

NORTH HERTFORDSHIRE DISTRICT COUNCIL



3 April 2020

Our Ref Planning Control Committee/16.04.2020
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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

**REPORTS TO BE CONSIDERED BY MEMBERS OF
THE PLANNING CONTROL COMMITTEE**

By

THURSDAY, 16TH APRIL, 2020 AT 7.30 PM

NO MEETING OF THIS COMMITTEE WILL TAKE PLACE

****MEMBERS PLEASE ENSURE THAT YOU CHECK YOUR EMAILS AND RESPOND
BY THE DATE AND TIME GIVEN ABOVE****

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

Agenda **Part I**

Item	Page
<p>1. PRESENTATION AND PHOTOGRAPHS PROVIDED BY PLANNING OFFICERS To provide Members with the presentation and photographs relating to the planning applications brought to this Committee.</p> <p><i>To be attached in due course.</i></p>	
<p>2. 19/03033/FP GLYFADA, GOSMORE ROAD, HITCHIN, HERTFORDSHIRE, SG4 9BE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</p> <p>Erection of six 4-bed and two 5-bed dwellings including creation of new vehicular access off of Hitchin Road following demolition of existing dwelling (revision of previous scheme granted permission under 17/02466/1 and 18/02810/NMA).</p>	(Pages 3 - 20)
<p>3. 20/00292/S73 40 DACRE ROAD, HITCHIN, HERTFORDSHIRE, SG5 1QJ REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</p> <p>Variation to Condition 2 (insertion of front dormer windows) of Planning Permission 19/00249/FP granted 02/04/2019 for erection of one terrace of three 2-bed dwellings following demolition of existing bungalow.</p>	(Pages 21 - 28)
<p>4. 20/00012/FPH 11 COMMON RISE, HITCHIN, HERTFORDSHIRE, SG4 0HL REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</p> <p>Variation to Condition 2 (insertion of front dormer windows) of Planning Permission 19/00249/FP granted 02/04/2019 for erection of one terrace of three 2-bed dwellings following demolition of existing bungalow.</p>	(Pages 29 - 38)
<p>5. 20/00374/LDCP 3 LIMEKILN LANE, BALDOCK, HERTFORDSHIRE, SG7 6PG REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</p> <p>Extension of existing rear dormer and insertion of new window to first floor bedroom to rear.</p>	(Pages 39 - 44)
<p>6. INFORMATION NOTE: PLANNING APPEALS INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER</p>	(Pages 45 - 64)

ITEM NO:	
<u>Location:</u>	Glyfada Gosmore Road Hitchin Hertfordshire SG4 9BE
<u>Applicant:</u>	-
<u>Proposal:</u>	Erection of six 4-bed and two 5-bed dwellings including creation of new vehicular access off of Hitchin Road following demolition of existing dwelling (revision of previous scheme granted permission under 17/02466/1 and 18/02810/NMA).
<u>Ref. No:</u>	19/03033/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 30th April 2020

Reason for Delay

Negotiations and Committee cycle

Reason for Referral to Committee

This application is being reported to Committee because the site area exceeds 0.5 hectares.

1.0 **Planning Policy**

1.1 **North Hertfordshire District Council**

Policy 2: Green Belts

Policy 26: Housing proposals

Policy 55: Car Parking Standards

Policy 57: Residential Guidelines and Standards

Supplementary Planning Documents

Design SPD

Vehicle Parking Provision at New Development SPD (2011)

1.2 **National Planning Policy Framework (February 2019)**

Section 2: Achieving sustainable development

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

Section 13: Protecting Green Belt land

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

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP8: Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

2.0 **Site History**

2.1 17/02466/1: Erection of 6 detached five bed dwellings including creation of new vehicular access off Hitchin Road following demolition of existing dwelling. Granted permission 18.01.18.

2.2 18/02810/NMA: Plot 1 dwelling handed, Plot 3 repositioned and addition of rooflights to garage link and garage. Plot 4 repositioned and addition of rooflights to garage link. Plot 5 dwelling handed and garage attached. All as non-material amendments to planning application 17/02466/1 granted on 18.01.18.

3.0 **Representations**

3.1 **Hertfordshire Highways:** Advises that the authority do not wish to restrict the grant of planning permission subject to several conditions including details of footway links to be secured via a Section 278 Agreement. Also recommends the attachment of highway informatives.

3.2 **NHDC Environmental Health officer (Air Quality):** Raises no objections. Recommends a condition requiring EV charging points in each dwelling and an EV recharging informative.

3.3 **NHDC Environmental Health officer (Contamination):** Requested further details concerning the submitted risk assessment. Final comments awaited.

3.4 **NHDC Environmental Health officer (Noise)** No comments received

3.5 **St. Ippoyts Parish Council:** 'Objects to overdevelopment and poor mix of dwelling with part of the development still situated in the Green Belt '

3.6 **NHDC Landscape officer:** No objection in principle but requires further detail on the landscape proposals for the southern boundary. Requests a landscape condition requiring full details of landscaping.

3.7 **NHDC Waste & Recycling Manager:** Provides advice on standard requirements for waste and recycling storage and collection facilities. Raises no objections.

3.8 Site Notice / Adjoining residents:

Comments received objecting to the development raising the following points:

- ☐ Site will be visible to houses in Newlands Lane
- ☐ Loss of privacy, loss of light
- ☐ Noise pollution
- ☐ Loss of property value
- ☐ Restrictive covenants in place limiting the number of houses on the site
- ☐ Revised plan is cramped and would resemble a housing state and therefore out of character
- ☐ Query sewage proposals
- ☐ Request a Committee decision
- ☐ Too many houses – suggest reduction in number and size
- ☐ Query whether there is sufficient parking

Comments received in support:

- ☐ Development is high quality and in keeping
- ☐ There is a lack of housing of this nature available

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site comprises the residential curtilage of a property known as 'Glyfada' a former two storey dwelling (now demolished) located on Hitchin Road on the southern edge of Hitchin and north of the village of Gosmore. Vehicular access to the property is directly off Hitchin Road. The site area is approximately 0.57 hectares (1.4 acres).
- 4.1.2 The majority of the site at present lies within the urban area of Hitchin however a rectangular southern section of the site of approximately one third of the total site area (2070 sqm) lies within the Green Belt as designated by the current proposals map of the North Hertfordshire District Local Plan with Alterations 1996 (Saved Policies 2007). All of the site has been in residential use until the recent demolition of the dwelling in 2019.
- 4.1.3 To the south of the site is a field and then to the south of that the village settlement of Gosmore which is currently washed over by the Green Belt designation in the current local plan.
- 4.1.4 There are no public rights of way within the immediate vicinity of the site and no footpaths along Hitchin Road immediately outside of the site outside of the site however, there is a footpath link north of Brick Kiln Lane into Hitchin (approximately 80 m north of the site entrance). Hitchin Road is a classified road maintained by Hertfordshire County Council as the local highway authority.
- 4.1.5 The site itself has a slight rise in levels from west to east and the southern boundary is defined by a substantial length of conifer trees up to 6 metres in height.

4.2 Proposal

4.2.1 This application seeks full planning permission to erect eight dwellings on the site comprising of the following mix and size:

- ☐ Two semi-detached x 4 bedroom dwellings (Plots 2 & 3) including attached garages
- ☐ Three detached x 4 bedroom dwellings with attached garages (Plots 6, 7 & 8)
- ☐ One detached x 4 bedroom dwelling with detached garage (Plot 1)
- ☐ Two detached x 5 bedroom houses with attached garages (Plots 4 & 5)

4.2.2 Access to the site would be via an amended access point in the centre of the site frontage with Hitchin Road.

4.2.3 The proposed dwellings would be positioned around a 5.5 metre wide internal access road with a cul-de-sac turning head. The dwellings would in the main face onto and be accessed from the internal access road.

4.2.4 The existing conifer tree belt along the southern boundary would be replaced by a double hedge field boundary with mature trees interspersed at intervals along the boundary.

4.2.5 All of the dwellings would have full hipped roofs with projecting gables and external materials would include facing brickwork, composite boarding and hanging tiles with white upvc windows. The generally traditional design of the dwellings is reinforced with chimneys, projecting gables, string courses, dormer windows, stone cills, brick plinths and rooftiles.

4.2.6 The application is supported by the following documents:

- ☐ Planning, Design & Access statement
- ☐ Ecology reports including Addendum report
- ☐ Geo-environmental Site Investigation report
- ☐ Highway Technical Note (November 2019)
- ☐ Sustainability statement (January 2020)

4.3 Key issues

4.3.1 The key issues are the principle of the development, character and appearance, living conditions of existing and proposed residents, access and parking issues, environmental matters and planning obligations

4.3.2 Principle of the development

4.3.3 Planning permission was granted for six dwellings on this site in January 2018 (see history above). That permission has been implemented with the demolition of the original dwelling on the site and the redevelopment scheme can now be built out subject to the discharge of several conditions pursuant to that consent such as a construction management plan and the submission of an environmental risk assessment.

