

NORTH HERTFORDSHIRE DISTRICT COUNCIL



31 January 2020

Our Ref Planning Control 13.02.2020
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To: Members of the Committee: Terry Tyler (Chair), Daniel Allen (Vice-Chair), 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

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES. GERON
ROAD, LETCHWORTH GARDEN CITY**

On

THURSDAY, 13TH FEBRUARY, 2020 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

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

Agenda **Part I**

Item		Page
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES - 23 JANUARY 2020 To take as read and approve as a true record the minutes of the meeting of the Committee held on the 23 January 2020.	
3.	NOTIFICATION OF OTHER BUSINESS Members should notify the Chair 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 Chair will decide whether any item(s) raised will be considered.	
4.	CHAIR'S ANNOUNCEMENTS 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 Chair 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.	
5.	PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	
6.	19/00248/FP LAND WEST OF, ROYSTON BYPASS, ROYSTON, HERTFORDSHIRE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Erection of a 73-bed care home (within Class C2), parking, access, landscaping and other associated works (as amended by plans received 11 November 2019).	(Pages 3 - 22)
7.	PLANNING APPEALS REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER	(Pages 23 - 40)

ITEM NO:	
<u>Location:</u>	Land West Of Royston Bypass Royston Hertfordshire
<u>Applicant:</u>	Linden Wates (Royston) LLP and Frontier Estates (Dartford) Ltd
<u>Proposal:</u>	Erection of a 73-bed care home (within Class C2), parking, access, landscaping and other associated works
<u>Ref. No:</u>	19/00248/FP
<u>Officer:</u>	Sam Dicocco

Date of expiry of statutory period: 02 May 2019

Submitted Plan Nos: 2563-HIA-ZZ-ZZ-DR-A-0101; B18103.102A;

Extension of statutory period: 31 January 2020

Reason for referral to Committee: The site is for residential development and the site exceeds 0.5 hectares.

1.0 **Relevant History**

- 1.1 14/02485/1 - Residential development and community open space with new access onto the A505 (all matters landscaping, layout, access, scale, appearance reserved). (As amended by documents and plans received 27 February 2015) – Approved subject to S106 agreement 07/12/2016
- 1.2 17/02470/1 - New roundabout and access from the A505 to serve residential development – Conditional Permission 31/05/2018
- 1.3 17/02627/1 - Application for approval of reserved matters comprising of access, landscaping, layout, scale and appearance of Phase 1 the development (pursuant to Outline application 14/02485/1 granted 07/12/2016) as amended by plans received on 22 December 2017; 30 January 2018; 27 March 2018; 18 April 2018; and 02 May 2018 – Conditional Approval of Details 30/05/2018
- 1.4 18/00359/RM - Reserved Matters application for the approval of landscaping, layout, access, scale and appearance relevant to the implementation of Phase 2 of the development under outline planning permission 14/02485/1 for residential development and community open space with access onto the A505 – Conditional Approval of Details 27/09/2018

2.0 **Policies**

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

Policy 6 – Rural area beyond the Green Belt

Policy 9 – Royston's development limits

Policy 21 – Landscape and open space patterns in towns

Policy 26 – Housing Proposals

Policy 29A – Affordable housing for urban needs

Policy 55 – Car parking standards

Policy 57 – Residential guidelines and standards

2.2 **National Planning Policy Framework**

Section 5. Delivering a sufficient supply of homes

Section 8 - Promoting healthy and safe communities

Section 9. Promoting sustainable transport

Section 11. Making effective use of land

Section 12. Achieving well-designed places

2.3 **Supplementary Planning Documents**

Design Supplementary Planning Document

Planning Obligations Supplementary Planning Document

Vehicle Parking at New Developments Supplementary Planning Document

2.4 **North Hertfordshire Draft Local Plan 2011-2031**

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy HS1: Local Housing Allocations

Policy HS2: Affordable housing

Policy HS3: Housing mix

Policy HS4: Supported, sheltered and older persons housing

Policy HS5 - Accessible and Adaptable Housing

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

Allocation RY2: Local Housing Allocation with Dwelling estimate of 330 homes.

3.0 **Representations**

3.1 **Site Notices:** 15/02/2019 Expiry: 08/03/2019
Press Notice: 14/02/2019 Expiry: 07/03/2019

Consultee responses

Fire & Rescue Service – No objection subject to fire hydrant provision through legal agreement.

Lead Local Flood Authority – No objection subject to conditions

Historic Environment – No comment

Local Highways Authority – Objection based on insufficient information (28/02/2019) – Objection based on insufficient information (07/05/2019) – Subsequent no objection subject to conditions and contributions to travel plan monitoring and highways improvements to be secured through Section 106 agreement (01/08/2019)

Waste and Recycling – No objection

Housing Development Officer – No objection subject to commuted sum (£1,172,738.52) (06/03/2019) – No objection subject to commuted sum (£182,248.00) (24/04/2019)

Landscape and Urban Design Officer – Concerns raised regarding scale and height, car park design, soft landscaping, boundary treatments and impact on future housing surrounding the site. Any further comments to be repeated orally following potential comments on visual representations recently received.

Environmental Health Noise and Nuisance – No objection subject to condition

Royston Town Council – Objection based on size and scale of the building and its damaging effect on views up the hill; loss of affordable housing; insufficient car parking (07/03/2019) - Objection on lack of parking; loss of affordable housing; more planting is required; overpowering building at the entrance of the estate; pleased at the amendments reducing the height (14/05/2019)

Growth and Infrastructure Officer – No objection subject to contribution to reconfigure large print area at Royston Library (£2,888)

Planning Policy – Provision of C3 units in the ELP separate to C2 units. Site identified as suitable for C3 units. Projected under-provision of housing compared to the 330 approximate delivery not likely to undermine the aims of the site allocation; tilted balance should be applied.

Hertfordshire Ecology – No objection subject to conditions.

Neighbour representations

No.3 The Dell – Support in principle but objection to lack of acceptable parking provision for employees and visitors.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The site lies within a former agricultural field currently being developed for general housing in accordance with the planning history above. The site lies between the A505 and the established, and expanding, settlement of Royston. As designated by the Saved Local Plan (SLP) the site lies within the Rural Area beyond the Green Belt, beyond Royston Development Limits and marginally outside of a Landscape and Open Space Pattern area. The 2011-2031 Local Plan Proposed Submission (ELP) designates the site as general housing development land (RY2).
- 4.1.2 The RY2 site is mid-construction in regards to phases 1 (17/02627/1) and 2 (18/00359/RM) of the outline planning permission (14/02485/1). The RY2 site has a topography which rises from the north west of the site to the south east of the site. The site has a gradual incline which increases to a steep incline the closer to the south east peak. The residential development on the wider site is restricted in height to a maximum of two and a half stories with two blocks of flats in a part of the wider site which is in the lowest and flattest of land levels.
- 4.1.3 The site subject to this application lies on the south east most side of the wider, developable RY2 designation. The outline permission for the wider site granted development up to the 80m contour line, contrary to the RY2 designation which suggested the 70m contour line as a development limit.
- 4.1.4 Reaching further than the site subject to the previous planning permissions, the sites surroundings are the A505 (a trunk road) to the east, agricultural land beyond Newmarket Road to the south, the existing edge of Royston to the west and a school sports pitch area to the north. Concentrating on the west, the adjoining residential area is two storey in nature, with predominance towards pitched gable flanked roofs, with a mix of terraced and semi-detached dwellings as well as flats. There is an area of open play space off the south west of the wider development site RY2.

