore, consider that there are no sustainable planning objections to raise in relation to the proposed parking facilities of the development.
- 4.3.16 **I can see no sustainable planning objections relating to the highway and parking considerations of the scheme.**

4.3.17 Appearance

The existing shop is a buff brick, box-shaped building of a functional rather than aesthetic design. The canopy over the petrol pumps has been extended over part of the roof of the building. The proposed new shop is essentially a simple, contemporary brick building, rectangular in footprint with a curved roof. The external walls would mostly be of a buff brick with large areas of glazing. There would be grey cladding panels above the glazed areas. The curved roof would be of dark grey profile composite sheeting. The roof would curve upwards towards the centre of the site to a maximum height of 5 metres. The part of the canopy extending over the existing building would be removed. I consider the proposed building would be of a better quality design than the existing, although it would be a more prominent building due to its larger size.

4.3.18 The increased footprint of the new building and four of the parking spaces would result in the loss of some soft landscaping to the rear of the site and to the Deacons Way side of the site. There is currently a wide grassed area with a conifer tree between the shop and footpath of Deacons Way. The tree would go and the strip of land reduced to 6 metres deep. I consider that this would still be a substantial area for landscaping. The applicant leaves the details of planting to a condition should permission be granted.

4.3.19 I consider that the conifer tree, which would be lost, does not make a particularly positive contribution to the appearance of the area and I can see no objection to its loss. I feel that the 6 metre wide strip is sufficient space for an effective planting scheme. **Overall, I consider the appearance of the scheme could result in a slight improvement on the current appearance of the site.**

#### 4.3.20 Other Matters

Local residents have expressed concern that the replacement shop would result in increased traffic entering and exiting the site and as such would increase danger to school children travelling to and from Priory School. The service station is approximately 235 metres from the Priory School entrance. The highway authority considers that the proposal would not generate a significant increase in traffic to amount to highway danger and no objections are raised.

4.3.21 Concern is also expressed by local residents about the possible increase in litter, and that the increased size of shop would result in school children buying more sweets and energy drinks which are bad for their health. These are not material planning matters that could result in a sustainable planning objection.

4.3.22 The location of the proposed parking spaces would result in the loss of a second conifer tree at the back of the site. Due to its location and species, the tree makes a limited contribution to the visual amenities of the area and I can see no objections to its loss.

4.3.23 Objections are raised to the loss of value of nearby residential properties. Again, this is not a material planning objection that could result in a sustainable planning objection.

4.3.24 One of the reasons for the call-in from the ward Councillor relates to the possibility of flooding due to the creation of the parking spaces. I do not consider there to be a significant slope to the site. The area for the parking spaces is small and consultation of the Lead Local Flood Authority is not necessary for this small scale development. I can see no sustainable planning objection for this reason.

4.3.25 There is not a statutory requirement to consult Anglian Water, but given the concern raised in the reason for the call-in, a consultation has been carried out and any advice will be reported to the Meeting orally.

4.3.26 Concern is raised to the possibly excessive depth of the parking spaces of 15 metres, by the ward Councillor. The parking spaces would be of a standard size of 4.8 metres by 2.4 metres. The herringbone arrangement may give the impression of being longer.

4.3.27 Referring to further concerns raised by the ward Councillor, I have the following advice:

- No new canopy is proposed. The part of the canopy projecting over the existing shop would be removed.
- The proposal does not affect the existing fuel tanks.
- It is proposed that the existing lighting arrangement would remain and no new lighting is proposed.

#### 4.4 **Conclusion**

4.4.1 There are no sustainable planning objections to raise to the development, subject to the recommended conditions.

#### 4.5 **Climate Change Mitigation**

4.5.1 There would be a loss of two conifer trees and some grassed areas. The mitigation is for new planting in the remaining landscaped area. This would be the subject of a condition and could include a greater diversity of planting than the site currently holds. There would be a balance between a possible increase in vehicular traffic caused by the development and the provision of a local facility negating the need for some car journeys.

#### 4.6 **Alternative Options**

None applicable

#### 4.7 **Pre-commencement Conditions**

Agreed with the applicant.

#### 5.0 **Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

#### 6.0 **Recommendation**

6.1 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.

3. Before the occupation of any part of the floor space hereby permitted, the parking and loading/unloading facilities shown on the approved plan, drawing number 180656-PL-12-B, shall be marked out and made available, and shall thereafter be kept available solely for parking in connection with the premises, subject to the requirements of Condition 4 of this planning permission.

Reason: To ensure the provision of satisfactory vehicle parking and loading/unloading facilities clear of the public highway to meet the needs of the development.

4. Prior to the first use of the development hereby permitted, the rising bollards to the car parking spaces shown on drawing number 180656-PL-12-B shall be installed and shall be in the raised position between 23.00 hours and 07.00 hours.

Reason: To protect the living conditions of nearby existing residents.

5. Prior to the first use of the development hereby permitted, a scheme including noise control measures shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that the rating level of sound emitted from any external fixed plant and/or machinery associated with the development shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014 (Method for rating assessing industrial and commercial sound) and/or its subsequent amendments. No plant shall be installed and operated at the site until the noise survey has been approved by the Local Planning Authority.

Reason: To protect the living conditions of existing nearby residents.

6. Prior to the occupation of the building hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also be implemented as approved prior to the building being brought into use. The scheme shall include a scaled landscape drawing of scale 1:100 and shall include the following:

- o Existing trees to be removed;
- o Location, species and planting size of any proposed trees or plants;
- o Proposed maintenance to establish the trees and plants;
- o Any fences, hedges, walls or other boundary treatment;
- o Location and materials of all hard surfaces.

7. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:



(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;  
(ii) The results from the application of an appropriate risk assessment Methodology

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

**Proactive Statement:**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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.

**Informative/s:**

During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 08.00hrs Monday to Saturday, nor after 18.00hrs on weekdays and 13.00hrs on Saturdays, not at any time on Sundays or Bank Holidays.

















Prior to the commencement of demolition of the existing building, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

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## Application Validation Sheet

19/01598/FP Service Station, Bedford Road, Hitchin, Herts, SG5 2UG

-  Acolaid Land Parcel  
Property.shp
-  Acolaid Address Point  
sp.shp
-  Planning Application (1999)  
Prapps99.shp
-  Area of Outstanding Natural Beauty  
Pranob.shp
-  Listed Buildings  
Prlistbd.shp
-  Tree Preservation Order (Single)  
ORACLE
-  Tree Preservation Order (Group)  
ORACLE
-  Parish Boundary  
Prparish.shp
-  Conservation Area  
Prconea.shp
-  District Local Plan Boundary  
Prdlp2.shp
-  Green Belt  
Prgrnbt.shp
-  Health & Safety Consultation Zone  
Prjnzshp
-  Landscape Conservation  
Prlandca.shp
-  Ward Boundary  
Prwardcd.shp
-  Noise Nuisance Indicators  
Prnnis.shp
-  Indicative Flood Plain  
Prifpm.shp



Scale 1:1,250  
Date: 26/11/2019



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<b>ITEM NO:</b>	
<u>Location:</u>	<b>3 Commons Lane Kimpton Hitchin Hertfordshire SG4 8QG</b>
<u>Applicant:</u>	<b>Settle Group</b>
<u>Proposal:</u>	<b>Erection of one 4-bed detached dwelling including creation of vehicular access.</b>
<u>Ref .No:</u>	19/02061/FP
<u>Officer:</u>	<b>Ben Glover</b>

**Date of expiry of statutory period:** 22.10.2019

**Extension of statutory period:** 20/12/2019

1.0 **Submitted Plan Nos.:**

PL001 – Site Location Plan  
PL002 – Existing Site Plan  
PL003A – Proposed Site Plan  
PL100A – Proposed Floor Plans  
PL200A – Proposed Elevations

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan No.2 with Alterations**

Policy 5 – Excluded Villages  
Policy 26 – Housing Proposals  
Policy 55 – Car Parking Standards  
Policy 57 – Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

Chapter 2 – Achieving sustainable development  
Chapter 5 – Delivering a sufficient supply of homes  
Chapter 11 – Making effective use of land  
Chapter 12 – Achieving well-designed places

## 2.3 **North Hertfordshire Draft Local Plan 2011-2031 - (Approved by Full Council April 2017)**

SP1 – Sustainable Development in North Herts  
SP8 – Housing  
SP9 – Sustainable Design  
D1 – Sustainable Design  
D2 – House Extensions and Replacement Dwellings  
D3 – Protecting Living Conditions  
T2 – Parking

## 2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD

## 3.0 **Site History**

None relevant.

## 4.0 **Representations**

### 4.1 **Site Notice:**

Start Date: 11/09/2019 Expiry Date: 04/10/2019

### 4.2 **Press Notice:**

Start Date: N/A Expiry Date: N/A

### 4.3 **Neighbouring Notifications:**

The owners/occupiers of No. 4, 5, 6 Commons Lane, 21 Claggy Road and 24 Lawn Avenue were notified on 06/09/2019. Neighbouring representations have been received from 5, 6 Commons Lane and 16 Claggy Road. The responses are summarised below:

#### 5 Commons Lane (Objection):

- Will shut out light from kitchen / diner and Hallway / stairs.
- Will result in overlooking.
- Dust from construction will cause problems when drying washing.
- No details for boundary treatment changes.
- Loss of privacy in garden.
- Outlook will be obstructed.
- Delivery trucks will not be able to get up and down road when building is being constructed.

#### 6 Commons Lane (Objection):

- Proposal results in selling of public land to the private market.
- The addition of a 4-bed dwelling for the private market would be contrary with the districts affordable housing need and would constitute inappropriate development that is not required to support NHDC's secured 5.3 year land supply within the emerging local plan and fails to demonstrate need through very special circumstances.
- The development would harm the character and appearance to this edge of village location by introducing smaller plot sizes, harming the open countryside aesthetic.
- The application did not seek pre-application advice, avoiding the opportunity to work with NHDC.
- The proposal would result in the loss of hedgerow and habitat that contributes to the landscaped character and setting of the application site. The removal of the hedgerow would also destroy natural habitats.
- The proposal by virtue of height, scale, massing & bulk would be 'materially larger' and have a 'materially greater impact' thereby harming visual amenity of the streetscape.
- The proposal fails to provide adequate garden depth and amenity space to the proposed dwelling. Contrary to design standards and to the wider character of the local context.
- Diminish existing amenity space to No. 3 Commons Lane.
- The two storey rear projection would be over-bearing, over-dominant and result in loss of light to No. 5 and 3 Commons Lane.
- Fails to provide suitable levels of privacy to neighbouring properties.
- The parking provided would be contrary to Policy 55 in the current local plan that required three parking spaces for a 4-bed dwelling.
- The parking provided would be over dominating and visually intrusive.
- Proposal would result in impact on pedestrian safety and increased conflicts in traffic flow.
- Timber windows would appear unsympathetic within local context.
- Chimneys are a feature. Proposal would be an erosive addition within streetscene.
- Fails to address concerns regarding welfare of any potential amphibious species.
- Fails to propose any new landscaping or boundary treatment details that would mitigate visual prominence of proposed new dwelling.
- Visual and sensory harm during its construction period.