4.3.4 In granting permission for the previous scheme for six dwellings the Local Planning Authority accepted that there were very special circumstances (VSC's) apparent to justify development within the currently designated Green Belt area of the site. There have been no changes that would alter the relevance of the previous VSC's indeed the Council's five year land supply position has deteriorated since January 2018 with the recent publication of its Annual Monitoring Report which demonstrate that it has, from April 2019, only 1.3 years of housing land supply. Furthermore, the granting of the previous permission is a significant material consideration.

4.3.5 In view of the above I conclude that the principle of development on this site for a residential scheme of eight dwellings is acceptable subject to an examination of all other material considerations.

4.3.6 Character and Appearance

4.3.7 Prior to its demolition 'Glyfada' was a two storey dwelling set in in substantial grounds (0.57 hectares). The surrounding pattern of development is that of generally large two storey dwellings with large gardens and detached garages. Plot sizes vary and there a range of architectural styles. There area number of residential cul-de-sacs in the immediate area such as Newlands Close (East and West), New England Close, Millfield Lane and Ransom Close and there are several backland plots where additional dwellings have been added in rear gardens. Further south is Gosmore Ley Close a cul-de-sac of 8 dwellings on a similar site area as the application site. Given this prevailing form of development I consider that the development of the site as a cul-de-sac of 8 dwellings with generous gardens and adequate parking would not be out of keeping in the neighbourhood.

4.3.8 The application proposals include two additional dwellings over the approved scheme (ref: 17/02466/1) but with a mix of semi-detached and detached dwellings as opposed to the approved six detached dwellings. There is a just under 10% increase in footprint with this proposed 8 dwelling scheme (1251 sqm as opposed to 1157 sqm). Section 11 of the NPPF ('Making efficient use of land') is relevant in that it supports the development of under used land. Paragraph 123 states:

'it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site'

In this case there would be more efficient use of the site with this 8 dwelling scheme with a density of 14 dwellings per hectare (previously 10.5dpa) which is still a relatively low density in terms of modern housing developments and of a similar density to nearby cul-de-sacs as mentioned above.

4.3.9 The proposed layout demonstrates a reasonably spacious layout for this edge of settlement location and the houses are located so that they are sited back from the site boundaries to allow for the proposed landscaping to mature and therefore retain the sylvan character of the area.

4.3.10 The conifer screen along the southern boundary is proposed to be replaced with a traditional field boundary double spaced hedge comprising a mix of elder, hawthorn, blackthorn and holly whips interspersed with some tree species. The full detail of the landscaping can be secured by an appropriately worded condition. The existing conifer screen although tall has not been maintained well and does not provide much in the way of wildlife habitat. The hedge and tree planting has the potential to reinforce the Green Belt boundary as proposed in the Emerging Local Plan.

4.3.11 Given all of the above I consider that this revised scheme will be still in keeping with the prevailing pattern of development particularly in terms of density, scale, external materials and landscaping and that it would not be harmful to the character and appearance of the area.

4.3.12 Living conditions of existing and proposed residents.

4.3.13 Concerns have been raised overlooking and consequent loss of privacy to existing residents. In respect of plot 1 a condition can be attached ensuring that the en-suite window on the northern elevation is obscure glazed. Plots 2 & 3 are angled away from 'Gosmore Cross' and over 30 metres away from the rear elevation of that property. Plots 4 and 5 are as approved under the previous permission with an angled relationship and significant back to back separation distances with properties to the west. The fall in levels across the site down to Hitchin Road also assists in helping to reduce the dominance of the development on adjacent properties.

4.3.14 It is appreciated that some of the adjacent properties have some open views across the application site that will be changed with this development. However there is no right to a view and I consider that the development itself would not result in any overbearing impact or loss of privacy to adjacent properties.

4.3.15 Even with the increase in density of development each of the new dwellings will have large gardens comfortably in excess of Policy 57 guidelines. In addition the proposed residents will have convenient access to open countryside and a network of public footpaths as well as the amenities in the nearby Gosmore village (village green and pubs).

4.3.16 In conclusion on living conditions I consider that the development would not be harmful to existing residents amenity and would provide a high standard of environment for the prospective residents.

4.3.17 Access and parking issues

4.3.18 The application is accompanied by a technical document to demonstrate that the proposed replacement access can be suitably provided and would be safe in highway terms. It confirms that there has been no recorded accidents on the adjacent highway in the last 5 years (from information provided by HCC Highways). The removal of the existing front access boundary walls and hedging and the re-siting of the access serving the development to the south would actually improve visibility and highway safety. Traffic generation levels would be very low i.e. the proposal would generate a maximum of 4 movements during the AM peak hour, 2 movements in the lunchtime peak hour and 3 movements during the evening PM peak hour.

The document demonstrates that a refuse collection vehicle currently used (12.8m in length) would be able to access the development and turn around within the site. The document concludes that the vehicle trip generation by an additional two dwellings would result in a negligible increase in traffic at the site access and barely perceptible impact on highway capacity.

- 4.3.19 In considering this application officers have been asked to consider a footpath link to and from the site to Gosmore village. Whilst there is potentially sufficient room within the highway boundary south of the site to achieve a footway there is no footpath through the village in any event therefore pedestrians would still have to re-join the shared carriageway with traffic on entering the village. In discussions the Highway Authority have advised that this option is not of any overall benefit. However, the Highway Authority have requested however that a footpath is provided from the site to link up with the public footpath to the north beyond the junction with Brick Kiln Lane some 85 metres away. The Highway Authority have not provided any feasibility plans or cost estimates for this section of footpath and would like the detail left to a Section 278 Agreement under the Highways Act, to be agreed by a planning condition. This matter has been discussed at length with the applicants and their highways consultants and has culminated in a report being produced by Stomor Civil Engineering consultants together with diagrams. The report outlines the difficulty of achieving this footpath due to the narrowness of the highway boundary adjacent to Roseview Cottage where the footway corridor would be less than 1 metre in width in addition to being restricted by a property boundary wall and lamp column. Furthermore, there are gas and electricity services along the route which in order to accommodate the footway may prove cost prohibitive. The matter has been given careful consideration however I have concluded that on the basis of the technical evidence provided and the unknown costs involved it would be unreasonable to pursue this proposal. Apart from the highway safety and costs issues the footpath would involve the removal of a substantial section of highway verge and hedgerow which would have an adverse visual impact. I consider that for all of the above reasons it would not be reasonable in planning terms to require the developer, via a planning condition as suggested by the Highway Authority, to enter into a highway agreement. Such a condition would also in my opinion fail the tests of being necessary, precise and reasonable as required by the Framework and National Planning Policy Guidance.
- 4.3.20 The proposed development would comfortably meet the parking standards required as set out in the Council's supplementary planning document on parking at new development – including visitor parking provision. In addition the proposed garages provide cycle and scooter parking areas in addition to electric vehicle charging points.
- 4.3.21 No objections are raised by the Highway Authority and it concludes that the development would not have an unreasonable impact on the safety and operation of the adjoining highways subject to the inclusion of informatives and planning conditions.
- 4.3.22 Given the above analysis I consider that the development is acceptable in highway safety terms and that sufficient on site parking can be provided.

4.3.23 Environmental matters

- 4.3.24 The application documentation includes the original ecological appraisal carried out in July 2017 and an updated addendum to this report dated October 2019. The reports confirm that the site is not of nature conservation importance and has limited biodiversity with some minor nesting bird habitat. The Council's ecological consultants advise that it is not necessary, given the nature of the site and scale of development, to adopt the biodiversity metric in this case. They do however acknowledge the benefit to biodiversity that would result from the proposed landscaping scheme and they advise that two artificial roosting bats should be integrated into plots 4 & 5 (previously 3 & 4) to achieve a biodiversity gain in line with the aims of the NPPF.
- 4.3.25 The application is accompanied by a Geo-environmental site investigation including a Phase II contamination assessment. A condition is recommended requiring the development to be carried out in accordance with the risk assessment methodology and evaluation set out in the submitted report.
- 4.3.26 A sustainability statement has been submitted with this application. It sets out how the development can meet the aims of Policy D1 'Sustainable Design' of the ELP with reference to protecting ecological features of the site, incorporating Sustainable Urban Drainage Systems, reducing carbon emissions through incorporating a range of low/zero carbon technologies in the design and managing constructional and operational waste. A condition is recommended that requires the development to be carried out in accordance with the sustainability statement.