4.2 Proposal

- 4.2.1 The application seeks planning permission for the erection of a 73 bed care home (falls within use class C2), alongside associated parking, access, landscaping and other associated works. The building has been designed to appear as four separate buildings with heavily glazed links. A barn-like two storey building is closest to the access road, hosting timber cladding, expanses of ad-hoc fenestration and a pitched, gabled roof hosting metal standing seam materials.
- 4.2.2 The next building closest to the street runs from east to west with part of the building being two and a half storeys with front facing dormer windows on a part-pitched, part flat roof with twin-gabled flank elevations leading to an expanse of flat roof, and the west part of the building appearing three storeys in height with side and front gabled elements, again, including an element of flat roof. The east part of this building hosts a mix of off-white colour render, buff brick and timber with grey roof tiles. The three storey part of the building hosts a limestone finish.
- 4.2.3 The building closest to the west boundary of the site faces in a North West direction with a very similar scale and appearance to the east part of the building to which it connects. The building to the south-most point is two storey in nature with a fully pitched gabled roof in two parts. The south-most part hosts a greater eaves and ridge height, and the north-most part, with its lower ridge and eaves height hosts a small farmyard feature. This part of the building would host timber finish at first floor with buff brick at ground floor level. The ground floor fenestration would host some red brick features above.
- 4.2.4 Each of these buildings would be linked with heavily glazed flat roof elements of appropriate height to the building which they adjoin. The site as a whole will be engineered in terms of ground levels to accommodate the use and building.

4.3 Key Issues

Preliminary matters

- 4.3.1 This proposed development would overlay the outline planning permission and wider developable site. If this application were to be granted, this proposal could be combined with the wider developable site, or sit independently of it if phase three were not to come forward or be developed in any way. It is considered a reasonable prospect that phase three of the wider site will come forward, and great weight is afforded to this 'fall-back' position of residential (C3 use class) development on the site when assessing the impact of this proposal and the level of the developments compliance with applicable planning policies. The less weight afforded to the 'fall-back' position, the more exaggerated any identified conflict would be. The weight afforded to the 'fall-back' position is a judgement to be made by the decision maker based on the realistic prospect of the 'fall-back' scenario occurring.

Principle

- 4.3.2 The site currently lies outside of the development limits of Royston as allocated in the Saved Local Plan (SLP). As such, Policy 6 of the SLP is applicable. Development proposals in the Rural Area Beyond the Green Belt will be supported if needed for agriculture, forestry or proven local community services; meet an identified rural housing need (exception sites); it would be a single dwelling on a small plot contained within the built core of a settlement; it involves a change to the rural economy (diversification). The proposal fails to comply with any of these criteria, and is thereby contrary to Policy 6 and 9 of the SLP. The SLP contains no other relevant policies in specific regard to the provision of C2 use class developments.
- 4.3.3 The Local Plan 2011-2031 Proposed Submission (ELP) is in the process of examination. The site is allocated within the ELP for general housing needs, with a dwelling estimate of 330 homes (RY2). The site benefits from outline planning permission for the erection of dwellings, subject to conditions and obligations secured through a S106 agreement. The wider development site (referring to the extent of the outline permission) also benefits from full planning for the new roundabout from the A505, and reserved matters approval for phases one and two (of a total of three). It is of note that this outline permission was granted based on the weight afforded to the ELP.
- 4.3.4 Reading the ELP as a whole, with specific regard to policy RY2, SP2 and the development management housing policies (HS1; HS2; HS3; HS4 and HS5), the site is expected to deliver an estimate 330 dwellinghouses, with no policy based requirement for the provision of C2 use class supported, sheltered and older persons housing. There is a policy based requirement for an element of use class C3 older person housing on the allocated site in line with policy HS4, subject to meeting other policy criteria.
- 4.3.5 As a result, it is apparent that the proposal is contrary to the ELP, in particular, HS1 Which states planning permission for other uses on Local Housing Allocations listed in chapter 13 will be refused. The site is proposed to be released from the Rural Area Beyond the Green Belt as part of the ELP to provide a mix of private and affordable general needs dwellinghouses within the C3 use class, of which there is a well evidenced and considerable need in the District.
- 4.3.6 Policy HS4 does support sheltered and supported housing in use class C2 subject to set criteria - good access to local services and facilities; well served by public transport; hosting appropriate levels of on-site landscaping, amenity space and car parking (for residents, visitors and staff); and that the scheme would provide a density, scale and character of development appropriate to its location and surroundings. The following policy consideration cannot be taken in isolation from other applicable policies within the ELP to which the proposal conflicts. That being said, the development should be assessed against this policy requirement to indicate whether the site would be appropriate for the use in spite of the earlier identified base conflict with the development plan (i.e. material considerations which indicate a development should be approved otherwise than in accordance with the development plan).

- 4.3.7 Supporting text in paragraph 8.31 of the ELP suggests a common sense approach in regards to whether sites can accommodate supported, sheltered or other older persons provision in a coherent way. In this sense, the policy aims to avoid promoting Use Class C2 housing in allocated housing sites which do not meet the requirements of policy HS4, specifically referring to sites on the edge of villages with fewer facilities (also referred to in paragraph 8.31). C2 use class development to meet the needs of the district have been allocated within larger strategic sites for the reason that those sites are of a size to necessitate the infrastructure required to provide for the users of such accommodation.
- 4.3.8 The site would be some distance from dentists, doctor's surgeries and shops. A bus service would serve the wider development site in accordance with the S106 agreement affixed to the outline permission for the wider site. The wider outline approval has provided funding to be serviced by Bus Route 16 or equivalent. This bus route runs between seven to half seven in the morning to between six and twenty to seven in the evening on weekdays. The service runs every 30 minutes between ten in the morning and around three in the afternoon, with less frequent (around 40 minute) stops outside of these hours. On Saturdays, the service runs more frequently in core hours (30 minute stops) but starts later (around half eight) and finishes earlier (around half five). The service does not run on Sundays or Bank Holidays. The bus stop will be accessible to the most mobile occupants upon completion of a pedestrian crossing over the main spine road of the wider development, which would be secured through condition or legal agreement if approval is considered. The lack of service on Sundays and Bank Holidays would not be ideal, and would essentially remove any accessibility of nearby facilities and services to mobile occupants of the facility proposed on these days.
- 4.3.9 The threshold in policy HS4 for the development to be well-served by public transport is different to the threshold in policy T1 which requires major developments for the applicant to demonstrate that the proposed scheme would be served by public transport. Given the above, it is considered that the site would, subject to the securing of a pedestrian crossing, be served by public transport. The fact that the site would not be served by public transport on Sundays or Bank Holidays leads to the conclusion that the site would not be well-served by public transport. Given the proposed use, occupants would be reliant upon public transport to access the services and facilities considered important in the Planning Practice Guidance (local amenities, health service and town centres). It is considered that the lack of service to the site by public transport measures for the 52 Sundays a year, as well as the eight Bank Holidays, would result in occupants of the proposed facility being unable to access services and facilities independently through public transport for over a significant period of the year.
- 4.3.10 The site would be served, but not well-served by one mode of public transport. The site would be some distance from local services and facilities. The transport statement supplied states that average walk length is 1km, with a maximum walking distance of 2km for commuting journeys and 1.2km for other journey destinations. This does not account for the users of the proposed facility being elderly and in need of care. Realistically, users and occupants of the care home are unlikely to walk 1.2-2km to access facilities and services, and appendix 5 of the supplied transport statement shows that no relevant facilities and services are within 1km of the site. The services within 1km of the site, such as the school, are of little benefit to end users of C2 use class facilities.

With the exception of a local store, there are no services or facilities which would be of benefit to end users of C2 facilities within a reasonable distance of the site. Services and facilities such as doctor's surgeries and dentists fall over 1km in walking or cycling distance from the site. Whilst there is a nurse and clinic proposed on-site, this does not preclude the occupants of the site from wishing to engage and interact with society, which is promoted by paragraph 91a) of the NPPF.

- 4.3. 11 Considering policy HS4 in the round, the failure to accord with criterion b. of the policy through distinction between the terms 'served' and 'well-served' would not procure a stand-alone reason for refusal. Notwithstanding this, inappropriate location of the proposed use on the edge of a settlement remains a material planning concerns. Other principal matters, including adequate landscaping, amenity space, car parking and density, scale, character and the planning balance are considered below.