#### 16 Claggy Road (Objection):

- Size of property is too large and out of character to other properties on Commons Lane.
- 3 Commons Lane has been empty for a number of months. Previously garden was in use with a greenhouse, veg path and lawn.
- Not enough affordable houses or council houses in the village.
- Parking will be an issue as two spaces for four bedrooms is not sufficient. Parking already an issue on Commons Lane and Claggy Road.
- Removal of hedges and lawn space not good for the environment.

#### **4.4 Parish Council / Statutory Consultees:**

Kimpton Parish Council – *“Kimpton Parish Council considered this application at the meeting held on Wednesday 25th September.  
The council supports the comments made by Mr and Mrs J Croft.*

*The Commons Lane site is located within an area that is, predominately, social housing and was land previously owned by NHDC. The parish council strongly prefers that the land remains available for social housing rather than for the private market. Should the application be approved then the parish council request that the local social housing be supported through s106 agreement or other unilateral agreement/mechanism. Profits from this private development should be funnelled, by the applicant, to support the social housing needs of Kimpton.*

*The proposal for a 4 bedroom private dwelling does not comply with the recommendations of the Kimpton Housing Needs Survey completed in 2019.*

*The proposed development is an over development of the site resulting in the height of new dwelling higher than the neighbours thereby affecting the street scene and the neighbours. The increased bulk of the building is inappropriate for the area.*

*The on site parking provision is not compliant with planning policy and so would result in increased road parking to the detriment of the area.*

*Several of these attributes could be mitigated if the proposed development was a modest 3 bedroom dwelling instead of large 4 bedroom house.”*

*HCC Highways – “Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.*

*If the local planning authority resolves to grant permission the highway authority recommend inclusion of the following advisory notes to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980 HIGHWAY INFORMATIVES:*

*I recommend inclusion of the following Advisory Notes (ANs) to ensure that any works as part of this development are carried out in accordance with the provisions of the Highways Act 1980 and other relevant processes.*

*AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:*

*<https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>*

*AN2) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:*

*<https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>*

*Policy Review As part of the Design and Access statement, the application should take account of the following policy documents; • National Planning Policy Framework (July 2018); • Hertfordshire County Council’s (HCC) Local Transport Plan-4 [2018-2031, May2018] • Roads in Hertfordshire Design Guide 3rd Edition -2011 • North Herts Local Planning policy [2011-2031] Planning History: The application site has no previous planning histories*

**COMMENTS / ANALYSIS:**



The application is seeking permission to build a 4-bed dwelling at side garden area of the existing house (3 The Common Lane, Kimpton). It also, has proposed to create two new vehicular cross overs (VXO) onto Common Lane which would serve new and existing dwellings Common Lane is a Cal De Sac and designated as an unclassified local access (L2) road, subject to a speed limit of subject 30mph and is highway maintainable at public expense.

#### VEHICULAR ACCESS AND VISIBILITY:

The application site has no any direct vehicular and section 12 of the submitted application drawing (Ref- PL03, Rev- xx) reveals that two new accesses have been proposed to create onto Common Lane. This proposal would be acceptable in the highway terms.

In this instance, due to the low hierarchy of Common Lane, developer would need to apply for a dropped kerb via online to the HCC's website ([www.hertsdirect.org/droppedkerbs](http://www.hertsdirect.org/droppedkerbs).) and the highway network management team will make their decision.

For the better access of construction traffics to the site, building works should be started after complication of the proposed access.

#### VEHICLE PARKING

The submitted drawing (Ref- PL03, Rev-xx) shows the proposed parking spaces and turning area with the development site which deemed satisfactory and would be acceptable.

#### TRAFFIC GENERATION

Proposal of erection of one dwelling would not generate substantial number of trips to the site compare with the existing usage. Therefore, it has been considered that this scale of development would not have a significant impact on the local highway network.

#### REFUSE / WASTE COLLECTION:

No specific details have been included as part of the application. Provision would need to be made for on-site bin-refuse stores within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by NHDC waste management. The details should be secured as part of a planning condition.

#### SECTION 278:

Not applicable for this instance.

#### CONCLUSION:

In summary, Hertfordshire County Council as a Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways and consequently would have no objections on highway grounds. However, the developer would need to apply for standard dropped kern to create a VXO before the proposed building works are started."

Environmental Health (Noise) – No objections subject to informatives.

Environmental Health (Contaminated Land) – No objections subject to conditions.

Waste and Recycling – No comments received.

## 5.0 **Planning Considerations**

### 5.1 **Site and Surroundings**

5.1.1 The application site comprises open land adjacent to No. 3 Commons Lane. This part of Commons Lane comprises of predominately semi-detached dwellings within a planned estate. Parking is a mixture of on and off street.

## 5.2 Proposal

5.2.1 Planning permission is sought for the erection of a 4-bed detached dwelling and creation of vehicular access for the supply of off-street car parking. The proposed dwelling would measure approximately 9.3m in width, 9.4m in depth (including the two storey rear projection) and 8.1m in height with 5.3m to the eaves. The proposed new dwelling would feature a two storey rear projection that would itself measure approximately 3.4m in depth, 3.9m wide and 7.3m in height.

5.2.2 The proposal would increase the creation of a new vehicular access off Commons Lane allowing for the provision of two off-street car parking spaces for the proposed new dwelling.

5.2.3 Amended plans were received on the 19<sup>th</sup> November 2019 with changes to the proposed design of the dwelling, including changes to fenestration design and the inclusion of a chimney stack in order to make the proposed dwelling appear in keeping with the character and appearance of nearby existing dwellings.

## 5.3 Key Issues

5.3.1 The key issues for consideration are as follows:

- The acceptability of the principle of a new dwelling in this location.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwelling.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.

### Principle of Development:

5.3.2 The application site is situated within Kimpton, which is defined as an excluded village within the Current Local Plan and a Category A village in the Emerging Local Plan. Within an excluded village, the Council will normally permit development for housing provided the development proposed is compatible with the maintenance and enhancement of the village character and the maintenance of Green Belt Boundaries. The principle of the proposed development would be acceptable in this location and within the village of Kimpton. However, the acceptability of the proposal therefore relates to the detail to be discussed below.

5.3.3 Paragraph 11 of the National Planning Policy Framework (2019) and its “presumption in favour of sustainable development” is engaged as follows:

*“for decision taking... granted permission unless... any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole”*

5.3.4 The proposed development would result in the gain of one additional housing unit that would contribute toward additional housing in the district. The application site is within a Category A village and predominately residential location. I therefore consider the proposal to be a located in sustainable location that would bring about limited benefits in terms of social and economic considerations.

Design and Appearance:

5.3.5 The NPPF attaches great importance to the design of the built environment, stating *“the creation of high quality buildings and places is fundamental to what the planning and development process should achieve”*. The NPPF goes on to state that *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. The aims of the NPPF are reflected in the Saved Local Plan Policy 57 and the Emerging Local Plan Policy D1.

5.3.6 Policy 57 of the Saved Local Plan sets out the guidelines and standards for residential development. Policy 57 states under Guideline 1 that *“each new development must relate to the site’s physical shape and existing features, and the character of the surroundings”*. The guideline goes on to states that *“the concern for the site and surroundings is equally, if not more, important for small developments. For example, single dwellings... can have a disastrous impact on the street scene... due to insensitivity to the scale of the surrounding buildings or the use of the wrong type of materials”*.

5.3.7 Guideline 2 of Policy 57 relates to design and layout of new residential development. The guideline suggests that *“the design and layout of new houses should be acceptable to most people in visual, functional and social terms, whether as residents of as visitors”*. The guidelines goes on to state *“to achieve the highest standards of design, housing proposal should relate to and enhance their site and surroundings”*

5.3.8 Policy D1 of the Emerging Local Plan states that development proposal should *“respond positively to the site’s local context”*. Policy D1 is reflected in Paragraph 127 (c) of the NPPF which states that development should be *“sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change”*.

5.3.9 The proposed detached dwelling would be sited within an open plot of land between No. 3 and 5 Commons Lane. The dwelling would maintain the built line of this part the street scene. Furthermore, the development, whilst detached, would maintain the character of the street scene given the appropriate details included within the design of the proposed dwelling including fenestration details, chimney details and use of materials.

5.3.10 When viewed from within the street scene, the proposed dwelling would be of appropriate design and appearance when compared to existing properties within the street scene. I therefore consider that the proposed development would be an appropriate addition within the street scene and would not result in any unacceptable impact upon the character and appearance of the locality. The proposal would therefore be in compliance with Policy 26 and 57 of the Current Local Plan, Policy D1 of the Emerging Local Plan and the core principles set out within the NPPF.

Standard of Accommodation:

5.3.11 Paragraph 127 (f) of the NPPF states that “*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*”. Paragraph 127 (f) is reflected in Guideline 8 of Policy 57 in the Saved Local Plan and in Policy SP9 of the Emerging Local Plan.

5.3.12 The proposed development would provide an appropriate amount of private amenity space for any potential future occupiers given the proposed size of the garden. Furthermore, each bedroom would be served by large windows giving any future occupiers access to high levels of natural light. The proposed dwelling would provide occupiers with a kitchen and a W/C accessible on each floor of the property.

5.3.13 The proposed development is considered to provide an acceptable high standard of living for any potential future occupiers and is in my view in compliance with both local and national planning policies.

Impact on Neighbouring Properties:

5.3.14 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 of the Local Plan and D3 of the Emerging Local Plan.

5.3.15 The proposed dwelling would be situated on land between No. 3 and 5 Common Rise. No dwellings neighbour the proposed property to the rear. No. 3 Common Rise is a two storey semi-detached dwelling. The proposed development would be sited closest to No. 3, but would not project beyond the front or the rear of the neighbouring property. Furthermore, the developments two storey rear projection would be sited along the south western boundary of the site and therefore away from No. 3. The development would not result in any unacceptable impact upon the light, privacy or amenities to the occupiers of No. 3 Commons Lane.