4.3.27 Planning Obligations

- 4.3.28 When the Local Planning Authority considered the previous application (17/02466/1) in January 2018 the original National Planning Policy Framework (2012) was in place. Major development was not defined in the Annexe 2 (Glossary). Since then the guidance has been amended and the Annexe 2 Glossary in the 2019 NPPF has identified 'Major development' for housing as *'development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more'*. The current application has been registered and advertised as a 'major' development and the site area is 0.57 hectares therefore planning obligations can be requested. The extant permission does not include any planning obligations.
- 4.3.29 In this case Hertfordshire County Council's Growth & Infrastructure team have requested the following contributions towards County Council infrastructure / services:

- ☐ Childcare - £1,682.00
- ☐ Primary education - £91,173.36
- ☐ Secondary education - £37,862.00
- ☐ Library service £1,976.00

4.3.30 The applicants have responded to the HCC request for infrastructure contributions stating that the applicant has a realistic fallback position that must be taken into account by the Local Planning Authority if it were to consider the full amount of contributions requested by the County Council. The fallback position is the extant permission for 6 dwellings without any financial contributions and possibly an amendment to that permission for 8 dwellings on a smaller site area again without the need for financial contributions. The fallback position is a material planning consideration that has been recognised by Planning Inspectors at appeal and in case law and indeed the applicants have quoted the Mansell Judgement (Court of Appeal C1/2016/4488). Furthermore, the applicants have advised the very real prospect of the fallback position is strengthened by the fact that one of the plots has been sold and therefore a contractual obligation exists to commence the development. In addition a Section 278 application pursuant to the 6 dwellings scheme has been submitted to the County Council as highway authority.

4.3.31 In view of the above it is considered that there is a compelling case that there is a realistic and probable fall back position whereby the applicant can implement the 6 unit scheme without financial contributions. As such it is significant material planning consideration in determining whether the full list of planning obligations sought by the County Council is reasonable. In this regard the applicant has made a contribution offer of £33,348.84 as a full dwelling pro-rata amount based on the two additional dwellings now being sought over and above the extant, non-contribution six unit permission. I consider this is reasonable in the circumstances as it reflects the realistic fallback position whilst also acknowledging the impact of the development on local infrastructure. On this basis I am minded to recommend that, should planning permission be granted, that it is subject to the submission of a satisfactory Unilateral Undertaking to include the sum of £33,348.84 towards Hertfordshire County Council infrastructure and services.

4.3.32 **The Planning balance**

The Council is unable to demonstrate a five year deliverable supply of housing land and paragraph 11 of the NPPF states that where policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case part of the site is still within the Green Belt therefore there is no presumption in favour of granting planning permission. That said the applicant has demonstrated compelling very special circumstances as to why the Green Belt part of the site can be developed and this includes the extant planning permission.

4.3.33 All development proposals must achieve the three strands of sustainable development as set out in Section 2 of the NPPF (i.e. the economic, social and environmental objectives). In this case the development would assist the local economy in providing construction jobs in the short term and jobs within the service sector in the longer term. Moderate weight could be attached to this economic benefit. In social terms the proposal will deliver 7 additional dwellings that will contribute to the Council's housing supply and provide well-designed dwellings in a safe, built environment accessible to services and open space that will be supportive of the communities health, social and general well-being.

I attach significant weight to these benefits. In terms of the environmental objective, I am of the opinion that there would be no harm to the character and appearance of the area as a result of the particular characteristics and features of this development proposal. In addition there is the potential for net biodiversity gain and the sustainability statement advises that the development can minimise waste and pollution and be adaptive to climate change and the move to a low carbon economy. I attach significant weight to these environmental benefits. Given the above analysis I conclude that the limited adverse impacts of the development are significantly and demonstrably outweighed by the benefits and therefore will achieve sustainable development as required by the National Planning Policy Framework.

4.4 Conclusion

- 4.4.1 Taking into account the above analysis of this application I consider that on balance there would be no significant and demonstrable harm arising from this development proposal and therefore I recommend approval subject to a satisfactory Unilateral Undertaking and conditions.

Alternative Options

None applicable

Pre-Commencement Conditions

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

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:

- A) The submission of a satisfactory Unilateral Undertaking to secure £33,348.84 as a contribution towards services and infrastructure provided by Hertfordshire County Council
- B) The following conditions and informatives:

- 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. 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.

4. The proposed flank wall window at first floor level on the north elevation of Plot 1 (i.e. the proposed en-suite) shall be permanently glazed with obscure glass.

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

5. Prior to the commencement of the development hereby approved full details of the landscape scheme for the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality

6. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

7. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

8. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement.

The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

9. Prior to the relevant phase of works full details of any boundary fence (including height) or other landscaping treatment along the northern and eastern boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of adjacent residents

10. There shall be no vehicular or pedestrian gates erected across the access road.

Reason: To ensure that the development is inclusive and in the interests of highway safety

11. Prior to the occupation of the development a new priority junction shall be provided as identified on drawing number PL001A with the main access road being provided 5.5 metres wide with the kerb radii being a minimum of 8 metres to the current specification of Hertfordshire County Council and to the local authority's satisfaction.

Reason: In the interest of highway safety.

12. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres x 43 metres to both directions shall be provided and permanently maintained within which there shall be no obstruction to visibility between 600mm and 2.0 metres above the footway level.

Reason: To provide adequate visibility for drivers leaving and entering the site.

13. The gradient of the main access from Hitchin Road shall not be steeper than 1 in 20 for the first 15 metres from the edge of the carriageway.

Reason: In the interest of highway safety.

14. Prior to the commencement of development a Construction Management Plan / Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.

The Construction Method Statement shall address the following matters:

- a. Phasing programme;
- b. Construction and storage compounds (including areas designated for car parking);
- c. The Siting and details of wheel washing facilities;

- d. Cable trenches within the public highway that affect traffic movement of existing residents;
- e. Foundation works that affect traffic movement of existing residents;
- f. Access to electric substation/control building;
- g. Cleaning of site entrance and the adjacent public highways and, disposal of surplus materials.
- h. Hours of construction

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

15. Prior to the commencement of the development hereby permitted a stage 1 Road Safety Audit shall be carried out and submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority.

Reason: In the interests of highway safety

16. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (ELMAW Consulting, July 2017) and addendum dated 2019 where appropriate as submitted with the planning application. In addition, hedgehog friendly fencing shall be installed throughout the development.

Reason: To ensure that biodiversity objectives and long term maintenance are realised

17. The development hereby approved shall be carried out in accordance with the methodology and remediation strategy set out in the submitted Geo-Environmental Site Investigation report by BRD dated September 2018.

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.

18. Prior to occupation, each of the eight properties shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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.

19. The development hereby approved shall be carried out in accordance with the submitted Sustainability Statement by Sol Environment dated January 2020.

Reason: To ensure that the development accords with the requirements of Policy D1 'Sustainable Design' of the Emerging Local Plan

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:

1) EV Charging Point Specification:

The charging points shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.

- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF).

- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

2) The above condition is considered relevant and reasonable for the following reasons:

- o Paragraph 120 of the NPPF which refers to the effects (including cumulative effects) of pollution on health, the natural environment or general amenity.

- o The aim of Section 4 'promoting sustainable development' of the NPPF, which includes in paragraph 35 'developments should be designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles'.

- o HCC Local Transport Plan (LTP3) 2011-2031 which includes an aim 'to reduce transport's own contribution to greenhouse gas emissions and improve its resilience'.

- o It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the current consultation version of the Local Plan.

- o The assessment of reasonable is also based on the approximate costs for installing appropriate cabling to a new build property and would be expected to be

approximately £300.00 per property and installation of a wall-mounted point approximately £300.00 per property. Wall-mounted points have been judged to be practical at this site based on the submitted site plans that show that each property has an accompanying double garage.

Construction Phase

The demolition / construction phase and associated noise, dust etc. has the potential for nuisance to the existing residents nearby. I therefore ask that the informatives below are included:-