Access

- 4.3.12 Policy T1 of the ELP is considered consistent with the NPPF, and states that permission will be granted provided that the development would not lead to highway safety problems or cause unacceptable impact on the highway network. The policy continues to state that sustainable transport infrastructure measures and improvements will be sought. The applicant must demonstrate how, as far as practicable, the proposed scheme would be served by public transport; provide safe, direct and convenient routes for pedestrians and cyclists, and be comprehensively integrated into the existing pedestrian and cycle, public transport and road networks.
- 4.3.13 The site would be accessed in the same way as the wider site benefitting from various permissions as shown in the planning history section. The main vehicular access would be via the A505 from the new roundabout. The site would be fairly immediate after the roundabout into the wider estate, however, evidence has been provided that the access point onto the proposed site from the spine road, subject to conditions and covenants, would not cause any harm to the safe use of the highway.
- 4.3.14 Following amendments and clarifications, Hertfordshire County Council as Local Highways Authority have presented no objection to the proposed development. Should Members be minded to grant planning permission the Highway Authority does however recommend various conditions and contributions to be secured through various legal agreements. The proposed development would comply with relevant highway and transport planning policies, principally not resulting in a severe impact on the local highway network.
- 4.3.15 As a result, it is considered that the site is sufficiently accessible, subject to conditions and legal agreements, to those employed by or visiting the site. It is important, at this stage, to distinguish between accessibility and transport impacts and the higher threshold of accessibility for the occupants of the proposed facility (as discussed above in paragraphs 4.3.6 to 4.3.11). The site is accessible and the transport network can accommodate the impact of movement's resultant from the proposed development, however, the site is not well-served by public transport or sustainably located in relation to key services and facilities to accommodate the resultant occupants of the proposed facility.

Appearance, Layout, Landscaping and Scale

- 4.3.16 Appearance, layout and scale are clarified within Policy 57 of the SLP, Policy D1 of the ELP and the Design Supplementary Planning Document. Generally, the policies aim for the design of buildings or places to reflect the character of the sites surroundings. The SPD goes into more detailing as to the development of Royston.
- 4.3.17 Policy D1 of the ELP requires developments to respond positively to the sites local context. Furthermore, the policy requires that developments take reasonable opportunities, consistent with the nature and scale of the scheme, among other things, to; create or enhance public realm; retain existing vegetation and propose new planting; and maximise accessibility, legibility and physical and social connectivity both internally and with neighbouring areas. The policy continues to state that proposals should have regard to the design SPD and any other relevant guidance.
- 4.3.18 The design SPD sets out 9 key urban design principles; character; continuity and enclosure; quality of the public realm; ease of movement; legibility; adaptability; diversity; quality of private space; and sustainability.
- 4.3.19 The sites context would be the wider development site of designation RY2. The combination of previous residential planning permissions will result in a context of a cul-de-sac comprised of a mix of two and a half storey blocks of flats (x2); two storey maisonettes; two storey terraced dwellings; and two storey (with some accommodation in the roof space accommodated by dormer windows in some units) semi detached and detached dwellings. The dwellings are to be constructed in block formats, with buildings relatively close to streets and private driveways serving those blocks. The spine road and entrance to the site (on the north side) would be well spaced and not address the spine road directly until a small section of phase two, whereby the dwellings would be spaced from the spine road by an interceding grass verge.
- 4.3.20 The dwellings, either two storey or two storeys with accommodation in the roof, in the sites surroundings would have heights of between 8 and 9 metres, with relatively low eaves heights of around 5m. The approved flat blocks of two and half storeys host eaves heights of approximately 11m with eaves heights of around 6.7m. The homes proposed within the sites context would host consistent window designs, with mixes of gault and red brick as well as some sporadic rendered and timber clad external walls, as well as a mix of brown and grey concrete pan-tiles.
- 4.3.21 The proposed building in this application would be split into five identifiable buildings. There is the central building, of three storeys in height; a front wing, two storeys in height projecting toward the spine road; two wings of similar form and height, two and a half storeys, stretching east and west; and finally, a two storey building to the rear.
- 4.3.22 The site lies on phase three of the wider development site as identified in the approved phasing plan, which lies at the highest land level of the surrounding area. As a result, significant engineering operations are proposed to accomplish a level building and surrounding car parking/servicing spa, and in order to attain a reasonable internal layout without internal level changes. Notwithstanding this, the following are measurements of the heights of the proposed buildings from the lowest post-construction engineered land levels.

- 4.3.23 The central, three storey building would be approximately 13.2m in height, with a height of eaves of approximately 9m. The front building would host a height of approximately 11m, with an eaves height of approximately 6m. The east and west wings would host heights of approximately 11.4m and eaves heights of approximately 7m. The rear building is split into two heights and eaves heights. The lower part hosts a height of approximately 10.5m and eaves height of around 6.2m. The taller part, at the rear extent of the site, would host a height of around 11.5m and eaves height of approximately 7.4m. The glazed links between the buildings would host flat roofs and be of a lower scale than the buildings identified. At this point it is noted that the rearmost building, by reason of the rather unfortunate and extreme topography of the site, would be the tallest building proposed due to its positioning on the highest land level. Furthermore, the height of the buildings is not the only consideration in regards to appearance and scale. The buildings would be of notably greater width and depth within the plot than the dwellings which will form the sites surroundings.
- 4.3.24 The front, central and rear 'spine' of buildings would host a deliberate agricultural appearance. The front building appears as a barn, with timber cladding, sporadic glazing and metal standing seam roof. The central building would host limestone external materials with grey roof tiles and a large protruding chimney stack. The rear buildings host a mix of gault brick, timber cladding and grey roof tiles, with an additional protruding feature in the roof hosting some glazing and a cockerel feature. The intention here is to design the central 'spine' section to appear as if agricultural to compensate its non-residential scale, in that the agricultural buildings could have existed before the surrounding residential context.
- 4.3.25 The east and west wings would read as additions to the mock-agricultural buildings mentioned above. These parts of the site would represent additions of similar appearance (in terms of materials only) to the wider site.
- 4.3.26 Notwithstanding the design approach and attempts to mitigate the visual impact of the scale and height of the proposed building, I consider that the proposal would not respond positively to the sites context. Neither in my view would the proposal enhance the public realm in terms of its height and massing. The site is on the most sensitive part of the wider development site in terms of its topography. The idea of putting the largest buildings on the highest part of the site would not be in keeping with the context of the outline planning permission in regards to guiding development at this part of the site to be low density and minimal in height in my judgement.
- 4.3.27 Imagery has been provided which indicates that the engineered land levels, (for further details, see paragraphs 4.3.31 to 4.3.34 of this report), will result in the building being no taller than those dwellings likely to be developed to the west of the site. Engineering the site to have a lower ground level and lower height than the surrounding dwellings does not eliminate my concerns in regards to scale and massing. The building would still be of equal size and width across the plot, and the mass and bulk of the proposed built form would not respect the scale of the residential site context. Furthermore, the engineered site levels causes a further issue of how the proposed building and site would relate to its context and the wider proposed phase 3 development scheme.