5.3.16 No. 5 Commons Lane is a two storey semi-detached dwelling that would neighbour the proposed new dwelling to the south. No. 5 is set away from the boundary with the application site by approximately 9.2m and features a detached garage to the side of the neighbouring dwelling. Given the separation between the application plot and No. 5 Commons Lane, it is considered that the proposed development would not result in any unacceptable overbearing impact or loss of light to the neighbouring occupiers.

5.3.17 The proposed development would include the addition of side facing windows on the south western elevation at both ground and first floor level. It is considered appropriate to condition the first floor side facing window to be obscure glazed and non-opening below 1.7m in order to safeguard neighbouring amenity. However, the fenestration proposed within the new dwelling would not result in an unacceptable loss of privacy to nearby neighbouring occupiers.

5.3.18 Given the above, it is considered that the proposed development would not result in any unacceptable impact upon the light, privacy or amenity of the neighbouring occupiers and is therefore in compliance with both local and national planning policies in my view.

Highways and Parking:

5.3.19 The proposed 4-bed dwelling would benefit from access to two off-street car parking spaces. The Vehicle Parking at New Development SPD states that “the standards for 3

or 4 bedroom dwellings are the same as 2+ bedrooms with a minimum of 2 spaces per dwelling". This is reflected in Table 4.1 of the SPD. The proposed development would therefore supply the minimum number of off-street car parking spaces required for a dwelling of this size.

- 5.3.20 Furthermore, the County Highways Authority have raised no objections to the proposed development and I consider that the development would not result in any unacceptable impact upon the safe operation and use of the public highway.

Neighbouring and Parish Council Objections:

- 5.3.21 Note has been taken of the objections raised by neighbouring occupiers, much of which is addressed within the above report. However, it has been noted that an objection has been raised regarding the construction of the proposed dwelling to be sold on the private market. Given that only one dwelling is proposed within the site, the Council cannot ask that the property be used as social housing. The concern raised regarding the construction of the property for the private market is therefore not a planning consideration in this case.

**5.4 Conclusion**

- 5.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

**5.5 Alternative Options**

- 5.5.1 None applicable

**5.6 Pre-Commencement Conditions**

- 5.6.1 Pre-commencement conditions not yet agreed at the time of writing. Members to be updated at Committee.

**6.0 Legal Implications**

- 6.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

**7.0 Recommendation**

- 7.1 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.

3. The window at first floor level on the south west elevation of the development hereby permitted shall be permanently glazed with obscure glass and be non-opening below 1.7m.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

4. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled

waters.

### **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.

### **Informative/s:**

1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
3. During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.
4. During the construction phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

















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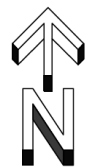
## Application Validation Sheet

19/02061/FP 3 Commons Lane, Kimpton, Hitchin, Herts, SG4 8QG

-  **Acolaid Land Parcel**  
Property.shp
-  **Acolaid Address Point**  
sp.shp
-  **Planning Application (1999)**  
Prapps99.shp
-  **Area of Outstanding Natural Beauty**  
Pranob.shp
-  **Listed Buildings**  
Prlistbid.shp
-  **Tree Preservation Order (Single)**  
ORACLE
-  **Tree Preservation Order (Group)**  
ORACLE
-  **Parish Boundary**  
Prparish.shp
-  **Conservation Area**  
Prconea.shp
-  **District Local Plan Boundary**  
Prdlp2.shp
-  **Green Belt**  
Prgrnbt.shp
-  **Health & Safety Consultation Zone**  
Prhjszone.shp
-  **Landscape Conservation**  
Prlandca.shp
-  **Ward Boundary**  
Prwardcd.shp
-  **Noise Nuisance Indicators**  
Prnnis.shp
-  **Indicative Flood Plain**  
Prifpm.shp



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Date: 26/11/2019



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<b>ITEM NO:</b>	
<u>Location:</u>	<b>3 Highbury Road Hitchin Hertfordshire SG4 9RW</b>
<u>Applicant:</u>	<b>Mr &amp; Mrs Reynard</b>
<u>Proposal:</u>	<b>Single storey rear extension; replacement of garage door with window &amp; brickwork to facilitate garage conversion; clear glazing in existing first floor window in side (south) elevation and replacement windows in front elevation; 2.5m fence with trellis along part of north boundary; and ancillary works following demolition of existing rear conservatory</b>
<u>Ref .No:</u>	19/02501/FPH
<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period:** 11.12.2019

**Reason for Delay:** Committee cycle

**Reason for Referral to Committee**

The applicant is an employee of the Council working in the Planning Department.

**1.0 Site History**

- 1.1 06/00700/1HH: Rear conservatory.
- 1.2 87/00005/1: First floor side extension
- 1.3 96/01246/1HH: First floor side extension

**2.0 Policies**

**2.1 North Hertfordshire District Local Plan No. 2 (Saved Policies, 2007)**

Policy 28: House Extensions  
Policy 55: Car Parking Standards  
Policy 57: Residential Guidelines and Standards

**2.2 North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission**

(Incorporating the Proposed Main Modifications, November 2018)  
Policy D1: Sustainable Design  
Policy D2: House extensions, replacement dwellings and outbuildings  
Policy D3: Protecting living conditions  
Policy T2: Parking

## 2.3 **National Planning Policy Framework**

Section 12: Achieving well-designed places

Section 16: Conserving and enhancing the historic environment

Supplementary Planning Document: Vehicle Parking at New Development (2011)

Emerging Local Plan Appendix 4: Car Parking Standards

## 3.0 **Representations**

3.1 **Site Notice/ Adjoining occupiers:** No representations received

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

No. 3 Highbury Road is a detached two storey dwelling with garage located on the east side of the road south of the junction with The Avenue. The dwelling is elevated above the road with sloping driveway. The dwelling has a hipped roof and the external materials are facing brickwork, plain tiles and upvc windows. The property is within the Hitchin Conservation Area and the Article 4 Direction Area.

### 4.2 **Proposal**

4.3 The applicants seek planning permission for the following works:

- Single storey rear extension comprising a flat roof with parapet wall surround. The extension would replace an existing conservatory extension. The extension would be 9.2m wide, 4.5m in depth and 3.3m in height (overall). The extension would be constructed in matching brickwork and would have full height sliding doors facing the rear garden and three rooflights.
- Replacement of garage door with upvc window.
- Replacement upvc windows to front elevation, two new side facing windows at first floor level and new side door. Windows and doors to rear elevation to be grey aluminium.
- Replacement fence to side boundary with No. 2 comprising 2m high slatted fence with 0.5m trellis (4.5m in length).

### 4.4 **Key Issues**

The key issues are design and appearance and impact on the conservation area, impact on neighbouring properties, parking and environmental implications.

### 4.5 **Design and appearance and impact on the conservation area**

- 4.6 The proposed single storey rear extension comprises a traditional parapet roof design with aluminium rainwater goods. This design solution is often found as an alternative to a pitched roof extension where it is not possible to achieve the required pitch due to the depth of an extension and its height beneath first floor rear windows. A major benefit is that it reduces the height and bulk of an extension. In this case a similar design has been approved at the neighbouring property at No. 4 and it is a design that is commonly used for rear extensions where there is usually more scope to use a variety of roof forms. The full height / width windows introduces a contemporary element that is in keeping with the flat roof design. I consider that the extension is generally sympathetic to this 1950's dwelling and is appropriate in terms of height, form, proportions and materials consistent with Policy 28 of the local plan and Policy D1 of the Emerging Local Plan.
- 4.7 The proposed window to form the garage conversion would be in keeping with the front elevation of house where there is similar fenestration.
- 4.8 The Hitchin Conservation Area is a designated heritage asset and this part of Highbury Road and its significance and history is described in the Hitchin Conservation Area Character Statement and in the vicinity of No. 3 there are many 'positive buildings' mentioned which contribute towards the significance of the area. No. 3 is a more recent addition to Highbury Road however and therefore it arguably has a more neutral impact on the setting of the Conservation Area. Nevertheless, the proposed extension and other minor works are such that they would not be detrimental to the character and appearance of this part of the Hitchin Conservation Area.
- 4.9 **Impact on neighbouring properties**
- 4.10 The single storey rear extension would be set away from both side boundaries. A 1 metre gap separates the extension from No.4 which has a side garage which is to be replaced by a 6m deep rear extension (indicated on the Block Plan, drawing no. PL01B). No. 4 is also on higher ground. As such this property would not be affected by the extension. A 600mm gap is proposed between the extension and No. 2 Highbury Road. No. 2 has several side windows facing towards the proposed extension however they are several metres away and a garage separates the main living accommodation from No. 3. It should also be noted that the proposed extension replaces an existing rear conservatory close to this boundary and that the additional projection is in fact only 1.3m with a limited increase in height. The impact of the extension is further mitigated by the provision of a new 4.5m length of boundary fence which largely screens the extension save for the upper section of brick work (indicated on drawing no. PL-03E (side elevation)). Given the above I consider that the extension would not adversely affect the living conditions of the occupiers of No. 2 Highbury Avenue.

Overall, I consider that the extension would have a satisfactory relationship with adjacent occupiers and would not adversely affect the amenity of the occupiers of Nos. 2 or 4 Highbury Road.

#### 4.11 **Parking**

4.12 The existing property has a single garage and one parking space in front. The provision of two spaces complies with the Council's SPD on parking however the existing garage does not meet current minimum dimensions in the SPD and is not in practice useable for parking a vehicle. There is no increase in bedrooms and in fact the garage conversion works do not require planning permission and therefore there is no requirement to provide additional parking spaces. Furthermore, it would be desirable to retain the current front garden in the interests of maintaining the character and appearance of the Conservation area.

#### 4.13 **Environmental implications**

4.14 The proposed development is of a relatively minor nature and is of an acceptable design and scale having regard to the sustainable location of the site and the Conservation Area designation. It is considered that the proposals would be in general compliance with Policy D1 of the Emerging Local Plan ('Sustainable Design').

#### 4.15 **Conclusion**

4.16 The proposal is acceptable in planning terms.

#### 4.17 **Alternative Options**

4.18 None applicable in this case as the proposals are considered acceptable.

#### 4.19 **Pre-Commencement Conditions**

4.20 None applicable

### 5.0 **Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

### 6.0 **Recommendation**

6.1 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.