Informatives

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

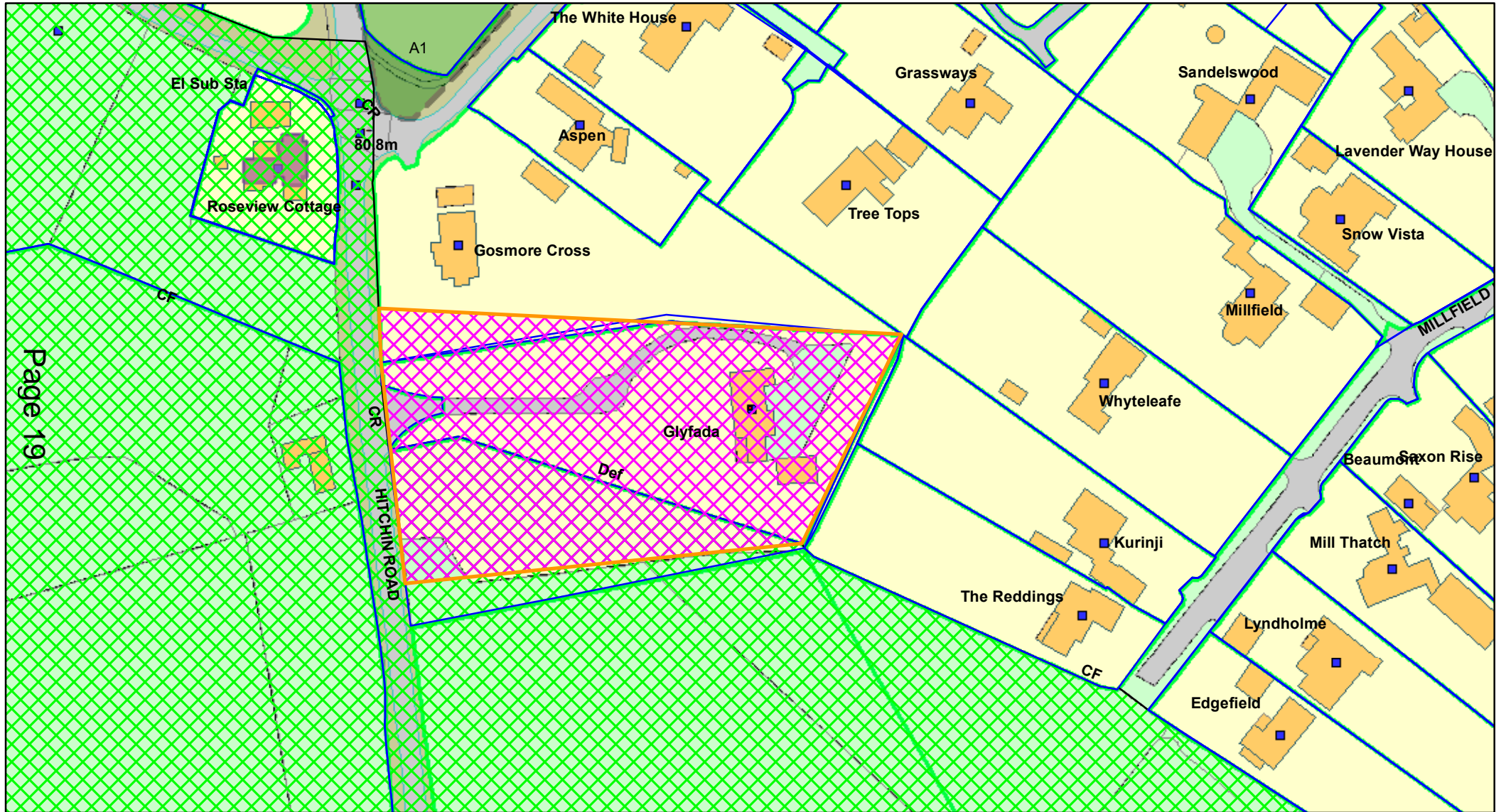
During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00 hours and Sundays and Bank Holidays: no work at any time.

Prior to the commencement of demolition of the existing buildings, 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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19/03033/FP Glyfada, Gosmore Road, Hitchin, Herts



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Date: 31/03/2020



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ITEM NO:	
<u>Location:</u>	40 Dacre Road Hitchin Hertfordshire SG5 1QJ
<u>Applicant:</u>	JCAL Ltd
<u>Proposal:</u>	Variation to Condition 2 (insertion of front dormer windows) of Planning Permission 19/00249/FP granted 02/04/2019 for erection of one terrace of three 2-bed dwellings following demolition of existing bungalow (as amended by plan nos. PL02 E & PL03 D)
<u>Ref. No:</u>	20/00292/S73
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 17th April 2020

Reason for Delay

Negotiations and Committee cycle

Reason for Referral to Committee

This application is being reported to Committee because it has been called in by Councillor Ian Albert in the public interest.

1.0 **Planning Policy**

1.1 **North Hertfordshire District Council**

Policy 26: Housing proposals
Policy 55: Car Parking Standards
Policy 57: Residential Guidelines and Standards
Supplementary Planning Documents
Design SPD
Vehicle Parking Provision at New Development SPD (2011)

1.2 **National Planning Policy Framework (February 2019)**

Section 2: Achieving sustainable development
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

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

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP8: Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

2.0 **Site History**

- 2.1 19/00249/FP: Erection of one terrace of three 2 -bed dwellings following demolition of existing bungalow (as amended by drawings PL02C and PL03B received 1/4/19). Granted 02.04.19

3.0 **Representations**

- 3.1 **Hertfordshire Highways:** Advises no objection to application.
- 3.2 **NHDC Environmental Health officer (Contamination):** Advises 'no comment'
- 3.3 **NHDC Environmental Health officer (Noise)** Advises 'No comment'
- 3.4 **Site Notice / Adjoining residents:**

Comments received objecting to the development raising the following points:

- ☐ Dormers out of keeping
- ☐ Lack of parking will put pressure on existing residents parking especially at evenings and weekends

4.0 **Planning Considerations**

4.1 **Site & Surroundings**

- 4.1.1 The application site is located at the northern end of Dacre Road on the west side of the road. The original detached bungalow on the site known as no.40 Dacre Road has been demolished and planning permission ref: 19/00249/FP is under construction. The majority of the street is comprised of terraced properties. To the northern boundary the site adjoins rear gardens belonging to properties on Nightingale Road (all two storey).

4.2 **Proposal**

- 4.2.1 This application (as amended) seeks an amendment to planning permission 19/00249/FP with the following differences:

- ☐ Insertion of three flat roofed dormers into the front facing roof slope
- ☐ Very slight re-positioning of approved rooflights on front facing roof slope

The proposed development is in all other respects the same as the approved planning permission. The amendment to the plans that were originally submitted for this application (drawing nos. PL02E & PL03D) received on 27th March, reduced the width of the front dormers to a two-windowpane design from a triple windowpane design and added rooflights. Rooflights on the front facing elevation were approved as part of the previous grant of planning permission.

4.3 Key issues

4.3.1 The key issues are the impact of the proposed amendments on the character and appearance of the area and the impact on neighbouring property. As planning permission has been granted for a terrace of three dwellings with no parking these are the only issues for consideration with this revised application.

4.3.2 Impact on the character and appearance of the area

4.3.3 The main issue is whether the insertion of the three flat roofed dormers, as amended, could be considered as an appropriate form of design in this locality. Dacre Road consists mainly of terraced properties generally of two stories and with simple gabled roofs. The properties vary in age from the Victorian era to modern terrace dwellings. There are, however, a few examples of properties with higher eaves levels – such as Nos 31 and 32 and 58 both of which have front facing gables with second floor windows facing the street. In addition, Nos 59 and 60 are terraced dwellings with a slightly higher elevation due their basements with a single roof dormer each also facing the street. In the immediately adjoining street at 40 – 50 Radcliffe Road there are several terraced properties with front facing roof dormers. The original bungalow at No. 40 also had a front facing roof dormer. Whilst one could say therefore that the majority of properties in Dacre Road and the immediate area do not have roof dormers facing the street there are clearly some examples of dwellings that do have roof dormers. In addition, there are a variety of dwelling types, differences in eaves levels, ages of property and a range of external materials in the area that add to its mixed character. I am therefore of the view that the built environment here is not of such a uniform scale and character that rules out the provision of roof dormers as an unacceptably jarring form of design in this locality. Furthermore, the application site nor the immediate area does not have any specific designation such as conservation area or Article 4 status that sets more stringent parameters for scale and design in the area.

4.3.4 The proposed dormers have been reduced in width so that the window frames are similar in width to the first-floor windows and therefore they do not appear as ‘top heavy’ as originally proposed. In addition, the dormer windows are not as deep as the first-floor windows. The dormers themselves are set well within the roof slope of the front elevation, set in from the verges, set up from the eaves and down from the ridge and therefore they appear more subservient and in proportion with the roofscape. As such I consider that the design of the dormers is sympathetic to the new terrace in terms of scale, proportion, window design and materials consistent with the requirements of Policy 57 of the local plan and Policy D1 of the emerging local plan.

4.3.5 In view of the above analysis I consider that the proposed front facing roof dormers would not be harmful to the character and appearance of the area.

4.3.6 Impact on neighbouring property

4.3.7 The approved terrace of three dwellings has a similar building line as the surrounding properties and includes short front gardens as have many of the nearby properties. As in many streets, properties in Dacre Road face each other on opposite sides of the road and include front facing windows to habitable rooms such as living rooms and bedrooms both at ground and first floor level. In this case the new terrace would establish a similar relationship found in Dacre Road and common to many other areas where properties face each other, across a carriageway. The proposed front facing dormer windows, although clear glazed and serving bedrooms, would result in no greater loss of privacy than the present situation. In fact the dormer windows are smaller than the first-floor windows and set further back and arguably have less impact. I am satisfied that given the well established 'front to front' relationship of windows facing each other across Dacre Road there would be no significant loss of privacy or any other adverse impact on the living conditions of existing residents.

4.4 Conclusion

Taking into account the above analysis of this application I consider that there would be no significant and demonstrable harm arising from this development proposal and therefore I recommend approval subject to conditions.

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 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.

2. The development hereby approved shall be carried out in accordance with the Construction Management Plan details agreed under Discharge of Condition ref: 19/02869/DOC.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

3. The development hereby approved shall be carried out in accordance with the Environmental Risk Assessment approved as part of condition 4 of planning permission ref: 19/00249/FP.

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.

4. The development hereby approved shall be carried out in accordance with the landscaping details approved under Discharge of Condition application ref: 19/02897/DOC.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

5. The development hereby approved shall be carried out in accordance with the materials approved under Discharge of Condition ref: 19/02898/DOC.

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

6. The development hereby permitted shall be begun before the expiration of 3 years from the date of the planning permission ref: 19/00249/FP.

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.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

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:

1) Construction Code of Practice:

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.