- 4.2.28 I consider that the flat roof parts of the proposed development would not be of high quality design. While work has achieved a slightly softer design solution to the depth of the buildings, concerns remain about the expanse of flat roof resultant from the work to lower the height of the proposed buildings without greatly sacrificing floor space. These details roof design details will be discernible from the street scene. Given the nearby high land level community open space to the south of the site, and the height of the building, it could be that the flat roof expanses may be visible from the community open space to the south. I consider the proposed roof form to be a poor quality design which would cause harm to the character of the sites surroundings.
- 4.2.29 In relation to layout, the site would be individual and different from the sites context. There is some influence in the design of the building based on the wider development site, with the building being, to a large part, set back from the corner of the spine road and the roundabout, retaining a sense of openness when entering the site by vehicle. Notwithstanding this, the front building is in relatively close proximity to the spine road. The car parking area is resultant from the layout proposed, and would not be residential in scale. Even with enhanced landscaping that that proposed which could be secured by planning conditions, the car parking area would in my view be an incongruous design feature as a result of the lack of space available on the application site to disperse the requisite car parking, the scale of the building and the amount of accommodation proposed.
- 4.3.30 Policy NE1 of the ELP advises that proposals would be granted so long as they do not cause unacceptable harm to the character and appearance of the surrounding area taking account of any suitable mitigation measures necessary to achieve this; are designed; and located to ensure the health and future retention of important landscape features and have considered the long term management and maintenance of any existing and proposed landscaping. Policy 57 of the SLP guides that the layout of proposals should be designed to keep landscape features where possible, and proposals should take opportunities to improve the landscape of the site and its surroundings.
- 4.3.31 The landscaping plan for the development has been indicated in plan referenced 102 Rev B. The landscaping would reflect the wider context of the site by hosting an evergreen hedge curving with the spine road giving a wide, open entrance to the wider site. To the rear of this hedge (in front of a 1.2m high anti-trap bow top railing boundary treatment) would be the 'lower garden' enclosed by the front and east wing. The lower garden would host a small seating area and informal play area for visitors. It is of note that the land level would be approximately +69.50, where currently the site would host a land level reaching approximately +72 at its peak.
- 4.3.32 The area to the west of the site along the frontage, between the front and west wing would host a car park. The car park would sit behind a narrow green area which widens to the west. The car park would be partially screened by four semi-mature trees and shrub planting. The car park would rise from +68.80 at the access/egress to the spine road to +69.50. Again, this represents an engineered ground level.

- 4.3.33 The proposal includes a retaining wall along the west boundary ends partway along the west flank of the west wing. This leads to the 'passive garden' enclosed by the west and rear wing of the building. The 'passive garden' would sit at a land level of +72.65, hosting a footpath, benches, sculptures/bird tables, some feature and standard trees. The garden would host a relatively high retaining wall set in from the boundary of the site. The land level beyond the boundary wall is not indicated other than +75.27 midway up the naturally sloped land level. The maximum natural land level at the south west corner of the site would be approximately +76.5. The 'passive garden' is not connected externally to any other landscaped area, closed off from the 'wildlife' and 'active gardens' by a retaining wall.
- 4.3.34 The 'wildlife garden' and 'active garden' lie between the rear and east wing of the building. The 'wildlife garden' towards the south boundary lies at a land level of +75.80, and is a small area of wildflower meadow grass with some paving. There is a secure gate with steps which lead up beyond the retaining wall to the +78.00 natural land level for maintenance reasons. Steps lead down to the 'active garden' to the south. The 'active garden' contains a shed, seating areas, a shade sail and is largely paved with soft landscaping separating areas of hard surfacing. Whilst there are stairs leading down to the 'lower garden', the stair area along the east flank of the east wing is secured.
- 4.3.35 I consider the landscaping would be sufficient to meet the needs of future occupiers of the premises. The separation of different gardens at different levels makes sense in regards to the use, need for relatively level surfaces and the topography of the sites surroundings. Whilst this is unfortunate in that it would result in a high level of shaded areas given the need for tall retaining walls to keep the gardens level, the resultant harm to the living conditions of future occupiers of the site is sufficiently offset by the reasoning.
- 4.3.36 There are no significant landscape features within the site. Some opportunities have been taken to improve, or at least maintain and reflect, landscape context from the surrounding approved developments. The one incongruous landscaping feature would be the car park. The car park area would be large, and contrary to efforts made in the surrounding development to screen large parking areas from the street scene. Some efforts have been made to screen the parking from the spine road. However, it is felt more could be done, including extending the 1.2m hedgerow running along the lower garden boundary to the car park area to enhance the landscaping associated with this development proposal. The shrubs and four trees along the north boundary of the car park will screen the parking area to a limited extent.
- 4.3.37 The proposed layout and use would necessitate an overly engineered landscape which would fail to take account of the sites context in regards to topography. This would leave an awkward and open junction between the site and its surrounding natural ground levels. Taking into consideration the wider sites allocation and extant permission, the proposed development would in my view be poorly integrated with the sites surroundings. The indicative images presented by the applicant to support the height of the building being lower than the proposed dwellings to form the sites surroundings shows significant differences in land levels. By reason of the car parking proposed, the required retaining walls and evident variation in land levels reveals a clear junction between the development proposed and its likely surroundings.

Ecology

- 4.3.38 Following consultation with Hertfordshire Ecology, it is agreed that the development, subject to conditions, would achieve net gains for biodiversity. The development would thus accord with the development plan, subject to the inclusion of conditions which ensure further investigation and mitigation, as well as the submission of details regarding incorporating biodiversity into the development.

Noise and nuisance

- 4.3.39 The Environmental Health team have been consulted. Following further information, received 04 April 2019, in an amended noise assessment, the team has recommended approval subject to condition. The condition will ensure mitigation measures proposed within the noise report will be implemented on-site. This will result in all internal areas being sufficiently protected from local noise sources to enjoy a satisfactory standard of living while maintaining ventilation. While there remain some issues of noise to the 'lower garden' outdoor area, this area will be used for visitor informal play space and is therefore not particularly noise sensitive. There would be other amenity space with less noise disruption within the site.

Parking

- 4.3.40 The Vehicle Parking at New Developments Supplementary Planning Document (VPNDSPD) suggests one car parking space per five residents bed as well as one car parking space per two staff. Furthermore, the SPD requires one cycle space per five staff. This equates to a car parking requirement of 28 and a cycle parking requirement of five in accordance with the information submitted. The proposal would provide 26 normal parking spaces and two accessible parking spaces for car parking. The proposal also provides six secure covered cycle spaces. The proposed parking provision accords with the VPNDSPD, policy 55 of the SLP and policy T2 of the ELP.

The planning balance

- 4.3.41 Paragraph 11 of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, decision takers must grant permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. 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.

- 4.3.42 There are no relevant development plan policies for the provision of C2 use class accommodation in the SLP. There are policies within the ELP, and these policies in accordance with paragraph 48 of the NPPF can be afforded moderate weight. In line with the Planning Policy team response to consultation, provision of C2 use class development can be counted towards the supply of housing. Considering this, it is reasonable to apply the limb ii of paragraph 11(d) when applying the planning balance by reason of footnote 7.

- 4.3.43 The site does not require the application of policies within the Framework listed under footnote 6, therefore limb i) is not engaged. As a result, the adverse impacts of granting permission would need to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.3.44 It is noted that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The ELP, policy SP8 identifies a requirement to deliver at least 14,000 net new homes, of which 33% (or 4,620) should be delivered as affordable housing units. The ELP goes on to state there is a requirement to deliver at least 350 bed spaces in supported accommodation for those who can no longer live in their own home. Given existing delivery of C2 use class accommodation during the ELP period (2011-2031) an additional 100-120 bed spaces within strategic sites whereby the unit would be well served by other facilities, services and public transport. The requirement for C2 use class units is positively planned for in the District, and there is no historic under-delivery. There is a positive plan for delivery of general market and affordable housing, however, there is a greater requirement against historic under-delivery in the District. This is material in assigning benefits against the provision of C2 use class development.
- 4.3.45 Environmental harm resultant from this development would be harm the character and setting of the site through the scale, layout, landscaping and appearance of the built form on the edge of the settlement. Given the extent of the built form, and the failure of the development to properly assimilate and respect the character of the site (in regards to topography) and the sites surroundings, significant weight is afforded to the consideration.
- 4.3.46 The proposed use would be outside of the land allocation in the ELP (general housing) and thereby conflict with the purposes and aims of the release of this land from the Rural Area Beyond the Green Belt. The harm resultant would be loss of planned market and affordable housing. This harm is mitigated by the C2 units in part contributing to the Councils 5 year land supply of housing and obligation to contribute to affordable housing via commuted sum. The loss of planned market housing is considered neutral in weight as the proposal will free-up market housing as a result of those moving from dwellings to the care facility. The loss of affordable housing has been mitigated through the proposed commuted sum negotiated in the S106 offer alongside this application. As such, no harm is considered to result from this conflict with the development plan.
- 4.3.47 Social harm has been found in regards the inappropriate siting of the development in relation to services and facilities. Limited weight is afforded against the proposed development in line with the assessment against policy HS4 in regards to the sites accessibility to services and facilities.
- 4.3.48 The proposed development would provide accommodation for quickly changing and increasing needs of the elderly. Notwithstanding this, the ELP is in preparation and has identified only limited additional need for C2 accommodation over the plan period, and this need has been fed into the requirement for development of two of the largest strategic sites to be delivered over the period of the plan. The district has taken a positive approach to C2 use class development historically, and the evidence suggests a greater lack of general housing stock and associated affordable housing compared to C2 use class accommodation.