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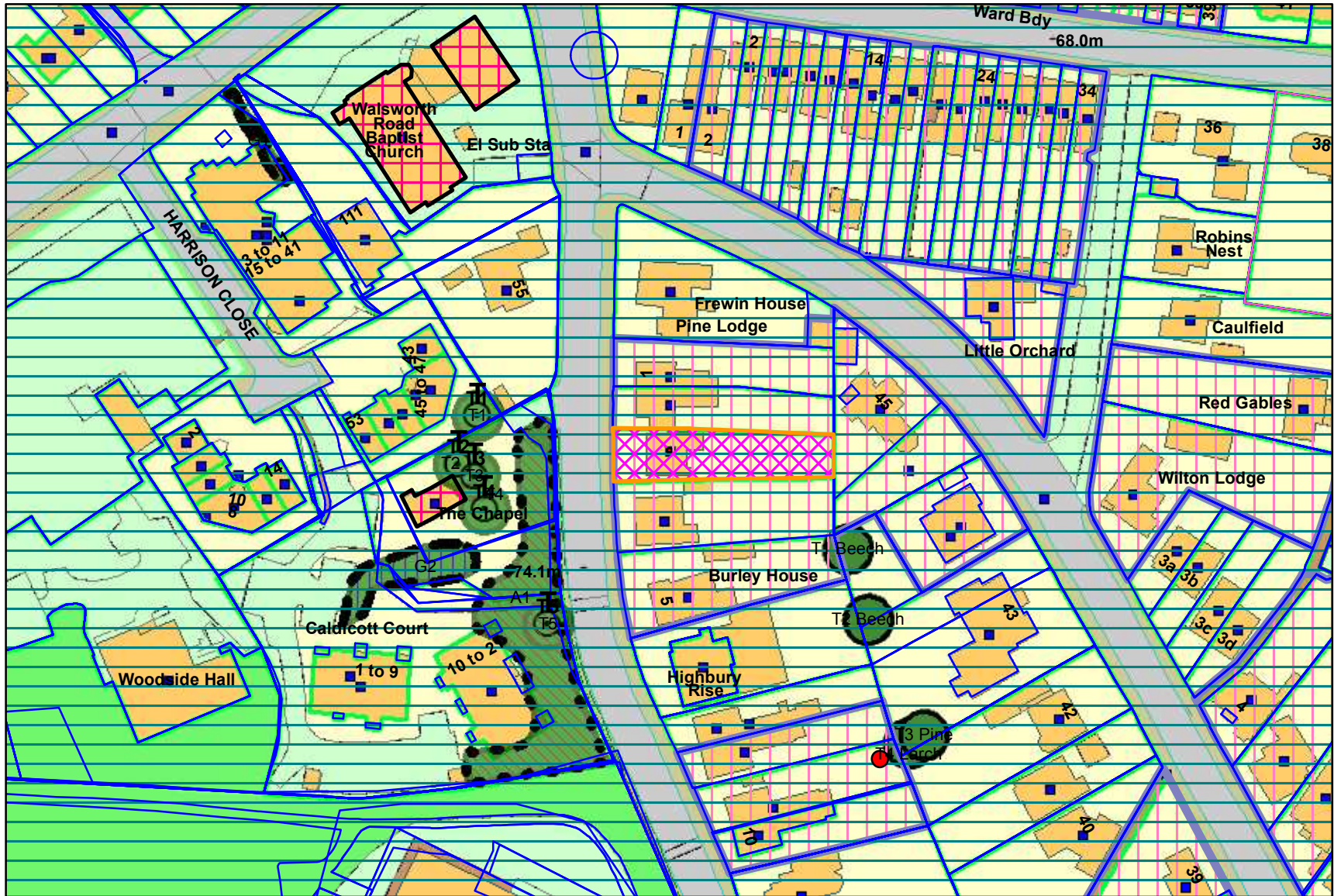




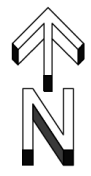
## Application Validation Sheet

19/02501/FPH 3 Highbury Road, Hitchin, Herts, SG4 9RW

- Acolaid Land Parcel  
Property.shp
- Acolaid Address Point  
sp.shp
- Planning Application (1999)  
Prapps99.shp
- Area of Outstanding Natural Beauty  
Pranob.shp
- Listed Buildings  
Prlistld.shp
- Tree Preservation Order (Single)  
ORACLE
- Tree Preservation Order (Group)  
ORACLE
- Parish Boundary  
Prparish.shp
- Conservation Area  
Prcrea.shp
- District Local Plan Boundary  
Prdlp2.shp
- Green Belt  
Prgrnbt.shp
- Health & Safety Consultation Zone  
Prjnzshp
- Landscape Conservation  
Prlandca.shp
- Ward Boundary  
Prwardcd.shp
- Noise Nuisance Indicators  
Prnnis.shp
- Indicative Flood Plain  
Prifpm.shp



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Date: 26/11/2019



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<b>ITEM NO:</b>	
<u>Location:</u>	<b>Lloyds Pharmacy 7 St Martins Road Knebworth Hertfordshire SG3 6ER</b>
<u>Applicant:</u>	<b>Lloyds Pharmacy</b>
<u>Proposal:</u>	<b>Installation of internally illuminated fascia sign and internally illuminated projecting sign</b>
<u>Ref No:</u>	19/02621/AD
<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period:** 31.12.2019

**Reason for Delay:** Committee cycle

**Reason for Referral to Committee**

The objection of the Parish Council is supported by Councillor Deakin-Davies

**1.0 Planning History**

- 1.1 16/01369/1: Erection of Library, Doctors Surgery and Retail Pharmacy and provision of additional parking, revised vehicular and pedestrian access, landscaping and ancillary works following demolition of existing Library (as amended by plans and supporting documents received 7/11/16). Granted 6/1/17
- 1.2 17/00204/1: Variation to condition 5 (Hours of opening) of planning application 16/01369/1 granted 6.1.17. (Proposed hours: the hours of opening of the library and pharmacy hereby approved shall only be permitted between 08.00hrs and 20.00hrs Monday to Friday, 08.00hrs to 19.00hrs Saturday and 10.00hrs and 16.00hrs on Sundays. There shall be no permitted hours of opening on Bank Holidays. The opening hours of the surgery shall be between 07.00 hours and 21.00 hours Monday to Friday and 08.00 hours to 17.00 hours on Saturdays and 10.00hrs to 16.00hrs on Sundays only.) Granted 17/3/17

**Condition 6**

*The hours of opening of the library and pharmacy hereby approved shall only be permitted between 08.00 hours and 20.00 hours Monday to Friday, 08.00 hours to 19.00 hours Saturday and 10.00 hours to 16.00 hours on Sundays. There shall be no permitted hours of opening on Bank Holidays. The opening hours of the surgery shall be between 07.00 hours and 21.00 hours Monday to Friday and 08.00 hours to 17.00 hours on Saturdays and 10.00 hours to 16.00 hours on Sundays. There shall be no opening of the surgery on Bank Holidays.*

*Reason: To protect the residential amenities of existing residents.*

- 1.3 19/01066/NMA: Non-material amendments 1.) Move the building 300mm towards St. Martin's Road 2.) Lower the ground and first floor levels by 250mm 3.) Amend the access ramp design 4.) Revise the vehicle access width from 4500mm as condition 8 to 4100mm (as non material amendments to planning permission reference 16/01369/1 granted 06/01/2017). Approved 7<sup>th</sup> June 2019

## 2.0 **Policies**

### 2.1 **North Hertfordshire District Local Plan No. 2 (Saved Policies, 2007)**

Policy 5: Excluded villages

### 2.2 **North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission** (Incorporating the Proposed Main Modifications, November 2018)

Policy D1: Sustainable Design

Policy HC1: Community Facilities

### 2.3 **National Planning Policy Framework**

Section 8: Promoting healthy and safe communities

Section 12: Achieving well-designed places

## 3.0 **Representations**

- 3.1 **Hertfordshire Highways:** Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway. HCC has no objections on highway grounds to the application

- 3.2 **Knebworth Parish Council:** Comment as follows:

*The pharmacy is part of a new multi-use building, replacing a single storey library, which was set well back from the footpath. St Martins Road is primarily a residential road comprising family properties within large plots. The proposed illuminated fascia sign will visibly extend the commercial area into St Martins Road, and is out of character. Knebworth Parish Council therefore objects to this application.*

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

- 4.1.1 The application site lies on the former Knebworth Library Site, which, as of December 2019, was in the process of being redeveloped to provide a replacement library, doctor's surgery and pharmacy. The surrounding area is mixed in character changing from a retail dominated environment at the western end of St. Martins Road at its junction with London Road to a primarily residential environment east of the application site. Opposite the application site is St. Martins Church.

## 4.2 Proposal

4.2.1 The application seeks advertisement consent for the installation of the following signage:

- 1x Aluminium fascia sign 4.9m in length and 500mm in height located 2.5m above ground level. LED illumination is proposed to the edges of the lettering only
- 1x Aluminium projecting sign. This sign would be rectangular and project 430mm and would be 500mm in height also 2.5m above ground level. LED illumination is proposed to the edges of the roundel logo.
- Vinyl sign applied to the shop window.

## 4.3 Key Issues

4.3.1 The key material considerations are amenity and public safety as advised by the National Planning Policy Framework (paragraph 132).

### Amenity

4.3.2 The application site, once construction is completed in January 2020, will consist of a modern library, doctors surgery and pharmacy and 23 space car park. The new building replaces a single storey library building and associated car park. Whilst there is a greater amount of development on the site than previously the case, the site retains its original Class D1 (Non-residential institution) use. As such it would be expected that the new building would require some signage to alert the local population and visitors to this important community and health care facility. The previous building contained two fascia signs (albeit they were non-illuminated) and therefore the principle of signage on a public building at this site has been established for many years. The site is also in a part of St. Martins Road that contains a variety of uses eg. retail uses, public car park, a church and flat accommodation at Gordon Court. Therefore, the assertion of the Parish Council that the proposed signage would 'extend the commercial area into St. Martins Road and is out of character' is misplaced.

4.3.3 The proposed illuminated fascia sign is at a low level above the entrance door to the pharmacy unit and set back from the road. Its prominence is further minimised because of the drop in level from the pavement to the entrance to the building via a ramped walkway.

4.3.4 The signage is limited to a modest fascia sign and projecting sign. The illumination is restricted only to the fascia lettering and the logo on the projecting sign.

4.3.5 The design of the signage is considered complementary to the modern appearance of the new building.

4.3.6 To accommodate the concerns of the Parish Council regarding illumination the applicants have confirmed that the signs can be controlled by a timer so that the illumination is only switched on during the approved opening hours of the pharmacy. I have accordingly attached an appropriately worded condition.

4.3.7 Having regard to the previous and continued use of the site and the limited height and amount of signage it is considered the potential impact of the proposed signage on the character and appearance of the building and surrounding area and the amenity of the area in general would be acceptable.