2) Construction hours:

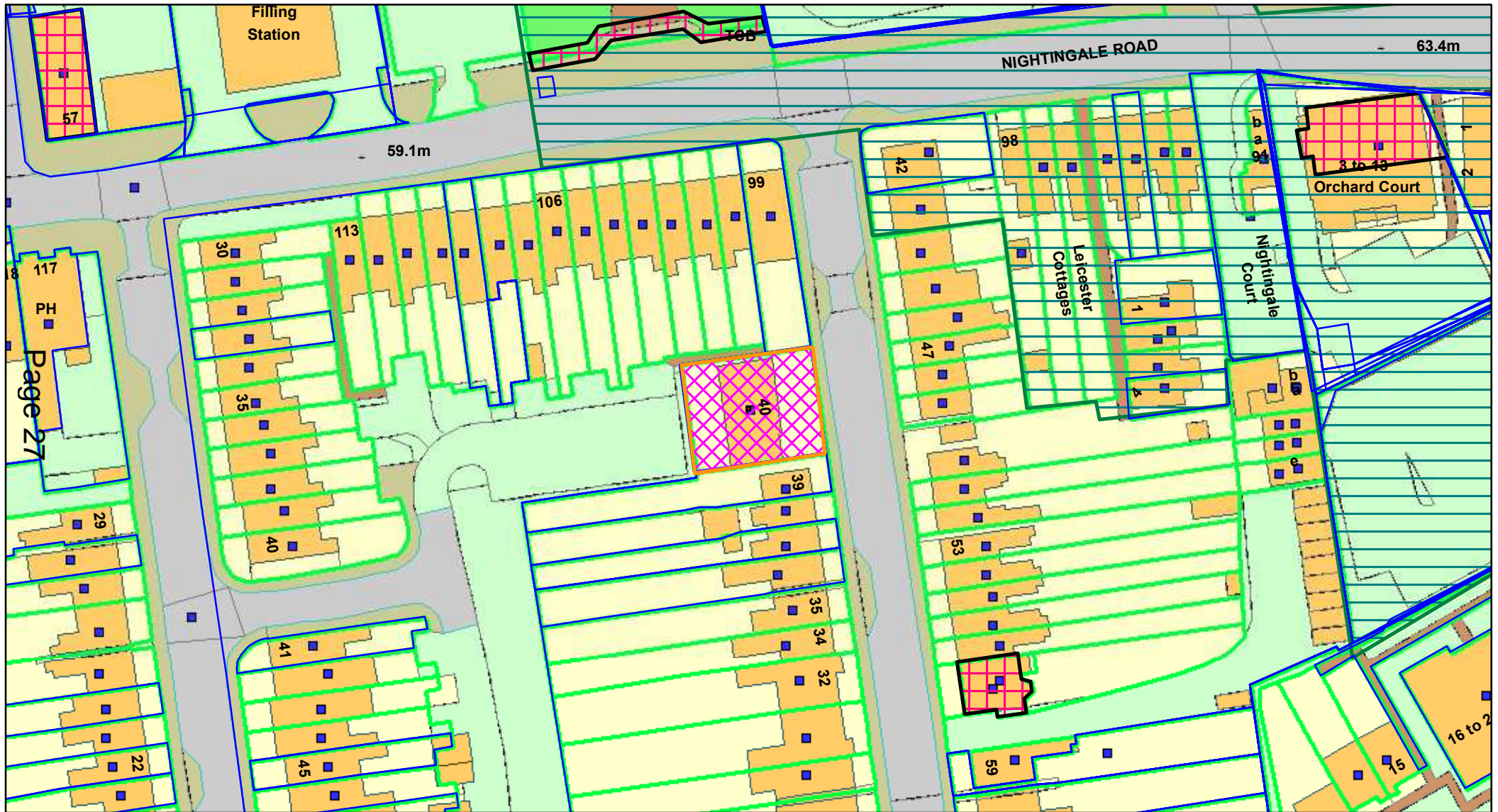
During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

3) Asbestos:

Prior to the commencement of demolition of the existing buildings, 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.



20/00292/S73 40 Dacre Road, Hitchin, Herts, SG5 1QJ



Scale 1:750
Date: 31/03/2020



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ITEM NO:	
<u>Location:</u>	11 Common Rise Hitchin Hertfordshire SG4 0HL
<u>Applicant:</u>	Mr Adam Thapar
<u>Proposal:</u>	Part two storey, part single storey front extension, two storey rear extension, erection of single garage off existing access from Cooks Way following demolition of existing garage
<u>Ref. No:</u>	20/00012/FPH
<u>Officer:</u>	Ben Glover

Date of expiry of statutory period: 28/02/2020

Extension of statutory period:

Reason for Call in: Application called in by Cllr Kay Tart if minded to refuse for the following reason – “in the public interest”

1.0 Submitted Plan Nos.:

- 3528 01 – Location Plan
- 3528 29 – Existing Drawings
- 3528 50A – Proposed Elevations and Site Plan
- 3528 51B – Proposed Ground Floor and First Floor Plans and Garage

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations

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

2.2 National Planning Policy Framework

- Chapter 12 – Achieving well-designed places

2.3 **North Hertfordshire Draft Local Plan 2011-2031 - (Incorporating the Proposed Main Modifications November 2018)**

- 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 (2011)

3.0 **Site History**

19/01894/FPH - Single storey front and side extension and two storey rear extension. Demolition of existing garages and proposed single garage off existing access from Cooks Way, Hitchin (as amended by plans received on 30/09/2019) – Granted Conditional Permission on 22/10/2019.

4.0 **Representations**

4.1 **Neighbouring Notifications:**

The owners/occupiers of No. 5, 9 and 13 Common Rise were notified on 09/08/2019. Representations have been received from No. 9 Common Rise, 14 Common Rise, 31 Common Rise and 17 Kingswood Avenue. Comments from neighbours are summarised below:

5 Common Rise (Support):

- The front and rear extensions would be a welcome addition to the street and am pleased to see something in keeping with the style of the house.
- Improvement to the character of the frontage.

11 Common Rise (Support):

- The house has become tired and needs modernising.
- Agree with the need to update the layout and modernise the stairs as they are dangerous and impractical.
- The front design will enhance the street and give a nice new look to the frontage.

9 Common Rise (Objection):

- Extension will block daylight from the front window.
- Obscure view from the front window.
- No other property has a full front extension, they only have half.
- Would not be parallel with No. 9 and 11 Common Rise.

14 Common Rise (Support):

- Would not change the character of the road.
- Plans are in keeping with the architecture of the period.
- Many houses along Common Rise have existing front extensions in different styles and characters from the one proposed.

31 Common Rise (Support):

- House has become tired and needs modernising.
- Agree with the need to update the layout and modernise the stairs. They are dangerous and impractical.
- The front design of the house will enhance the street and gives a nice new look to the frontage.
- The newly submitted drawings improve on those already approved.

17 Kingswood Avenue (Support):

- A number of properties in Common Rise have been extended to varying degrees and in a number of different styles, including first floor extensions to the side, which means this proposed extension is not the first of its kind.
- There are a large number of ground floor front extensions of varying style along with porches and canopies meaning there is no consistency of design on this street.
- The design is considerate and sympathetic to neighbouring properties. The extension will not block the neighbours light or obstruct windows.
- Given the limitations of these properties, we should be encouraging and supporting extensions and design proposals which make these properties more accessible and more usable in the 21st Century.

4.2 Parish Council / Statutory Consultees:

N/A

5.0 Planning Considerations

5.1 Site and Surroundings

5.1.1 No. 11 Common Rise is a two-storey semi-detached property situated on the west side of Common Rise and within a predominately residential area of Hitchin. Common Rise is characterised by predominantly semi-detached properties of similar age, character and design. Car parking is a mixture of both off and on street. The site is not situated within a Conservation Area.

5.2 Proposal

5.2.1 Planning permission is sought for the erection of a part single, part two storey front extension and a two-storey rear extension. Permission is also sought for the erection of a detached garage to the rear of the plot and a replacement boundary wall to the front of the property.

- 5.2.2 The proposed two storey front extension would measure approximately 1.2m in depth, 4.4m wide and 6.8m in height with 5.1m to the eaves. The single storey front extension would measure 1.5m in depth and 3.8m in height.
- 5.2.3 The proposed two storey rear extension would consist of two parts. The gabled extension and the flat roof extension. The gabled roof extension would measure approximately 5.9m in depth and 6.5m in height with 4.8m to the eaves. The flat roof extension would measure approximately 5.5m in depth and 5.3m in height. Combined the two-storey rear extension would measure 7.2m in width.
- 5.2.4 The garage building would measure approximately 6m in depth, 3.9m in width and 3.4m in height. The garage would feature a gabled roof form.

5.3 Key Issues

- 5.3.1 The key issues for consideration are as follows:
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
 - 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.