Furthermore, whilst the proposal would provide for elderly housing needs, as set out in paragraph 4.3.47 above, the siting would fail to promote social interaction for future occupiers by reason of its siting on the edge of a settlement. As a result, limited weight is afforded to the benefits of provision of C2 use class accommodation in this locality.

- 4.3.49 The proposal would provide economic benefits of long term employment (53 full-time equivalent) on the site associated with the proposed use. The other benefits usually associated with general development, such as economic benefits of employment of builders and other contractors, as well as use of local facilities, is considered neutral in this case by reason of equal benefits being achieved in the 'fall-back' position of planned general and affordable general housing stock. In the scheme of employment needs for the district, this employment contribution is afforded moderate weight in the planning balance.
- 4.3.50 Overall in the planning balance I consider that significant weight should be afforded to the identified environmental harm through the scale, massing and appearance of the building being incongruous to the site's edge of centre setting. Additional harm to the environment is resultant from the layout and landscaping of the proposed site failing to relate or respect the sites existing or proposed context. Further, very limited social harm, is resultant from inappropriate siting of C2 use class accommodation in relation to services and facilities failing to promote social cohesion. On balance, it is considered that these factors significantly and demonstrably outweigh the limited social benefits of delivery of elderly person sheltered accommodation and contribution to the Districts 5 year land supply as well as the moderate economic benefits of employment provision resultant from the proposed development.
- 4.3.51 The proposal conflicts with the development plan, and the harm identified from conflict with the development plan significantly and demonstrably outweighs the benefits of the proposal.

Any other matters

- 4.3.52 Planning obligations have been requested and agreed in principle, via a heads of terms, for affordable housing commuted sum, libraries and highways requirements. The S106 document for the securing of these obligations has not, at the time of writing this recommendation, been agreed. The obligations sought are considered to meet the necessary tests within the NPPF and the Community Infrastructure Regulations (2010) (as amended). The lack of agreed S106 document forms a further reason for refusal, albeit, it is recommended that, once an agreed upon document can be presented, this reason can be withdrawn.

Conclusion

- 4.3.53 The proposal is contrary to the SLP and ELP. The proposed development would introduce overly large, tall and high density built form at the edge of town whereby good quality design and basic urban planning principles would expect a lower density. The conflict with the ELP and displacement of C3 development land would result in loss of market housing, which would be compensated through 'freeing up', and loss of affordable housing, for which compensation through a commuted sum has been agreed.

- 4.3.54 The development plan (SLP) is out of date in regards to the development. Significant steps are being made by the Local Planning Authority (LPA) to rectify this by providing for need and creating up-to-date policies in the ELP. The ELP is at a moderately advanced stage. In accordance with paragraph 48 of the NPPF, it is considered that moderate weight can be afforded to allocation RY2 and applicable associated housing development management policies of the ELP.
- 4.3.55 In applying the planning balance in light of the conflict with both the SLP and ELP, it is considered that the significant environmental harm of the design of the building and the limited social harm through inappropriate siting of C2 use class accommodation in relation to services and facilities in that many facilities are not readily accessible to occupiers of this development proposal would significantly and demonstrably outweigh the benefits. The benefits have been identified as limited social benefits of the provision of C2 use class development for older people (albeit in an inappropriate location to promote social cohesion and interactions), and moderate for employment generation (in the context of the scale of employment need for the District and expected generation resultant from this development).
- 4.3.56 In accordance with the above, it is considered that the proposed development would cause significant and demonstrable social and environmental harm which would outweigh the more limited social and moderate economic benefits associated with the development.

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 **REFUSED** for the following reasons:
1. In the opinion of the Local Planning Authority by reason of the inappropriate siting of the proposed development in relation to its context at the edge of a wider housing development site on relatively high ground and the resultant required alterations to the topography of the site, alongside the excessive scale, mass and bulk of the development, requiring overly engineered landscaping, the proposed development would harm the character of the surrounding area representing an incongruous addition to the very edge of Royston. The siting of the proposed Care Home development, which would also leave very limited opportunities for social cohesion, would result in an incongruous and conspicuous junction between the site and its surroundings. The proposed development would therefore conflict with Policies 6 and 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies) and Policies HS1, HS4 and D1 of the Submission Local Plan (2011-2031), the Council's adopted Design Supplementary Planning Document and Section 12 of National Planning Policy Framework in failing to take the opportunities available for improving the character and quality of the area and the way it functions.

2. The submitted application has not been accompanied by a valid legal undertaking (in the form of a S106 Obligation or Unilateral Undertaking) securing the provision of the requisite highways works and contributions towards sustainable transport infrastructure. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Saved Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations or proposed Local Plan Policy HS2 of the Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as a sustainable form of development contrary to the requirements of the National Planning Policy Framework (NPPF).

Proactive Statement:

















Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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.

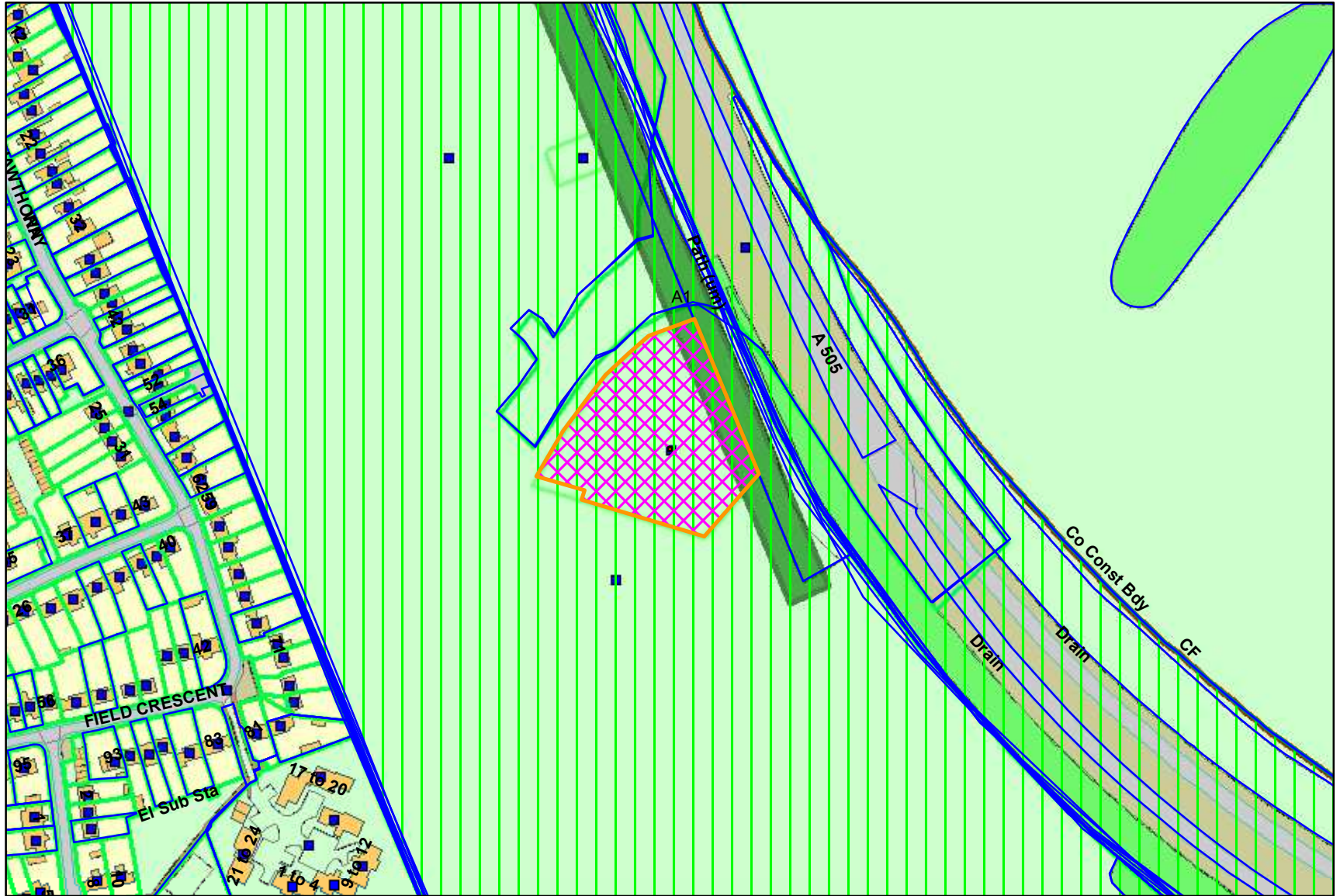
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Application Validation Sheet