## Public safety

4.3.8 The amount of signage and the intensity of illumination is restrained. The signage is set away from the public footpath and highway and it would be at a sufficient height so as to not be obstructive to pedestrians and as such would not give rise to conditions prejudicial to pedestrian and highway safety. The positions of the signage and the levels of illumination are noted by the Highways Authority and no objections are raised. Therefore, with regards to public safety, there is considered to be no detrimental impacts that arise from the proposed advertisement details.

## 4.4 **Conclusion**

4.4.1 The proposed advertisement details are considered to be acceptable and conditional advertisement consent is recommended.

### 4.4.2 **Alternative Options**

4.4.3 None applicable in this case as the proposals are considered acceptable.

### 4.4.4 **Pre-Commencement Conditions**

4.4.5 None applicable

## 5.0 **Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

## 6.0 **Recommendation**

6.1 That advertisement consent be **GRANTED** subject to the following conditions:

1. (a) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (b) No advertisement shall be sited or displayed so as to-
  - (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (c) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (d) Any structure or hoarding erected or used principally for the purpose of displaying advertisements, shall be maintained in a condition that does not endanger the public.

(e)Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: As imposed by regulation within the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. The advertisement signs hereby approved shall only be illuminated during the approved opening hours of the pharmacy.

















Reason: In the interests of local amenity.

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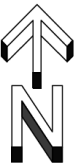
## Application Validation Sheet

19/02621/AD Lloyds Pharmacy, 7 St Martins Road, Knebworth, Herts, SG3 6ER

-  Acolaid Land Parcel  
Property.shp
-  Acolaid Address Point  
sp.shp
-  Planning Application (1999)  
Prapps99.shp
-  Area of Outstanding Natural Beauty  
Pranob.shp
-  Listed Buildings  
Prlistbd.shp
-  Tree Preservation Order (Single)  
ORACLE
-  Tree Preservation Order (Group)  
ORACLE
-  Parish Boundary  
Prparish.shp
-  Conservation Area  
Prconrea.shp
-  District Local Plan Boundary  
Prdlp2.shp
-  Green Belt  
Prgrnbt.shp
-  Health & Safety Consultation Zone  
Prhjszone.shp
-  Landscape Conservation  
Prlandca.shp
-  Ward Boundary  
Prwardcd.shp
-  Noise Nuisance Indicators  
Prnnis.shp
-  Indicative Flood Plain  
Prifpm.shp



Scale 1:1,250  
Date: 26/11/2019



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**PLANNING CONTROL COMMITTEE****DATE: 19 December 2019****PLANNING APPEALS LODGED**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
Ms M Thomas	12.11.2019	Erection of one 3-bed dwelling including proposed vehicular access from Highbury Road together with ancillary parking and landscaping.	12a Highbury Road Hitchin Hertfordshire SG4 9RW	19/01341/FP	Written Representations
Mr S Chown	13.11.2019	Single storey rear extension to link dwelling with existing outbuilding and rear box dormer and ancillary works.	2 Storehouse Lane Hitchin Hertfordshire SG4 9AB	19/01604/FP	Written Representations
Mr P And Mrs H Jarvis	18.11.2019	Erection of one detached 3-bed dwelling with driveway, parking and turning area.	Land Adjacent To 22 Charlton Road Hitchin	19/01561/FP	Written Representations
Mr And Mrs Maciver	25.11.2019	Erection of one detached 2-bed bungalow with parking and amenity space including relocation of existing parking for 6 Weston Way.	6 Weston Way Baldock Hertfordshire SG7 6EY	19/01311/FP	Written Representations

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**PLANNING CONTROL COMMITTEE**

**DATE: 19 December 2019**

**PLANNING APPEALS DECISION**

<b>APPELLANT</b>	<b>DESCRIPTION</b>	<b>SITE ADDRESS</b>	<b>REFERENCE</b>	<b>APPEAL DECISION</b>	<b>COMMITTEE/ DELEGATED</b>	<b>COMMENTS</b>
JB Fencing Ltd	Erection of a cattle shed together with associated hard-standing and the widening of the existing access (as amplified by drawings CTP-19-121_SP01D and CTP-19-121-SK01E received 18/04/2019).	Land Adjacent To Pound Farm Bedford Road Ickleford	19/00320/FP	Appeal Allowed On 13/11/2019	Delegated	<b>Appeal against a condition</b> The Inspector concluded that the first part of condition 3 of planning permission ref: 19/00320/FP which restricts the use of the cattle shed to agricultural purposes is necessary and reasonable in all other respects, and that the latter part of the condition requiring details of decommissioning and removal is not necessary or reasonable.
Mr Luke Oliver	Erection of one 3-bed detached dwelling following demolition of existing water tower.	Pirton Water Tower Priors Hill Pirton	18/03279/FP	Appeal Dismissed on 18/11/2019	Delegated	The Inspector concluded that the proposed development would not comply with development plan policy in respect of its location or the effect on the openness of the countryside and it would not conserve or enhance the special character of the AONB.
Mr P Kenyon	Reserved matters application (for approval of landscaping, access, layout and design) for up to 4 x 3-bedroom town houses with associated parking and amenities following demolition of existing dwelling pursuant to application number	Edgely Grange Bottom Royston SG8 9UQ	18/01661/RM	Appeal Dismissed on 19/11/2019	Delegated	The Inspector concluded the following: <ul style="list-style-type: none"> <li>• The proposed development would harm the character and appearance of the area.</li> <li>• The proposed development would not provide a suitable living environment for future occupiers with particular regard to outlook</li> </ul>

	16/01234/1 granted 13/07/2016.					<ul style="list-style-type: none"> <li>• The proposed development would not provide adequate parking provision and would unacceptably harm highway safety</li> <li>• The proposed development would not harm the living conditions of neighbouring occupiers with particular regard to outlook</li> </ul>
Mr C Jackson	Erection of one detached 4-bed dwelling.	Land Adjacent To Langley End Cottage Hill End Farm Lane Langley	19/00823/FP	Appeal Dismissed on 02/12/2019	Delegated	The Inspector concluded that the appeal site is an unsuitable location for a new dwelling due to the lack of suitable access to local facilities and services. The Inspector also concluded that the proposal would harm the character and appearance of the area, in particular it would not preserve the setting of the listed buildings.



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## Appeal Decision

Site visit made on 24 October 2019

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

an Inspector appointed by the Secretary of State

Decision date: 13<sup>th</sup> November 2019

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### Appeal Ref: **APP/X1925/W/19/3233192**

### Land adjacent to Pound Farm, Bedford Road, Ickleford SG5 3XH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by JB Fencing Ltd against the decision of North Hertfordshire District Council.
  - The application Ref 19/00320/FP, dated 7 February 2019, was approved on 10 May 2019 and planning permission was granted subject to conditions.
  - The development permitted is erection of a cattle shed together with associated hardstanding and the widening of the existing access.
  - The condition in dispute is No 3 which states that: The proposed cattle shed hereby permitted shall be used only for agricultural purposes and will not be used for any other purpose without the specific grant of planning permission. In addition, within 12 months of the first use of the cattle shed hereby permitted a scheme for its decommissioning and removal (including any hardstanding) shall be submitted to and approved by the Local Planning Authority. The decommissioning and removal scheme shall thus be observed as approved at such time that the building is no longer required for the stated purpose.
  - The reason given for the condition is: to safeguard the character and appearance of the rural area.
- 

### Decision

1. The appeal is allowed and the planning permission Ref 19/00320/FP for erection of a cattle shed together with associated hardstanding and the widening of the existing access at Land adjacent to Pound Farm, Bedford Road, Ickleford SG5 3XH granted on 10 May 2019 by North Hertfordshire District Council, is varied by deleting condition 3 and substituting it for the following condition: The proposed cattle shed hereby permitted shall be used only for agricultural purposes and will not be used for any other purpose without the specific grant of planning permission.

### Procedural Matter

2. I note the Local Plan 2011 – 2031 Proposed Submission October 2016. However, since there is no certainty that the policies within will be adopted in their current form, I attribute them limited weight.

### Background and Main Issue

3. Planning permission for the erection of a cattle shed was granted in May 2019 with a condition which restricted the use of the building to agriculture and requiring submissions of details of decommissioning and removal in the event that the approved use is no longer required.

4. The appellant considers that the condition does not meet two of the six tests set out in the National Planning Policy Framework (Framework). Therefore, the main issue is whether condition 3 of planning permission ref: 19/00320/FP is necessary or reasonable in all other respects.

### **Reasons**

5. The appeal site lies in a rural area surrounded by agricultural fields. The character and appearance of the area was assessed during the application process and was found to have been acceptable. While I note the considerable size of the building, given the rural setting and that it would be located near to other agricultural buildings, I see no reason to disagree.
6. The Council has stated that the condition restricting the use of the building to an agricultural one is necessary to safeguard the character and appearance of the area. Since alternative uses could alter the appearance of the building and the land around it thereby impacting the character and appearance of the area, the part of the condition restricting the use to agricultural purposes is necessary and reasonable. This part of the condition would therefore accord with paragraph 55 of the Framework.
7. The latter part of the condition requires the submission of decommissioning and removal details that would apply in the event that the agricultural use ceases. This would not provide the appellant an opportunity to apply for planning permission for alternative uses. Therefore, this part of the condition would not be necessary or reasonable in all other respects.
8. While I note that similar conditions may have been used for planning consents elsewhere in the district, each case must be determined on its own merits and this has not altered my overall decision.
9. I note the evidence regarding normal permitted development provisions, the history of the site, and the service provided by the Council. I also acknowledge the National Planning Policy Framework's support of a prosperous rural economy and that there are no concerns regarding the effect of the proposal on the amenity of neighbouring occupiers. However, these matters have not altered my overall decision.

### **Conclusion**

10. I conclude that the first part of condition 3 of planning permission ref: 19/00320/FP which restricts the use of the cattle shed to agricultural purposes is necessary and reasonable in all other respects, and that the latter part of the condition requiring details of decommissioning and removal is not necessary or reasonable. Therefore, I will replace the condition subject to the appeal with one that only refers to the restriction of the use of the building.
11. For the reasons given above, I conclude that the planning permission should be varied as set out in the formal decision.