Design and Appearance:

- 5.3.2 The objectives of the National Planning Policy Framework (NPPF) include those seeking to secure high quality design and a good standard of amenity (Section 12 – Achieving well-designed places). In this regard, Policy 28 and 57 of the Current Local Plan and Policy D2 of the Emerging Local Plan is consistent with the NPPF.
- 5.3.3 Paragraph 127 of the NPPF states that development should “*add to the overall quality of the area*” and is “*sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*”.
- 5.3.4 Policy 28 of the Current Local Plan states that “*for house extensions, the Council will normally only permit development proposals if... the extension is sympathetic to the existing house...*”
- 5.3.5 Policy 57 of the Current Local Plan offers objectives and guidelines that all proposals for residential development including extensions are expected to meet. Guidelines 1 states “*concern for the site and surroundings is equally, if not more, important for small developments or conversions. For example, single dwellings or minor changes to a barn can have a disastrous impact on the street scene or building itself.*” Guidelines 1 goes on to states “*existing features should be retained as far as possible and special account be taken of the sites location... Development proposal on sites with areas having an ‘established’ character will need careful consideration as to whether they are acceptable at all. If they are, then the design and siting of buildings should enhance the areas character.*”

- 5.3.6 Guideline 2 of Policy 57 states “*to achieve the highest standards of design, housing proposals should relate to and enhance their site and surroundings*”.
- 5.3.7 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 of the NPPF stated above (5.3.3).
- 5.3.8 In this case, it is important to examine the prevailing character of the area and reflect on how the proposal responds to this in consideration of the planning policy set out above.
- 5.3.9 Common Rise is residential in nature with each property of similar character and appearance to one another. The street scene therefore has an established character of semi-detached two storey dwellings of similar scale and appearance when viewed from within the public highway. Common Rise features a number of existing alterations to dwellings including two storey rear extension, single storey front extensions and a limited number of two storey side extensions.
- 5.3.10 The development proposes the erection of a part single, part two storey front extension, two storey rear extension and a detached garage to the rear of the site. The single storey front extension, two storey rear extension and detached garage have been previously approved under application reference number 19/01894/FPH. This application proposes the addition of a first-floor front extension, which is considered a departure from the prevailing character of Common Rise. Whilst it is noted that most properties along Common Rise feature single storey front extensions of varying size and design, no property yet features a two-storey front extension. Whilst the varying designs of single storey front extensions are considered, considering the limited single storey nature of the existing extensions along the street scene, the established character and appearance of properties within Common Rise remains predominant. A two-storey front extension would fail to remain subservient to the character and appearance of the host dwelling and would fail to be in keeping with the character of Common Rise.
- 5.3.11 In addition to the above, the two-storey front extension would set a precedent for the remaining properties along Common Rise that may result in the erosion in the established character of this street scene.
- 5.3.12 No objection is raised to the erection of a two-storey rear extension, detached garage and single storey front extension of design and appearance grounds. However, the erection of a two-storey front extension is considered to fail to respond positively to the sties local context and would fail to remain subservient to the character and appearance of both the host dwelling and street scene. The proposed development would therefore fail to comply with Policy 28 and 57 of the Current Local Plan, Policy D1 and D2 of the Emerging Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Neighbouring Properties:

- 5.3.13 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.
- 5.3.14 The application site is neighbored by No. 9 and 13 Common Rise. No. 9 features an existing part single, part two storey rear extension and single storey front extension. The proposed development would not project beyond the existing rear elevation of the neighbouring property. It is noted that the single storey extension to the neighbouring property is a conservatory. However, given that the application site is to the north of the neighbouring property, the conservatory would not suffer any unacceptable loss of light to this part of the extension. Additionally, it is not considered that the rear extension would result in an unacceptable overbearing impact upon the neighbouring occupiers.
- 5.3.15 The front extension proposed to No. 11 Common Rise would project approximately 1.5m along the party boundary with No. 9 Common Rise. Given the single storey height of this projection and the relationship the property has with the path of the sun throughout the day, it is considered that the front extension would not result in any unacceptable overbearing impact or loss of light to the neighbouring occupiers.
- 5.3.16 No. 13 Common Rise is detached from the application site. Whilst the two-storey rear projection would project beyond the rear elevation of the neighbouring property, given the detached nature of the two neighbouring properties, it is considered that the two-storey rear extension would not unacceptably impact the light, privacy or amenities of the neighbouring occupiers.
- 5.3.17 The proposed development would include the addition of first floor side facing windows. One would be obscure glazed and the other clear glazed. It is noted that the existing property features a number of first floor side facing windows that are clear glazed. It is therefore considered unnecessary in this instance to condition the first-floor side facing windows to be obscure glazed given that the proposal would not result in any additional overlooking or loss of privacy to the neighbouring occupiers.
- 5.3.18 Given the above, it is considered that the proposed development would not result in any unacceptable overbearing impact upon the occupiers of the neighbouring occupiers. The proposed development would be in compliance with both local and national planning policies.

Highways and Parking:

- 5.3.19 The application site would provide two off-street car parking spaces to the rear of the site. The proposed development would provide a sufficient amount of off-street car parking for the resulting size of the dwelling.

Environmental Implications:

- 5.3.20 The proposed development would be sustainable given its limited scale and appropriate design within the sites local context. The proposal would be in compliance with Policy D1 of the Emerging Local Plan.

Other Considerations:

- 5.3.21 The applicant raises the issue of crime along Common Rise and argues that the development would help in preventing crime in the area. No substantive evidence has been provided that the creation of a two-storey front extension would discourage crime anymore than the current situation. The existing front elevation is not currently windowless and provides outlook onto public spaces as do other properties along this part of the street scene.
- 5.3.22 The applicant also makes note of Paragraph 38 of the NPPF not being met by the Local Planning Authority. Paragraph 38 requires Local Planning Authorities to approach decisions on proposed development in a positive and creative way. A similar application was submitted under reference number 19/01894/FPH and was amended plans were negotiated and agreed to remove the first-floor front element of the proposed development. The amended plans were subsequently granted Conditional Permission on 22/10/2019. The current application is proposing a larger development than what was previously originally proposed. It is considered that the councils position on the application was made clear as part of the previous application. There has been no material change to planning policy in the interim and therefore the Local Planning Authorities position remains unchanged from the previous application.
- 5.3.23 The majority of works proposed have been previously approved with the exception of the first-floor front extension. There is no objection to any other works proposed within the site.

5.4 Conclusion

- 5.4.1 The proposed development would fail to remain subservient to the original building when viewed from within the public street scene by reason of its scale and siting to the original front elevation of the host dwelling. Furthermore, the front extension would be a departure from the uniform character of Common Rise and therefore fails to remain sympathetic to the local character and history of the area.

5.5 Alternative Options

None applicable

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 **REFUSED** for the following reasons:

1. The proposed development, by reason of its size, design and siting, would result in an unacceptable harmful impact upon the character of the area by reason of its failure to remain sympathetic to the scale, appearance and history of the locality. The proposal would therefore fail to comply with Policy 28 and 57 of the Current Local Plan, Policy D1 and D2 of the Emerging Local Plan and Section 12 of the National Planning Policy Framework.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



20/00012/FPH 11 Common Rise, Hitchin, SG4 0HL



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Scale 1:750
Date: 25/02/2020



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ITEM NO:	
<u>Location:</u>	3 Limekiln Lane Baldock Hertfordshire SG7 6PG
<u>Applicant:</u>	Mr Ben Glover
<u>Proposal:</u>	Extension of existing rear dormer and insertion of new window to first floor bedroom to rear
<u>Ref. No:</u>	20/00374/LDCP
<u>Officer:</u>	Naomi Reynard

Date of expiry of statutory period: 13.04.2020

Reason for referral to committee

The applicant is an employee of the Council working in the Planning Department. Paragraph 8.4.5 (i) of Section 8 of the Council's Constitution states that the Planning Control Committee shall determine any application for householder development by an employee of the Planning and Building Control Service or Chief Officer. The Constitution states that householder development includes Planning Applications, Listed Building consents, TCA/TPO's, Certificates of Lawful Use, Certificates of Lawful Development and Conservation Area Consents.

1.0 Relevant History

N/277/59 – Erection of pair of semi-bungalows – Plot nos. 3 and 4 Limekiln Lane – Conditional permission granted 20.05.59.

1/1223/83 – Erection of rear dormer extension – Permission Not Required (as 'permitted development') 04.08.83.

2.0 Policies

Article 3 and Schedule 2, Part 1, Class B of the Town and Country General Permitted Development) Order 2015 (as amended).

3.0 Representations

No consultation.

4.0 **Planning Considerations**

4.1 The proposal is for an extension to the existing rear box dormer and the insertion of a new rear window to serve the first floor bedroom. The proposed new window would replace the existing window in the existing rear dormer. The proposed alterations would increase the floor area of the first floor to facilitate changes to the layout and the creation of a third bedroom. This application is for a Lawful Development Certificate not planning permission. The application is for formal confirmation from the Council that the proposed works fall within 'permitted development'. Therefore, the key issue for consideration is whether the proposed works would require specific planning permission or be considered 'permitted development' in line with the Town and Country Planning (General Permitted Development) Order.