19/00248/FP Land West of Royston Bypass, Royston, Herts

-  **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**
Prgrnb1.shp
-  **Health & Safety Consultation Zone**
Prjhzzone.shp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prnnis.shp
-  **Indicative Flood Plain**
Prifpm.shp



Scale 1:2,500
Date: 08/05/2019



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PLANNING CONTROL COMMITTEE

DATE: 13 February 2020

PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr J Bird	29 January 2020	Side extension to existing annexe building	Bewlay Royston Road Slip End Baldock SG7 6SF	19/01885/FPH	Written Representations (Appeal against imposition of conditions)

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PLANNING CONTROL COMMITTEE

DATE: 13 February 2020

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Aldenham Residential	Erection of two 3-bed and two 4-bed dwellings with associated parking, bin/cycle storage and alterations to existing vehicular access following demolition of existing dwelling	189 High Street Codicote Hitchin SG4 8UD	18/03347/FP	Appeal Dismissed on 17 January 2020	COMMITTEE	The Inspector found that the proposal would be inappropriate development within the Green Belt as described by the Framework. The proposal would conflict with Policy 2 North Hertfordshire District Local Plan No.2 with Alterations (adopted 1996) and the relevant aims of the Framework.
Ms M Thomas	Erection of one 3-bed dwelling including proposed vehicular access from Highbury Road together with ancillary parking and landscaping.	12a Highbury Road Hitchin SG4 9RW	19/01341/FP	Appeal Dismissed on 29 January 2020	DELEGATED	The Inspector found that the dwelling would significantly reduce the spaciousness of the area and fail to respect the prevailing pattern and design of development. As such, it would fail to preserve or enhance the character or appearance of the Conservation Area. The Inspector also stated that the proposal would fail to accord with the historic environment objectives of the National Planning Policy Framework (the Framework).
Mr S Chown	Development A: Single storey rear extension to link dwelling with existing outbuilding Development B: Rear box dormer	2 Storehouse Lane Hitchin Hertfordshire SG4 9AB	19/01604/FPH	Appeal Part Allowed on 29 January 2020	Appeal Against Non-Determination	Development A – Appeal Allowed Development B - Appeal Dismissed With respect to Development B the Inspector concluded that the proposed dormer would fail to preserve or enhance the character

						<p>or appearance of the Conservation Area, contrary to saved Policies 28 (House Extensions) and 57 (Residential Guidelines and Standards) of the North Hertfordshire District Local Plan 2007, which, amongst other things, state that extensions should be sympathetic to the existing house and relate to and enhance their setting. It would also be contrary to Policies D2 (House extensions, replacement dwellings and outbuildings) and HE1 (Designated Heritage Assets) of the emerging North Hertfordshire Local Plan, which state that extensions should be sympathetic to the existing dwelling and secure the conservation and preservation of the significance of heritage assets. Furthermore, it would fail to accord with the historic environment objectives of the National Planning Policy Framework (the Framework).</p>
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Appeal Decision

Site visit made on 26 November 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2020

Appeal Ref: APP/X1925/W/19/3233286

189 High Street, Codicote SG4 8UD

- 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 Aldenham Residential against the decision of North Hertfordshire District Council.
- The application Ref 18/03347/FP, dated 21 December 2018, was refused by notice dated 31 May 2019.
- The development proposed is described as *'The demolition of the existing dwelling and the erection of 4 x 4-bedroom dwellings with associated parking, bin/cycle storage and improvements to existing vehicular access.'*

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site is a bungalow, its garden and land beyond it. The boundary to the Metropolitan Green Belt runs through the site and it is common ground between the main parties that the part of the site which is within the Metropolitan Green Belt does not have a lawful residential use. As such, any use of this area as part of the garden to the existing bungalow is not a matter for me to address in this appeal and was not determinative in my reasoning.
3. A revised drawing Ref 1416_A_2000 P10 accompanies the appeal. It adds patios to the rear gardens of Plots 01, 02 and 03 and brings the three houses between 1.5m and 2m closer to the High Street. The amendments to the siting of the dwellings would materially change their effect on the living conditions of neighbouring residents. As such, and pursuant to the Wheatcroft principles¹, I did not have regard to this drawing in my decision, as to do so would have likely prejudiced other parties.

Main Issue

4. The main issue in relation to the Green Belt is:
 - whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; and,
 - if there is harm by reason of inappropriateness, would it be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment and Another [1980]

Reasons

Whether the proposal would be inappropriate development in the Green Belt

5. The Framework establishes that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. Paragraph 146 of the Framework, amongst other things, states that the material change of use of land within the Green Belt is not inappropriate provided such proposals would preserve its openness and would not conflict with the purposes of including land within it. Of most relevance to this appeal, this includes the safeguarding of the countryside from encroachment.
6. Policy 2 of the North Hertfordshire District Local Plan No.2 with Alterations (adopted 1996) (NHLP) requires for the openness of the Green Belt to be protected and restricts inappropriate development, unless there are very special circumstances. Paragraph 2.1 of the NHLP lists types of development that it considers not inappropriate. Although the given list does not accurately reflect the Framework, Paragraph 2.1 does not itself form policy. As such, it does not alter my view that Policy 2 is broadly consistent with the Framework.
7. The scheme seeks to replace No 189 High Street with a dwelling just to the south east (Plot 04), and three properties which would be set along, but outside the Green Belt (Plots 01, 02, 03). Although the main parties have referred to the rear gardens of Plots 01, 02, 03 as being divided by post and rail fencing, this is not shown on the proposed plans. Given such, all buildings within the proposal would be outside the Green Belt.
8. Whilst there is some disagreement as to the current use or definition of the area of the site within the Green Belt, it is undisputed that the proposal would materially change its use. It follows that the development would not be inappropriate provided the rear gardens serving Plots 01, 02, 03 would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
9. The openness of the Green Belt has a spatial aspect as well as a visual aspect². Visually, the site is largely enclosed from surrounding fields by boundary vegetation which has the effect of limiting its association with the more obvious countryside to the north. Public visibility of the site is restricted to Rabley Heath Road and the Public Right of Way network a good distance to the north east. When viewed from these areas, the site appears to relate well to the village. As such, the visual openness of the Green Belt within the appeal site is limited and would be unharmed by its use as gardens.
10. However, aside from a couple of small-scale structures which occupy its periphery and the presence of limited post and rail fencing, the Green Belt within the site is grassland absent of operational development. This leads it to exhibit a significant degree of spatial openness.
11. There would be no buildings in the Green Belt and their future erection could be restricted by a condition. However, the residential use of the Green Belt would inevitably bring with it domestic paraphernalia. Typical items such as toys and play equipment, paddling pools, ornaments and washing lines would be, in my view, unavoidable. This is in addition to the presence of boundary treatments,