*R Sabu*  
INSPECTOR





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## Appeal Decision

Site visit made on 25 September 2019

**by Paul Thompson DipTRP MAUD MRTPI**

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

**Decision date: 8<sup>th</sup> November 2019**

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**Appeal Ref: APP/X1925/W/19/3227185**

**Pirton Water Tower, Priors Hill, Pirton SG5 3QH**

- 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 Luke Oliver against the decision of North Hertfordshire District Council.
  - The application Ref 18/03279/FP, dated 14 December 2018, was refused by notice dated 8 February 2019.
  - The development proposed is for the demolition of a redundant water tower and erection of a detached 'barn style' conversion dwellinghouse.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council's Decision Notice does not refer to the Pirton Neighbourhood Plan 2011-2031 (NP) but the Council did find against it in their Officer Report. The Appellant has also referred to its policies. Hence, the main parties will not have been inconvenienced by my referral to its policies in the determination of this appeal.
3. The National Planning Policy Framework was revised on 19 February 2019 (the Framework). I have taken the Framework into account as part of the determination of this appeal and the revisions do not alter the policies upon which this appeal turns.
4. Similarly, the Chilterns AONB Management Plan 2014-2019 has been superseded by the latest plan (2019-2024), adopted in July 2019, which I have had regard to where referred to in the evidence before me.
5. A planning application<sup>1</sup> for the erection of a detached bungalow within the site was refused by the Council and subsequently unsuccessfully appealed in January 2000. Whilst the site and the substance of the appeal scheme before me are broadly the same to that previous appeal decision, it would be a material consideration of limited weight, as some local policies and all national policies relevant to the determination of that appeal have been replaced.

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<sup>1</sup> Ref 99/00685/1

## **Main Issues**

6. The main issues are: -

- Whether the site would be an appropriate location for housing, having regard to the development plan; and
- The effect of the proposed development on the openness of the countryside and the special character of the Chilterns Area of Outstanding Natural Beauty (AONB).

## **Reasons**

### *Location of the development*

7. The development plan comprises the saved policies of the North Hertfordshire District Local Plan No.2 with Alterations, first adopted in 1996 (NHDLP) and the NP. It is intended that the NHDLP will be replaced by the emerging North Hertfordshire Local Plan 2011-2031 (ELP), which is currently progressing through examination.
8. Policy SP8 of the ELP sets out the approach to the location of development in the District. The aim is to direct appropriate levels of growth to strategic sites and land within the boundaries of identified towns and villages in order to deliver at least 14000 net new homes for the District's own needs over the plan period and 1950 net new homes to cater for unmet needs arising from Luton.
9. For the purposes of planning policy, the appeal site is situated outside the development boundary for Pirton, within one of the *Rural Areas Beyond the Green Belt* identified by Policy 6 of the NHDLP and Policy CGB1 of the ELP. These policies require that development in such locations should be limited to rural workers' and affordable housing, rural economic development or diversification and community facilities or services. Policy CGB1 of the ELP also suggests that development in relation to existing rural buildings will be granted. Meanwhile, Policy PNP1 of the NP supports residential development within the development boundary of the village, subject to several criteria including the size and nature of housing. The appeal scheme is not for any of the types of development in the countryside beyond the Green Belt that are considered acceptable by development plan and ELP policies in such locations.
10. In light of the above, I conclude that the proposed development would be contrary to Policy 6 of the NHDLP, Policy PNP1 of the NP and Policy CGB1 of the ELP, as it would encompass housing outside a defined settlement boundary.

### *Openness of the countryside and the special character of the AONB*

11. The appeal site is located to the southern side of Priors Hill at the fringe of the Chilterns Area of Outstanding Natural Beauty (AONB) and beyond the edge of the village of Pirton. It is occupied by a substantial water tower, which is now redundant. The water tower is utilitarian in its appearance, form and function but the tank atop the tower is supported by a slender metal lattice structure. The site and its surroundings are distinguishable from the fields beyond due to their enclosure by mature hedge and tree planting. The planting is visible through and around the water tower so provides a verdant backdrop in views towards the village from the northwest and a transition to the countryside

- edge. This makes a significantly positive contribution to the openness of the countryside and the special character of the AONB.
12. As alluded to in the appellant's Landscape Visual Impact Assessment, a significant part of the appeal scheme is the removal of the water tower and its ancillary structures. This would be a benefit to the landscape within the AONB. Furthermore, I acknowledge that the proposed dwelling would be individually designed to a high standard, in accordance with advice in the Chilterns Building Design Guide, to mimic the appearance of a converted barn.
  13. The view from Priors Hill through the gap in landscaping for the access to the site would be a fleeting one. However, clear views of the appeal site are available from Priors Hill as it passes to the northwest of the site further into the AONB. The site continues to be evident from some distance from the northwest across open fields, which would give a clear indication of the proposed development in relation to the mature vegetation in the backdrop to the site. Given that other dwellings to the southern side of Priors Hill nestle in behind established planting and the hedges to the site are relatively low, the development would be clearly perceptible and distinguishable from existing development.
  14. Moreover, although accommodation would be in the roof of the proposed dwelling so it would be a lower structure, it would still occupy a significant portion of the site. This would reduce the openness of the site and the surrounding area to an unacceptable degree. The domestic paraphernalia and noticeable presence that would be inevitable with permanent residential occupation within the site, including from lights within the dwelling, would also be visually intrusive.
  15. I appreciate that the proposal would include enhancement of the existing landscaping within the site, but this would be unlikely to have a meaningful effect for some time. Nonetheless, I do not subscribe to the notion that development that would cause harm to character would be acceptable if it is hidden. I am not persuaded therefore that my concerns could be addressed with planning conditions in relation to landscaping.
  16. My attention has been drawn to two appeal decisions locally and I have referred to these where they are relevant to the determination of this appeal. However, these appeals, in Pirton<sup>2</sup> and Knebworth<sup>3</sup>, are not relevant to this matter as they do not relate to development in the AONB. Similarly, I have been referred to a proposal for the retention and conversion of the water tower, which was refused permission by the Council in October 2018<sup>4</sup>. Given the differences between these schemes and the appeal before me, I have determined the appeal on its own individual merits.
  17. There is no policy presumption within either the Development Plan or the Framework against any development within the AONB. However, I have had regard to the appeal scheme before me and I conclude that the proposed development would have a significantly detrimental effect on the openness of the countryside and would neither conserve nor enhance the special character of the AONB. Hence, it would not accord with Policies 6 and 11 of the NHDLP

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<sup>2</sup> Appeal Ref: APP/X1925/W/17/3184846 – Land of Holwell Road, Pirton, Hertfordshire SG5 3QU.

<sup>3</sup> Appeal Ref: APP/X1925/W/18/3205685 – The Station Inn, Station Approach, Knebworth, Hertfordshire SG3 6AT.

<sup>4</sup> Ref 18/01992/FP for a 4-bedroom dwelling.

and Policy NE3 of the ELP; Paragraphs 170 and 172 of the Framework; and the Chilterns AONB Management Plan 2019-2024 (adopted July 2019). Together these seek to ensure that development is carefully sited and of a high-quality design to conserve and where possible enhance, amongst other things, the natural beauty, special qualities and distinctive character of the AONB. It should also have regard to the statutory Chilterns AONB Management Plan. Paragraph 172 of the Framework establishes that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB, which have the highest status of protection in relation to these issues.

### **Other Matters**

18. The NHDLP predates the Framework and the ELP is still at examination. However, Paragraph 213 of the Framework makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them according to their consistency with the Framework.
19. In the context of Policy 6 of the NHDLP, Policy PNP 1 of the NP and Policy CGB1 of the ELP, a settlement boundary policy, in isolation of other considerations, would not be wholly aligned with the more flexible and balanced approach implicit in the objectives outlined in the Framework. However, these policies do not fundamentally undermine the continued relevance of this approach. Moreover, the approach in Policy 6 of the NHDLP to maintain the character of the countryside differs only slightly from the aim in the Framework to recognise the intrinsic character and beauty of the countryside. Accordingly, there is still a clear rationale for development boundaries in order to protect the countryside and the character of the area while focusing growth within designated settlements supported by local facilities and services. Accordingly, I afford the identified conflict with the Framework limited weight so the policies of the NHDLP, relevant to the consideration of this appeal, should be afforded moderate weight.
20. In the appeal in Pirton, referred to above, the Inspector referred to Policy CGB1 of the ELP and suggested that had the examining Inspector found any inconsistency in the Policies of the ELP with the Framework, modifications would have been required. Furthermore, the evidence before me suggests that there would not be any modifications to the approach to development in Pirton. Similarly, I find that the approach to Policy NE3 of the ELP would also align with the policy within the Framework in respect of the AONB as a protected landscape. I therefore have no reason to depart from the reasoning of my colleague that the policies of the ELP relevant to this decision should be afforded at least moderate weight in the determination of this appeal, particularly as they have undergone extensive scrutiny and consultation.
21. The Planning Practice Guidance refers to the relevance of management plans for AONBs for assessing planning applications. Whilst these do not form part of the development plan, they help to set out the strategic context for development and provide evidence of the value and special qualities of these areas<sup>5</sup>. In this context, the Chilterns AONB Management Plan 2019-2024 (adopted July 2019) is a significant material consideration, particularly as its objectives and policies align with the aims of the Framework. Moreover,

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<sup>5</sup> Planning Practice Guidance Paragraph: 040, Reference ID: 8-040-20190721, Revision date: 21 07 2019.

I afford the document full weight, as it specifically refers to the location and the effects of small scale development within the AONB, including from domestic paraphernalia and lighting.

22. I note the adequacy of the proposed access onto Pirton Hill; the absence of harm to the living conditions of neighbouring occupiers and to the trees within the site. Meanwhile, the absence of harm to the biodiversity of the area and possibility of biodiversity enhancements should not be considered to constitute benefits, particularly as many of the enhancements would not be unique to the development proposed and could be carried out without it. Furthermore, the potential effect on archaeological remains, the slab levels within the site and the provision of electric vehicle recharging points could be dealt with by planning condition. In addition, whilst the permanent residential occupation of the site could reduce the potential for tipping and vandalism within the site, there is nothing before me to suggest that other potential solutions to these matters would not be available. I therefore do not afford these matters any weight.
23. There is no firm evidence that the telecommunications antennae situated on the water tower currently serves the locality, that the loss of antennae would have a detrimental effect on residents or whether operators have planned for alternative provision to be made. The consideration of obligations of the appellant or telecommunication operators is therefore not a matter for my consideration. In so far as the potential reduction of telecommunication services may be offset by alternative provision is a material consideration, no firm details have been provided of such provision and, in any case, it would not offset the harm that I have identified above.