4.2 Permitted development rights have not been removed on this property.

4.3 The proposed works would be 'permitted development' under Class B for the following reasons:

- No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof.
- No part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.
- The proposal would not increase the cubic content of the dwellinghouse by more than 50 cubic metres.
- The proposal would not include the construction or provision of a veranda, balcony or raised platform. The proposal would not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe.
- The dwellinghouse is not in a Conservation Area.
- The materials used in the exterior work would be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
- The eaves of the original roof would be maintained and the edge of the enlargement closest to the eaves of the original roof would be not less than 20cm from the eaves, measured along the roof slope from the outside edge of the eaves.
- No part of the enlargement would extend beyond the outside face of any external wall of the original dwellinghouse. An interpretative provision at paragraph B.4 of Class B clarifies that for these purposes any roof tiles, guttering, fascias, barge boards or other minor roof details which overhang the outer face of the wall should not be considered part of the roof enlargement.

- No windows would be inserted on a wall or roof slope forming a side elevation of the dwellinghouse.

4.4 Conclusion

As such the proposed works would be 'permitted development' under Article 3 and Schedule 2, Part 1, Class B of the Town and Country General Permitted Development Order 2015 (as amended).

- 4.5 The proposal, also involves new obscure glazing to an existing first floor side window and an existing window to be boarded up internally. These works would not constitute development under Section 55 of the Town and Country Planning Act 1990, as the boarding up of the window would only affect the interior of the building and the new obscure glazing would not materially affect the external appearance of the building.

4.6 Alternative Options

None applicable.

4.7 Pre-Commencement Conditions

Not applicable.

4.8 Climate Change Implications

The proposal would not have any adverse climate change implications.

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

- 5.1 That a Lawful Development Certificate be GRANTED.

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20/00374/LDCP 3 Limekiln Lane, Baldock, SG7 6PG



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Date: 25/02/2020



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PLANNING CONTROL COMMITTEE

DATE: 16 April 2020

PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mrs J Selby	10.02.2020	Two storey side extension and single storey front extension.	65 Spring Road Letchworth Garden City SG6 3SL	19/02017/FPH	Householder Appeal Service
Mrs Walsh	11.02.2020	Erection of one detached 1-bed dwelling.	14 Waterdell Lane St Ippolyts Hitchin SG4 7RB	19/01555/FP	Written Representation

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PLANNING CONTROL COMMITTEE

DATE: 16 April 2020

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr And Mrs Maciver	Erection of one detached 2-bed bungalow with parking and amenity space including relocation of existing parking for 6 Weston Way.	Weston Way Baldock SG7 6EY	19/01311/FP	Appeal Allowed on 03 February 2020	DELEGATED	The Inspector acknowledged that there would be some limited harm arising to the character and appearance of the area that would lead to some conflict with saved Policy 57 (Residential Guidelines and Standards) of the District Local Plan No.2 with Alterations (originally adopted April 1996), which is a policy that is consistent with the Framework in so far as it requires that developments should be sympathetic to local character. However the Inspector stated that the harm and policy conflict that the Inspector had identified would not significantly and demonstrably outweigh the proposal's benefits when assessed against the Framework's policies taken as a whole. The presumption in favour of sustainable development, as set out in the Framework, applies therefore.
Mrs Sarah Hendricks	Installation of entry gates	15 Deards End Lane Knebworth Hertfordshire SG3 6NL	19/01289/FPH	Appeal Dismissed On 13 February 2020	DELEGATED	The Inspector concluded that the proposals would fail to preserve the character and appearance of the Deards Lane, Knebworth conservation area and cause harm

						to the setting of the grade II listed building.
Mr P And Mrs H Jarvis	Erection of one detached 3-bed dwelling with driveway, parking and turning area.	Land Adjacent To 22 Charlton Road Hitchin	19/01561/FP	Appeal Dismissed On 24 February 2020	DELEGATED	The Inspector concluded that the proposals would be inappropriate development in the Green Belt, which is by definition, harmful. In accordance with Paragraph 144 of the Framework, the Inspector attached substantial weight to this harm. The proposal would also conflict with Policy 2 (Green Belt) of the District Local Plan No.2 with Alterations (originally adopted April 1996)(LP) insofar as it seeks to only permit new buildings which are not inappropriate within the Green Belt. The proposal would therefore conflict with Policy 2 of the LP insofar as it seeks to keep the Green Belt open in character.



Appeal Decision

Site visit made on 21 January 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2020

Appeal Ref: APP/X1925/W/19/3240268

6 Weston Way, Baldock SG7 6EY

- 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 and Mrs Maciver against the decision of North Hertfordshire District Council.
 - The application Ref 19/01311/FP, dated 31 May 2019, was refused by notice dated 12 July 2019.
 - The development proposed is erection of detached bungalow with parking and amenity space and relocation of existing parking for 6 and 6A Weston Way.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached bungalow with parking and amenity space and the relocation of existing parking for 6 and 6A Weston Way at 6 Weston Way, Baldock SG7 6EY, in accordance with the terms of the application, 19/01311/FP, dated 31 May 2019, subject to the conditions set out at the end of this decision.

Procedural Matter

2. Whilst the emerging North Hertfordshire Local Plan 2011-2031 (submission version October 2016) (the ELP) has reached examination, it is at a stage that currently attracts limited weight. This is because, from the evidence before me, the content of its policies may yet change prior to its formal adoption. I shall consider the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect upon the character and appearance of the area;
 - The effect upon the living conditions of neighbouring occupiers at 8 Weston Way (No 8), having particular regard to potential noise and disturbance; and
 - The effect upon the living conditions of existing occupiers at the appeal site, having particular regard to the availability of private garden space.

Reasons

Character and appearance

4. The appeal site contains a semi-detached former dwelling that has been converted into 2 self-contained flats, as well as a driveway to the side and a

spacious garden area to the rear. Whilst the appeal property forms part of an established residential frontage, there are other uses and influences located close to the site. These include a fire station and a school to the north and a block of garages to the west. A variety of different residential property types are in place and these are served by a range of differently sized and laid out garden spaces. Whilst properties tend to address the highway to the front of their plots, the area has a mixed character and appearance.

5. A compact new residential plot is proposed that would increase the intensity of development in the area. The scheme is focussed upon the construction of a dwelling to the rear of existing frontage development, which is a pattern of development that is not readily observable in the locality. The proposed bungalow, whilst of small size and limited visibility, would have a physical presence and would influence how the area would be read and experienced, most particularly by local occupiers.
6. Nevertheless, it is important to note that the appeal site's rear garden is comparatively long and wide when considered against the dimensions of other rear garden spaces in the vicinity. I also note the absence of any clear rhythm to how these rear garden spaces are laid out. In this context, the intended sub-division of the site to provide a new residential plot to the rear, whilst not being wholly reflective of the typical layout of other plots in the locality, would not noticeably alter the character and appearance of the area (which I have identified to be mixed and varied). The harm that would be caused by the proposal would not be significant therefore.
7. It is intended, as part of the proposal, to create a shared car parking area set back from Weston Way. It is relevant to note that when planning permission¹ was most recently granted in 2004 to convert the site's former single dwelling into 2 flats, shared vehicular access and parking (including garaging) in the same approximate location was approved. Whilst additional parking is now proposed, this must be considered in the context of the flatted properties that now occupy the site and the access arrangements that have already been consented. I consider that the proposed access and car parking arrangements, in character and appearance terms, are appropriate.
8. I have noted references made to an appeal decision² relating to a site in Letchworth Garden City. This is of limited relevance to my considerations here. Indeed, it is apparent that the pattern of site sub-division sought in that case varied to what has been proposed here. In any event, I must consider the proposal before me upon its own merits.
9. For the above reasons, the proposal would cause some limited harm to the character and appearance of the area. The proposal conflicts with saved Policy 57 of the District Local Plan No.2 with Alterations (originally adopted April 1996) (the Local Plan) and with emerging Policy D1 of the ELP in so far as these policies require that the layout, design and so character of each new development must relate to the site's physical shape and existing features, and the character of the surroundings.

¹ 04/00643/1

² APP/X1925/W/18/3211920

Living conditions – 8 Weston Way

10. The appeal site already incorporates a driveway to its southern side in proximity to the facing flank wall of No 8. This flank wall contains openings that overlook the site, which include 2 relatively large windows at first floor level. The proposal, by virtue of introducing a unit of accommodation to the site's rear, would be expected to lead to an increase in the number of vehicle movements occurring alongside No 8.
11. The Council has suggested that the proposal would introduce noise, car lights and general disturbance to the detriment of the living conditions of neighbouring occupiers at No 8. However, it is important to note the existing shared access and car parking arrangements that are already in place to the side of the appeal site. In this context, any noticeable or obvious change in the volume or frequency of vehicle movements alongside No 8 would not be anticipated. Indeed, similar setback car parking arrangements have previously been consented (as discussed above) and merely a small additional bungalow is proposed here.
12. For the above reasons, the proposal would not cause harm to the living conditions of neighbouring occupiers at No 8, having particular regard to potential noise and disturbance. The proposal accords with saved Policy 57 of the Local Plan and with emerging Policy D3 of the ELP in so far as these policies acknowledge that the design and layout of buildings can noticeably reduce the disturbing effects of noise.