² As confirmed in *Turner v SSCLG & East Dorset Council* [2016] EWCA Civ 466 and *Samuel Smith Old Brewery (Tadcaster) & Oxtou Farm v North Yorkshire CC & Darrington Quarries Ltd* [2018] EWCA Civ 489

- in whatever form they would take. Although the effect would be modest, the spatial openness of the Green Belt would not be preserved. As the gardens would likely be used extensively, the harm would not be mitigated by the removal of the existing innocuous structures or fencing.
12. The appellant has suggested that such domestic trappings could be avoided through restrictive covenants. To my mind residents should have free range to use their gardens for typical domestic activity. The use of covenants in this way would therefore be an unreasonable imposition, failing to provide a good standard of amenity, as set out within Paragraph 127 of the Framework.
 13. The appellant has compared the proposed garden use to the other exceptions listed within Paragraph 146. Although I accept the other exceptions may be potentially more prejudicial to the openness of the Green Belt than residential gardens, this does not justify the harm I have identified in this case. I also acknowledge that, given the site's enclosure and relationship to the village, the development's encroachment within the countryside would be limited³. However, this purpose of Green Belt policy would not be met.
 14. My attention has been drawn to allowed appeals in the Green Belt which pertained to the change of use of an allotment to a garden and a tennis court respectively⁴. Whilst it is clear from the appellant's evidence that there are some similarities between those cases and this appeal, their detailed circumstances are not before me. In addition, the former significantly predates the Framework, and the date of the latter has not been provided. Given such, they carry very limited weight in my assessment.
 15. I therefore find that the proposal would be inappropriate development as described by the Framework. The proposal would conflict with Policy 2 of the NHLP and the relevant aims of the Framework. The Council has also referred to Policy SP5 of the emerging North Hertfordshire Local Plan 2011-2031, which is at an advanced stage of preparation. Policy SP5 also seeks to avoid inappropriate development in the Green Belt and therefore does not alter my conclusion on this matter.

Other considerations

16. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations.
17. The scheme would contribute to meeting an identified shortfall in family housing in the area. The appellant is a local SME house builder specialising in this scale of development and I have no reason to doubt that the scheme would be delivered quickly. Given the scale of the proposal, I consider the delivery of the housing to be a moderate benefit.
18. The houses would be situated at a village designated for housing growth, with good access to services and facilities, the wider cycle network and bus services to further afield. The new families would likely enhance the vitality of these

³ Taking into account the cited findings of the North Hertfordshire Green Belt Study (2016) and its update (2018)

⁴ Refs: APP/C0630/A/08/2062944 and APP/B1930/W/15/3132841

facilities through an increase in use. Developing the housing would also provide an economic boost to the developer and its supply chain of contractors and suppliers. These are also modest benefits.

19. The widening of the site access, which is not an essential aspect of the scheme, would likely improve the safety of vehicles and pedestrians to a very modest degree. That the Council has previously granted a now lapsed planning permission for residential use of this area of Green Belt also attracts very modest weight⁵.
20. The appellant has referred to the Framework's promotion of the effective reuse of land. As I have identified harm to the Green Belt, the scheme would not meet this aim. The provision of adequate garden space appears to me to be a prerequisite for the housing, not a benefit. Given that the openness of the Green Belt would not be preserved, the restrictions to residential activity and development suggested by the appellant do not weigh in the scheme's favour. These matters are therefore of neutral influence in the balance.
21. The cumulative moderate and modest benefits I have identified do not clearly outweigh the harm to the Green Belt by reason of inappropriateness, which attracts substantial weight. Consequently, the very special circumstances necessary to justify the development do not exist.
22. Whilst the evidence indicates that the Council is unable to demonstrate a five-year supply of deliverable housing sites, Footnote 6 to paragraph 11(d)(i) of the Framework provides a clear reason for dismissing the appeal as the Green Belt is deemed to be a protected area of particular importance.

Conclusion

23. For the reasons given above, the proposal would conflict with the development plan and the Framework when taken as a whole.
24. Having considered all other relevant matters raised, including the pre-application enquiry and the subsequent officer recommendation for planning permission to be granted, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

⁵ Ref 14/00401/1



Appeal Decision

Site visit made on 6 January 2020

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2020

Appeal Ref: APP/X1925/W/19/3239109

12A Highbury Road, Hitchin SG4 9RW

- 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 Ms M Thomas against the decision of North Hertfordshire District Council.
 - The application Ref 19/01341/FP, dated 4 June 2019, was refused by notice dated 31 July 2019.
 - The development proposed is a new dwelling to the rear of 12/12A Highbury Road, Hitchin.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal preserves or enhances the character or appearance of the Hitchin Conservation Area (the CA).

Reasons

3. The appeal site lies within the Hitchin Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a CA.
4. The character and appearance of the CA is derived from the architectural interest and grouping of the buildings within it. Both main parties confirm that the Hitchin Conservation Area Character Statement identifies the appeal site as being situated within Character Area 5, the significance of which is in being a well-maintained, architecturally embellished 19th and 20th century residential suburb within a well-established verdant setting. Houses vary in their style and are typically large in size with clearly defined frontages that have a presence within the streetscene and follow uniform building lines. The spaciousness of the extensive private gardens to the rear of houses contributes greatly to the overall leafy, suburban setting. Whilst the rear gardens are largely hidden from public views they are very much appreciated from private views from the rear of properties and form an intrinsic part of the overall character and appearance of the CA.
5. The appeal site forms part of the rear garden of 12/12A Highbury Road. The garden is substantial in size, similar to other properties along this stretch of Highbury Road and the gardens of properties backing onto them on The

Avenue, and makes a positive contribution to the spaciousness of this rear garden area. With the exception of small ancillary buildings, including a recently constructed home gym at the rear of the garden of 13 Highbury Road, these rear gardens are free from built form. Whilst generally, the spaciousness of the rear gardens within the locality are not readily appreciated from public views, the appeal site and its neighbouring gardens are appreciated from the adjacent public footpath.

6. I note that Nos 17 and 18 Highbury Road appear to have been developed in the rear garden of No 16. However, these properties have their own road frontage and presence within the streetscene and are read more as bookends to the dwellings along this stretch of Highbury Avenue, rather than backland development.
7. The dwelling would not have any site frontage with Highbury Road. It would not be readily visible from public views. Its positioning to the rear of the frontage dwellings would be in marked contrast to the strong pattern of development within the locality, which is currently absent of rear residential development. Therefore, it would fail to reflect the existing pattern of development and consequently harm the character and appearance of the CA.
8. Furthermore, the introduction of the dwelling within the rear garden area would diminish the spaciousness of the area, further detracting from the character and appearance of the CA. Whilst the dwelling would be visible from the adjacent footpath, the high boundary fence and vegetation would sufficiently screen it from public views. However, the dwelling would clearly be visible from rear views out of neighbouring properties, both on Highbury Road and The Avenue, whereby the diminishment of the spaciousness of the area would be significantly discernible.
9. The dwelling would be single-storey and of a contemporary design and therefore would not reflect the prevailing two and three-storey period properties along Highbury Road. This marked contrast in design would not be readily discernible from public views. Nevertheless, it would be noticeable from neighbouring properties and its failure to reflect the local design vernacular would exacerbate the incongruity of the dwelling within its backland setting.
10. I find therefore that the dwelling would significantly reduce the spaciousness of the area and fail to respect the prevailing pattern and design of development. As such, it would fail to preserve or enhance the character or appearance of the CA. I note that the Council does not rely on any policies within the development plan in support of its reason for refusal. However, it would nevertheless fail to accord with the historic environment objectives of the National Planning Policy Framework (the Framework).