### **Planning Balance**

24. Paragraph 47 of the Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.
25. The main parties agree that the available supply in the District is significantly short of the five years required by the Framework (Paragraph 73) and the appellant has provided evidence that the Council continues to underperform in this respect. In light of this, the current development plan policies most important for determining the application are out-of-date, including for the supply of housing. In such circumstances the normal planning balance does not apply, and the 'tilted balance' is engaged. Permission should therefore be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (Paragraph 11(d)(i) of the Framework).
26. In this instance, I have found harm in the context of the effect of the proposed development on the AONB. This means that specific policies in the Framework which protect areas or assets of particular importance provide a clear reason for refusing the development (Paragraph 172). In light of this, in accordance with paragraph 11(d)(i), the 'tilted balance' is not engaged and the normal planning balance applies.
27. The appellant has referred to the appeal at Pirton referenced above as the Inspector discussed the relevance of the NP to the tilted balance. However, given that this would not apply, in the context of Paragraph 14 of the

Framework, it is irrelevant that the NP does not allocate specific sites. The conflict of the appeal scheme with this part of the development plan would therefore remain.

28. In the context of Paragraphs 59 and 68 of the Framework, I note the contribution that would be made to the supply of housing by this small site, particularly as it could be built-out relatively quickly. Whilst there is no threshold for the assignment of weight to the quantity of proposed dwellings within the planning balance, the appeal before me would deliver one larger dwelling, which would contribute to the overall housing mix in the District. However, as the contribution to the supply of housing would be minor in its extent it would only be afforded limited weight. Furthermore, I accept that the site would be previously developed land, but Paragraphs 117 and 122 of the Framework are clear that making efficient use of land should include taking into account the desirability of maintaining an area's prevailing character and the importance of securing well-designed, attractive and healthy places.
29. The site would not be isolated in the context of Paragraph 79 of the Framework or the recent Court of Appeal judgement<sup>6</sup> and the proposed development would be accessible to the services and facilities available within the village. There would therefore be social and economic benefits through the proposed dwelling in the district that could support the rural economy through expenditure from occupants. Benefits would also arise from employment and procurement of materials during the construction period and the application of the New Homes Bonus. Nonetheless, the proposals would provide only one additional dwelling, such that these benefits would be limited in scale and kind, and consequently carry only limited weight.
30. The proposed development would not comply with development plan policy in respect of its location or the effect on the openness of the countryside and it would not conserve or enhance the special character of the AONB. I have afforded the conflict of development plan policies with the Framework limited weight. The conflict with the development plan would outweigh the benefits of the proposed development outlined above. Therefore, there are no material considerations that would indicate that the proposals should be determined other than in accordance with the development plan.

### **Conclusion**

31. For the reasons given, the appeal does not succeed.

*Paul Thompson*

INSPECTOR

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<sup>6</sup> *Braintree DC v SSCLG Greyread Ltd. & Granville Developments Ltd.* [2018] EWCA Civ. 610

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# Appeal Decision

Site visit made on 24 October 2019

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

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

**Decision date: 19 November 2019**

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## **Appeal Ref: APP/X1925/W/19/3233158**

### **Edgley, Grange Bottom, Royston, Herts SG8 9UQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Mr P Kenyon against the decision of North Hertfordshire District Council.
  - The application Ref 18/01661/RM, dated 21 June 2018, sought approval of details pursuant to condition No 1 of a planning permission Ref 16/01234/1, granted on 13 July 2016.
  - The application was refused by notice dated 27 March 2019.
  - The development proposed is up to 4 x 3- bedroom town houses with associated parking and amenities following demolition of existing dwelling.
  - The details for which approval is sought are: access, appearance, landscaping, layout and scale.
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. The outline planning permission was granted with all matters reserved for future consideration in 2016<sup>1</sup>. This proposal seeks approval of access, appearance, landscaping, layout and scale. I have assessed and determined the appeal on this basis.
3. I note the Local Plan 2011 – 2031 Proposed Submission October 2016. However, since there is no certainty that the policies within will be adopted in their current form, I attribute them limited weight.
4. I note the discrepancy in the spelling of Edgley in the appeal form compared with the application form and decision notice. From the wider evidence I consider the correct spelling to be Edgley as stated in the header above.

### **Main Issues**

5. While I note the number of reasons for refusal, from the evidence before me, the main issues are:
  - the effect of the proposed development on the character and appearance of the area;

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<sup>1</sup> Council ref: 16/01234/1

- whether the proposed development would provide a suitable living environment for future occupiers with particular regard to outlook, private amenity space and refuse and recycling storage;
- whether the proposal would provide adequate parking provision and the effect of the proposal on highway safety; and
- the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to outlook.

## Reasons

### *Character and appearance*

6. Grange Bottom is a residential street with primarily two storey dwellings in buff brick and timber cladding with modest front gardens. There is a considerable change in levels along the street and particularly across the north side of the road which slopes up significantly. The dwellings along the north side of the street are traditional in style but with varied forms compared with the dwellings along the south side which are more unified. Therefore, given the height, layout and materials of the dwellings, the street has a spacious unified feel.
7. The proposed dwellings would be located on the north side of the road on a steeply sloping site. The proposed semidetached dwellings would be two and three storeys high with split levels to respond to the change in site levels.
8. From the evidence before me, the proposed dwellings would be significantly taller than the adjacent dwelling at No 19 Grange Bottom (No 19) and given their position on higher ground, would be at a higher level than other properties along Grange Bottom. The dwellings would be set much closer to the pavement than the existing dwelling. They would also be at an angle to the road in contrast with the other dwellings which are sited perpendicular to the street. Therefore, given the height and siting of the proposed dwellings, they would appear harmfully dominant on the street scene thereby having a detrimental effect on the spacious character and appearance of the area.
9. Furthermore, given the prevalence of buff brick along the street and brown timber cladding on the north side of the road, the proposed red/brown brick and grey cladding would appear incongruous and adversely affect the unified character of the street scene.
10. While I note that the first reason for refusal may have been the same as that for the previous application and I acknowledge the correspondence between the main parties during the appeal process, each case must be determined on its own merits and I have assessed the appeal based on the evidence before me.
11. I also note comments regarding the proposed design and that submitted for the outline permission as well as the approved permission from 2006<sup>2</sup>. However, in that case all matters relating to access, appearance, layout, landscaping and scale were reserved for future consideration and the submitted drawings were assessed on an indicative basis only.
12. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Policy 57 of the District Local Plan No.2 with Alterations originally adopted April 1996 Saved policies

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<sup>2</sup> Council ref: 06/00126/1



under Planning & Compulsory Purchase Act 2004 Written Statement September 2007 (LP) which among other things requires new development to relate to the character of the surroundings. It would also conflict with paragraph 127 of the National Planning Policy Framework (Framework) in this regard.

#### *Living environment*

13. While I note amended drawing 18/049-03B which indicates a window to the kitchen area, it was not determined by the Council and has not been consulted upon. The drawing determined by the Council, 18/049-03A, does not show any windows to the kitchen or breakfast area. While I note a roof light, this space would not have any outlook and since future occupiers would be likely to spend substantial amounts of time in this area, the lack of windows would result in an oppressive living environment for future occupiers.
14. While the amended drawing indicates a window to the kitchen area, given the size of the kitchen and breakfast area and the location of the only window, the outlook from this area would still be insufficient such that the space would not result in a suitable living environment for future occupiers. Therefore, even if I were to have regard to this drawing, it would not alter my conclusion on this issue. I acknowledge that the appellant has referred to a previous design, however, I have determined the appeal based on the evidence before me.
15. While the rear gardens would be modest in size, they would be a regular shape and would be of an adequate area to meet the needs of future occupiers. I note the levels across this area of the site. However, these could be altered through a landscaping strategy that could be reasonably imposed via a suitably worded condition.
16. With regard to bin storage, the appellant has indicated that these could be stored at the front of the site, thereby reducing the drag distance to the pavement. Given the available space at the front of the proposed dwellings, I am satisfied that this could be achieved and controlled via a suitably worded condition. However, the lack of harm with respect to garden size and bin storage would not override the harm regarding outlook.
17. Consequently, the proposed development would not provide a suitable living environment for future occupiers with particular regard to outlook. Therefore, it would conflict in this particular regard with LP Policy 57 which requires among other things that the design and layout of new houses should be acceptable to most people in functional and social terms and that the sizes of gardens or private amenity space in a new housing development should relate to the needs of future residents.

#### *Parking*

18. The Vehicle Parking at New Development Supplementary Planning Document September 2011 (SPD) requires that new dwellings with more than 2 bedrooms have at least two parking spaces. Plots 2, 3, and 4 of the proposal would satisfy this requirement. However, Plot 1 would have one parking space, and the proposed garage would be too small to qualify as a parking space. Furthermore, the parking spaces appear to be at an angle significantly greater than 10 degrees from the perpendicular in a road with footways. Therefore, the proposal would conflict with the SPD and the Roads in Hertfordshire: Highway Design Guide 3rd Edition January 2011 (HDG) in this respect.

19. As part of the appeal, the appellant submitted a revised drawing which reduces the extent of landscaping at the front of the site to accommodate an additional parking space for plot 1 and drawing 60075/PP/001 which shows driveway tracking for a large car. However, these drawings have not been consulted upon. The tracking drawing suggests that manoeuvring by the reverse in/ drive out method and that access from all parking spaces could be achieved and access from all parking spaces could be achieved within 10 degrees from the perpendicular to the carriageway edge.
20. However, from the evidence before me, the driveways would still be arranged at an angle significantly greater than 10 degrees from the perpendicular of the carriageway and the 10 degrees arrangement indicated in the drawing could only be achieved by careful manoeuvring along the angled driveway. Given the angle and width of the driveways, it is unlikely that future occupiers would enter and exit the road at 10 degrees or less from the perpendicular of the road. In addition, there are areas of on street parking opposite to the appeal site that would reduce the width of the road thereby increasing the difficulty of manoeuvring into and out of the angled spaces. Consequently, it is likely that vehicles attempting to exit the driveway would be doing so at an angle that would restrict visibility of oncoming traffic thereby increasing the risk of collisions.
21. Therefore, even if I were to have regard to these drawings, while they may meet the requirement for the number of parking spaces, the proposal would nevertheless result in an unacceptable impact on highway safety.
22. Consequently, the proposed development would not provide adequate parking provision and would unacceptably harm highway safety. Therefore, the proposal would conflict with the SPD and the Framework in this respect.

#### *Living conditions*

23. While the height and position of the proposed dwellings would be prominent on the street scene, given the separation distance between the existing dwellings on the opposite side of the road and the proposed buildings, the proposal would not appear overbearing from the front of these dwellings.
24. No 57 Shaftesbury Way (No 57) is sited adjacent to the appeal site but its dwelling located higher up the slope and is accessed from Shaftesbury Way. As such it sits on much higher ground than the proposed dwellings. Since the proposal would be set further forward than the existing building and closer to the shared boundary, it would be more visible from the rear of No 57 than the existing building. However, it would be on lower ground, and given the conservatory of No 57 and tall vegetation along the boundary, it would not have an overbearing effect on the living conditions of these occupiers from the rear windows or rear garden of this property.
25. Consequently, the proposed development would not harm the living conditions of neighbouring occupiers with particular regard to outlook. Therefore, the proposal would not conflict with LP Policy 57 which requires among other things that the design and layout of new houses should be acceptable to most people in functional and social terms. The proposal not conflict with the Framework in this particular regard.

**Other Matters**

26. I note concerns regarding the service provided by the Council. However, I have determined the appeal based on its planning merits and this has not altered my overall decision.
27. I acknowledge local concerns including those regarding internal layout, privacy and flooding. However, these have not altered my overall decision.

**Conclusion**

28. For the reasons given above, the appeal is dismissed.

*R Sabu*

INSPECTOR

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## Appeal Decision

Site visit made on 17 September 2019

by **Matthew Woodward BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2<sup>nd</sup> December 2019

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**Appeal Ref: APP/X1925/W/19/3232181**

**Land adjacent to Langley End Cottage, Hill End Farm Lane, Langley, SG4 7PT**

- 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 C Jackson against the decision of North Hertfordshire District Council.
  - The application Ref 19/00823/FP, dated 5 April 2019, was refused by notice dated 29 May 2019.
  - The development proposed is the erection of a detached dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council's decision notice refers to policies from the emerging North Hertfordshire Local Plan Proposed Submission Document 2016 Incorporating Main Modifications 2018 (emerging Local Plan). I understand that Examination of the emerging Local Plan has not yet concluded, as such the associated policies I have been provided with could be the subject of amendments. Therefore, I have attributed the policies within the emerging Local Plan limited weight in my determination of this appeal.

### Main Issues

3. The main issues are:
  - Whether or not the appeal site is in an appropriate location for a new dwelling with regard to its accessibility to local services; and,
  - The effect of the development on the character and appearance of the area, in particular with regard to the effect on the setting of nearby listed buildings.

### Reasons

#### *Location*

4. The appeal site comprises a detached parcel of grass land surrounded on all sides by trees. Access would be taken from Hill End Farm Lane, which is a long, narrow, rural cul-de-sac which adjoins London Road. The site lies within proximity of houses and other rural buildings, several of which are Grade II listed, located towards the south western end of Hill End Farm Lane. There is

no dispute between the parties that whilst the site lies close to existing dwellings, it is outside any development limits prescribed by the Local Plan and, thus, for the purposes of planning policy it is in the countryside.

5. According to the appellant, the nearest village is St Ippolyts which is located over 3 km away from the appeal site. I find that the village lies beyond a reasonable walking distance from the appeal site despite the services it may offer. Whilst the settlements of Hitchin and Stevenage include a vast array of services and amenities, they lie even further away from the appeal site than St Ippolyts.
6. Even though Hill End Farm Lane is fairly quiet and straight, it is unlit and does not have any defined footpaths. Beyond this lies London Road, and I observed on my site visit that a significant length of it either side of the junction with Hill End Farm Lane lacked any designated footpaths and was also unlit. Furthermore, vehicles travelled along London Road at high frequency and speed. If future residents of the appeal property were minded to walk or cycle to any of the nearest settlements, they would be required to navigate both of the aforementioned roads. In my view, and for the foregoing reasons, this would be an undesirable and unsafe route for pedestrians or cyclists.
7. I have no evidence before me to indicate the frequency or destination of local bus services, or the location of bus stops, but no bus stops were apparent on my site visit. Moreover, I have had regard to paragraph 103 of the National Planning Policy Framework (the Framework) which states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. It is to be expected, therefore, that some travel by private motor vehicles is likely in rural areas such as this. However, even taking this into account, the outlying location of the proposed dwelling in relation to the services and facilities upon which future occupiers would rely for day to day living, would mean that it is likely that they would be heavily reliant on the use of the private car, which is the least sustainable travel option. I am aware of the Government's intention to restrict the usage of internal combustion vehicles in future, but any such move to all electric vehicles is not imminent, and this consideration does not address the concerns I have regarding the safety of local routes for pedestrians and cyclists.
8. Due to the situation of the appeal site close to where existing housing is present, it is not removed from an existing settlement and, for the purposes of the Framework, the proposal would not constitute an isolated home in the countryside. Nevertheless, there are shortcomings in respect of the site's location relative to services and facilities, and its accessibility.
9. In conclusion, I find that the appeal site is an unsuitable location for a new dwelling due to the lack of suitable access to local facilities and services. It would be contrary to paragraph 78 of the Framework which requires housing to be located where it will enhance the vitality of rural communities as well as supporting services in villages nearby. The reliance of the scheme on the private car and distance to the nearest services and facilities would undermine the contribution a development such as this might otherwise make if it was located closer to more established settlements. Having regard to this, and that the development involves a single dwelling, it would not enhance or maintain the vitality of the rural community in any significant way. The development would also conflict with Policies SP1, SP6 and D1 of the emerging Local Plan

which require, amongst other matters, that development proposals maximise accessibility and enable sustainable journeys to be made to key services and facilities.

10. As well as the emerging plan, the Council's decision notice also refers to the Local Transport Plan No.4 2011-2031 May 2018 (LTP). The development would also be contrary to the LTP policies insofar as they promote good accessibility to services and sustainable forms of transport.

*Character and appearance*

11. The site lies close to several buildings, including 1 and 2 Hill End Farm cottages, and Langley End Cottage, both of which are Grade II listed. These buildings were designed by E L Lutyens, a highly regarded 20<sup>th</sup> Century architect. According to the Council, several other buildings in the area were also designed by E L Lutyens, including Langley End House, Bathgate House, Clifton House, Bridleways and a barn at Hill End Farm (the Lutyens buildings).
12. The appeal site is occupied by a single-storey former stable building on a relatively open plot. It lies on the same side of the road as 1 and 2 Hill End Farm Cottages but is separated from them by a parcel of land which is populated by numerous trees and a manège. Langley End Cottage lies on the opposite side of the road facing the appeal site but is well screened from it by trees. The lack of substantial built form within this large verdant plot means it exudes a rural feel, and due to its relatively close distance and relationship with each of the listed buildings, it falls within each of their respective settings.
13. Both 1 and 2 Hill End Farm Cottages and Langley End Cottage are characterised by their low eaves, fenestration pattern and style, intricate red brick banding and the presence of steep roof pitches containing distinctive chimney pots. This distinguishing architectural style is reflected in the other Lutyens designed buildings in the area. Several more recent building examples are visible from the street generally to the north east comprising modern agricultural buildings, a dwelling, and other outbuildings. A number of more recent extensions and domestic additions and alterations to existing buildings are visible within the group of Lutyens properties, some of which are clearly visible from the street. Overall these additional elements of built form have diluted the otherwise notable historic architectural qualities of the area. Nevertheless, the area retains a quaintness, and the presence of the historic architectural form and layout of the Lutyens buildings prevails in the street. The appearance, layout and design of each of the buildings in relation to one another and the spaces between them are characteristics which form part of the settings of the aforementioned listed buildings, which in turn contribute to the significance of each of the heritage assets.
14. Even though the trees surrounding the site would reduce obtainable views, the height of the roof associated with the proposed dwelling, its overall scale, and the extent of its associated garden area means it would be partially visible the street. It would erode the contribution the site makes to its verdant surroundings by introducing a form of encroachment which would reduce the openness of this part of the countryside. Despite the proposal including several traditional architectural elements and a roof pitch which would be reminiscent of the other traditional dwellings in the area, the position, scale and design of the dwelling, set in the heart of the group of historic Lutyens buildings and within the setting of 1 and 2 Hill End Farm Cottages and Langley End Cottage,

would interrupt the visual harmony and historic layout associated with the existing group by introducing a built form which would erode the verdure of the appeal site, adversely affecting the setting of the listed buildings.

15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special regard to the desirability of preserving the setting of listed buildings. The harmful effect I have identified to the setting of the listed buildings is a matter to which I attribute considerable importance and weight. In terms of the Framework, the development would result in less than substantial harm to the setting of the listed buildings. The appellant states that the proposal would contribute to local housing stock and deliver a high-quality dwelling at a time when the Council are failing to meet their housing targets. It would provide an employment opportunity for a local house builder and would contribute to the local economy through spending and taxation. It would also involve the development of brownfield land and would benefit the Council through the new homes' bonus. However, in connection with one dwelling, the totality of these benefits would be limited and whilst I have considered them as public benefits, I am not satisfied that collectively they would be sufficient to outweigh the less than substantial harm I have identified, which would be contrary to paragraph 196 of the Framework.
16. Overall, the proposal would harm the character and appearance of the area, in particular it would not preserve the setting of the listed buildings. The North Hertfordshire District Council Local Plan No. 2 with Alterations 2007 Saved Policies (the Local Plan) dates from 2007 but the weight to be attached to policies within it does not hinge on its age. I find in this instance that the development would be in conflict with Policies 6 and 57 of the Local Plan which require, amongst other matters, that development relates to and enhances its surroundings, and in respect of this appeal, the conflict with these policies I have identified is generally in line with the requirements of the Framework in recognising the character and beauty of the countryside. I therefore attach significant weight to the conflict with these policies. The development would also be in conflict with Policies SP5, SP9, SP13, D1 and HE1 of the emerging Local Plan which seek, *inter alia*, that development is well designed and located and responds positively to its local context, protecting the historic environment, and is justified by public benefits where it would lead to less than substantial harm to a heritage asset.

### **Other Matters**

17. The Council are unable to demonstrate a 5-year housing land supply but footnote 6 of paragraph 11 of the Framework effectively means that the presumption in favour of sustainable development is not engaged where a proposal would result in harm to a heritage asset, as is the case here.
18. The proposal would comprise the redevelopment of brownfield land within an existing settlement, in line with the principles set out in paragraph 68 of the Framework. The proposal would also result in economic benefits associated with the construction of the dwelling and indirect benefits to the local economy. However, these considerations, in connection with a single dwelling, do not outweigh the harm I have identified in terms of the countryside location of the appeal site and its relationship with heritage assets, and the conflict I find with the development plan overall.



19. The appellant has raised concerns that the Council did not assess the planning application on its own merits having instead considered some of the effects of the proposal in combination with a separate application for a pair of semi-detached dwellings. However, I have based my assessment solely on the proposal before me and not in light of the other application referred to by the Council, but I nevertheless find unacceptable harm for the reasons given.

**Conclusion**

20. For the reasons given above, I conclude that the appeal is dismissed.

*Matthew Woodward*

INSPECTOR

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