Other Matters

11. I acknowledge the appellant's argument that the dwelling would be of size and shape that would be permitted development if it were to be used incidental to a dwelling. However, its use as a separate dwelling would have different, and more intense, domestic activities associated with it than a building used incidental to the enjoyment of a dwelling. For example, there would likely be greater comings and goings, vehicular movements and domestic paraphernalia. In any event, the proposal before me is for a new dwelling, not a building to be used incidental to the enjoyment of a dwelling. Furthermore, there is no

evidence before me to persuade me that there is a reasonable likelihood that, were I minded to dismiss the appeal, a building of a similar size and shape would be constructed under permitted development rights. Accordingly, I attribute very limited weight to this as a fallback position.

12. I have considered the Council's argument that the grant of planning permission would set a precedent for other similar development. Whilst each application and appeal must be assessed on its individual merits, I can appreciate the Council's concern that approval of the dwelling could be used in support of such similar schemes on plots with similarly large rear gardens. Allowing this appeal would make it more difficult to resist further planning applications for similar development, and I consider that their cumulative effect would exacerbate the harm which I have described above. Although my decision on this appeal does not turn on this matter, it adds some weight to my conclusion on the main issue.
13. I note the Council's Conservation Officer has provided no comments on the proposal. Nevertheless, the Officer's Report makes clear that the Council's objections to it are with regard to its effect on the CA.

Balance and Conclusion

14. Paragraph 196 of the National Planning Policy Framework (the Framework) confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.
15. The proposed dwelling would have less than substantial harm to the significance of the CA. It would have good access to a variety of services, facilities and employment opportunities; make a positive, albeit limited, contribution to the supply of housing; contribute towards the economy through providing construction jobs and through its occupants utilising local facilities and services; and, make efficient use of an underused large garden. These public benefits weigh in its favour. However, individually or cumulatively, they do not outweigh the harm to the CA.
16. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR

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Appeal Decision

Site visit made on 6 January 2020

by **Alexander Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th January 2020

Appeal Ref: APP/X1925/W/19/3238313

2 Storehouse Lane, Hitchin SG4 9AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Stephen Chown against North Hertfordshire District Council.
 - The application Ref 19/01604/FPH, is dated 1 July 2019.
 - The development proposed is the erection of a single storey rear extension and rear dormer.
-

Procedural Matter

1. The proposal involves two distinct, and severable, elements. The first is the erection of a single-storey rear extension, and the second, a rear dormer.

Decision

2. The appeal is dismissed insofar as it relates to the rear dormer.
3. The appeal is allowed insofar as it relates to the erection of a single storey rear extension and planning permission is granted for this element of the proposal at 2 Storehouse Lane, Hitchin SG4 9AB in accordance with the terms of the application, Ref 19/01604/FPH, dated 1 July 2019, so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A001 PL2, A090 PL1, A091 PL1, A100 PL1, A101 PL1, A102 PL01, A103 PL1, A105 PL1, A106 PL1, A107 PL1, A108 PL1, A110 PL1, A111 PL1, A119 PL1, A120 PL1, A121 PL1, A122 PL1, A123 PL1, A124 PL1, A125 PL1, A126 PL1, A127 PL1, A128 PL1, A129 PL1, A130 PL1 and A131 PL1.

Main Issue

4. The main issue is whether the proposal preserves or enhances the character or appearance of the Hitchin Conservation Area (the CA).

Reasons

5. The appeal property is located within the CA, which comprises the town centre of Hitchin and parts of the surrounding residential area. The character of the

- CA derives from the architectural interest and grouping of the buildings within it. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a CA.
6. The appeal site is located within Character Area 3 *Queen Street and Hermitage Road*, as identified in the Hitchin Conservation Area Character Statement (HCACS). The HCACS states that this area 'includes a number of late 19th century 'positive' paired cottages in Storehouse Lane'.
 7. Along with 1 Storehouse Lane, the appeal property forms one half of a pair of such cottages. Unlike many other properties on the Lane, the external appearance of Nos 1 and 2 remains largely unaltered. There are several other properties along the Lane that have rear dormer extensions. Whilst I acknowledge that these dormers benefit from planning permission, as referred to me by the appellant, as a result of their box-like design and significant width, extending almost the full width of the roof, I do not consider that they make a positive contribution to the character or appearance of the CA, appearing as bulky, top-heavy additions. Furthermore, which the exception of 9 and 10 Storehouse Lane which have similar extensions, the existing dormers disrupt the symmetry between the paired cottages, diminishing the positive contribution they make to the character and appearance of the CA.
 8. The Council raise no objection to the proposed single-storey extension. Based on the evidence before me and the observations I made on site, I find no reason to conclude otherwise. I therefore intend to allow this part of the appeal.
 9. With regard to the proposed dormer extension, it would occupy the full width of the appeal property, raising the overall eaves height of the rear elevation and the rear half of the gable elevation. As a consequence, the dormer would dominate the roof of the property and appear as a top-heavy addition. Moreover, it would result in the property dominating No1 and fail to respect the symmetry between the two properties and the positive effect they have on the character and appearance of the area as paired cottages.
 10. Although the appeal site does not form part of any important views identified within the HCACS it nevertheless forms part of the overall CA and would be clearly visible from within it. Although it would not be readily visible from public views within the CA, it would be from private views from neighbouring properties within it and from the nearby Lyle Row. I note that Lyle Row is not within the CA; however, views of the CA are enjoyed from it.
 11. I acknowledge the design cues of the dormer have been taken from nearby dormers. However, I do not consider that these are features of the CA that should replicated. I note that Storehouse Lane was an addition to the Conservation Area sometime during/ after 2009. It is not clear from the evidence before me whether the existing nearby dormers were granted planning permission before or after they were included within the CA. Therefore, I cannot be certain that the policy considerations at the time they were granted planning permission were the same as for the current proposal, in particular the effect they have on the heritage asset.

12. Whilst the detailing of the fenestration and materials of the dormer would be influenced by features within the locality, I do not consider that this sufficiently mitigates its overall unacceptable size and form.
13. I find therefore that the proposed dormer would fail to preserve or enhance the character or appearance of the CA, contrary to saved Policies 28 and 57 of the North Hertfordshire District Local Plan 2007, which, amongst other things, state that extensions should be sympathetic to the existing house and relate to and enhance their setting. It would also be contrary to Policies D2 and HE1 of the emerging North Hertfordshire Local Plan, which state that extensions should be sympathetic to the existing dwelling and secure the conservation and preservation of the significance of heritage assets. Furthermore, it would fail to accord with the historic environment objectives of the National Planning Policy Framework (the Framework).

Planning Balance

14. Paragraph 196 of the National Planning Policy Framework (the Framework) confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.
15. The proposed dormer would have less than substantial harm to the significance of the CA. The proposal would improve the energy consumption of the property by using modern construction methods and good insulation. Furthermore, I acknowledge the proposal would create a more efficient living environment for the appellant. However, I do not consider that these are public benefits that would outweigh the harm the dormer would have on the CA.

Conditions

16. I have had regard to the conditions suggested by the Council in the event that I allow the appeal. For the avoidance of doubt, a condition is necessary ensuring that the development is carried out in accordance with the approved plans.

Conclusion

17. For the reasons given above, having regard to all matters raised, the appeal is allowed in relation to the single-storey rear extension. However, in relation to the rear dormer, the appeal is dismissed.

Alexander Walker

INSPECTOR

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