Living conditions – existing on-site occupiers

13. Whilst saved Policy 57 of the Local Plan sets out a rough per-unit private amenity space guide of 75 sq. m, the policy's wording incorporates flexibility depending on the type and size of property proposed. In fact, a private utility amenity space standard specific for flats is also set out. This requires 18 sq. m to be provided for a one-bedroomed flat and a further 10 sq. m. to be provided for each additional bedroom.
14. At inspection, the site was laid out such that the spacious rear garden area appeared to be accessible only to occupiers of the on-site ground floor flat. Alongside the existing driveway to the front of the site (which contained opportunities for bin storage), a further external space was in place that was available to first-floor occupiers. Indeed, from the evidence before me, this existing arrangement is not intended to be altered here. Nevertheless, the proposal would lead to a significant garden space reduction for the ground floor flat. However, it is still the case that a meaningfully sized external space would be provided that, in the context of saved Policy 57's stated requirements, would be appropriately sized and laid out for its intended purpose.
15. For the above reasons, the proposal would not cause harm to the living conditions of existing occupiers at the appeal site, having particular regard to the availability of private garden space. The proposal accords with saved Policy 57 of the Local Plan and with emerging Policy D3 of the ELP in so far as these policies require that the sizes of gardens or private amenity space should relate to the needs of future residents and to the amount of public amenity space.

Planning Balance

16. The Council has confirmed that, whilst progress is being made in terms of its housing supply position, a five-year supply of housing land cannot currently be demonstrated in the District. The National Planning Policy Framework (February 2019) (the Framework) is clear that where a five-year supply of deliverable housing sites cannot be demonstrated the presumption in favour of sustainable development, as set out under paragraph 11 of the Framework, is engaged. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.
17. The proposal would provide one additional dwelling, which would contribute towards reducing the housing shortfall and would comply with the Framework in terms of boosting the supply of homes. The delivery of an additional housing unit represents a meaningful contribution in such circumstances, and I apportion this benefit of the scheme considerable weight.
18. I acknowledge that there would be some limited harm arising to the character and appearance of the area that would lead to some conflict with saved Policy 57 of the Local Plan, which is a policy that is consistent with the Framework in so far as it requires that developments should be sympathetic to local character. However, even should a narrow housing supply deficit be in place, the harm and policy conflict that I have identified would not significantly and demonstrably outweigh the proposal's benefits when assessed against the Framework's policies taken as a whole. The presumption in favour of sustainable development, as set out in the Framework, applies therefore.
19. Notwithstanding the identified conflict with saved Policy 57, there are material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan in this case.

Conditions

20. The Council has suggested a number of conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes and have added two.
21. In the interests of certainty, a condition specifying the approved plans is required. In the interests of safeguarding the living conditions of existing and future residential occupiers, a condition is reasonable and necessary that secures full details of intended boundary treatments. In the interests of protecting the character and appearance of the area, a planning condition is reasonable and necessary that secures full details of the materials to be used to the external surfaces of the dwelling.
22. In the interests of promoting air quality improvements and encouraging more sustainable transport choices, a condition is reasonable and necessary that secures the installation of an electric vehicle charging point on-site. Such a condition has been requested by the Council's Environmental Protection Officer and the Council's Vehicle Parking at New Development Supplementary Planning Document (September 2011) is supportive of the provision of electric vehicle infrastructure. As no details are currently before me, to ensure the provision of

a suitably robust installation, full details are required to be submitted to and approved in writing by the Council.

Conclusion

23. For the reasons above, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (scale 1:1250); P001; P002.
- 3) No construction above damp-proof-course level shall commence until full details of the materials to be used in the construction of the external surfaces of the detached bungalow hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details.
- 4) Prior to the first occupation of the development hereby permitted, full boundary treatment details shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of the development and shall be retained at all times thereafter.
- 5) Prior to the first occupation of the development hereby permitted, full details of an Electric Vehicle ready domestic charging point (to be provided on-site) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details.

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Appeal Decision

Site visit made on 28 January 2020

by **K A Taylor MSC URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: Thursday, 13 February 2020

Appeal Ref: APP/X1925/D/19/3241280
15 Deards End Lane, Knebworth SG3 6NL

- 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 Mrs Sarah Hendricks against the decision of North Hertfordshire District Council.
 - The application Ref 19/01289/FPH, dated 29 May 2019, was refused by notice dated 17 October 2019.
 - The development proposed is to install a pair of gates on the edge of our property to improve the security of the property.
-

Decision

1. The appeal is dismissed.

Procedural Issue

2. The Council has cited policy, HE1 of the North Hertfordshire Local Plan 2011-2013 (Proposed Main Modifications November 2018) in the refusal reason. As this plan has yet to be adopted, I give this policy only limited weight in this appeal decision.

Main Issue

3. The main issue is whether the proposal would preserve the setting of a grade II listed building, and whether it would preserve or enhance the character or appearance of the conservation area.

Reasons

4. The appeal site is a detached dwelling within relatively large grounds and is located along a cul-de-sac. The appeal property is a grade II listed building (LB) and is identified as being within the designated Deards End Lane, Knebworth conservation area (CA).
5. The appeal property is also known as Beacon House, and the significance of the it being a LB is that it forms one of three structures that were erected on the lane as part of the scheme for Knebworth garden village, it was designed by Sir Edwin Lutyens, and it fuses elements of Neo-Georgian style with arts and crafts devices. It is a large detached house of red brick with lighter brick dressings with steeply hipped pantile roof dated from 1912. The CA was designated in 1984 and has the character and appearance of a garden village, whilst identified within the Council's character statement that houses on Deards End

Lane are approached along driveways, which are typically not gated from the public highways and those that are, introduce a 'hard edge to an otherwise 'soft' boundary treatment common on the lane.

6. I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. Section 66(1) of the Act requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
8. The proposal would involve the erection of a pair of metal gates to each of the vehicular entrances of the property fronting Deards Lane, these are currently free of built development. Whilst, a large hedgerow fronts the site, contributing to the open nature and soft boundary appearance of the lane itself. Both sets of metal gates would be of substantial width and over two metres in height, supported by metal posts, but marginally setback from the highway.
9. As I saw at the time of my site visit, the majority of properties within the area had open frontages with soft boundary treatments, this was particularly visible along Deards Lane. Those that had gates were generally set back by long driveways and were not prominent within the street scene. Although, the design of the ornate metal gates is not necessarily out of keeping with the context of the style of the dwelling, they would enclose the property, be prominent within the setting of the lane, whilst creating an imposing suburban addition to the area. This would be at odds with the prevailing character of the CA which is of a garden village and of predominantly non-gated frontages.
10. For the reasons given above, I conclude that the proposed development would harm the character and appearance of the area and fail to preserve that of the CA, and cause harm to the setting of LB.
11. Whilst the harm to the heritage assets would be less than substantial, I must nonetheless give this considerable importance and weight in the context of a duty to favour preservation or enhancement.
12. Paragraph 196 of the Framework states that where a development proposal will 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 optimum viable use. I note the appellant considers, the proposals would prevent and preserve the property from a security point of view, however these would only benefit the appellant. Therefore, there would be little public benefit to outweigh the harm found to the significance of the LB and CA.
13. The proposed development would be contrary to Section 16 of the Framework as it would not conserve the heritage assets in a manner appropriate to its significance, or positively contribute to local character or distinctiveness.

Other Matters

14. I note that the highway authority has not raised any objections on highway safety issues, to the appeal site or impact on nearby roads provided the gates would be set back at least 6 metres. The Council have advised this could be

achievable, I have therefore no reason to disagree with their findings. However, this does not outweigh the harm I have identified.

15. In support of the appeal, my attention was drawn to other properties in the area that have already been altered in a similar manner to the proposal. I saw that these are very much in the minority and without information about the individual circumstances relating to other gates in the area I am unable to give significant weight to the issue of precedent. In event, those that I saw served to confirm that such alterations do reduce the soft boundaries within the area, change the nature of the relationship between the appearance and prevailing character of a garden village, all to the detriment of the character and appearance of the area.

Conclusion

16. I have found that the proposals would cause harm to the identified heritage assets and therefore it would not accord with the statutory duty, it would fail to preserve the character and appearance of the Deards Lane, Knebworth conservation area and cause harm to the setting of the grade II listed building, this is sufficient reason to dismiss the appeal.
17. For the reasons given above and taking all other matters into consideration I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR

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Appeal Decision

Site visit made on 7 January 2020

by **M Heron BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th February 2020

Appeal Ref: APP/X1925/W/19/3237363

24 Charlton Road, Charlton, Hitchin, Hertfordshire SG5 2AE

- 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 and Mrs Philip and Helen Jarvis against the decision of North Hertfordshire District Council.
 - The application Ref 19/01561/FP, dated 1 July 2019, was refused by notice dated 22 August 2019.
 - The development proposed is a new 2 storey 3 bedroom dwelling with driveway, parking and turning area.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - whether the proposal would be inappropriate development within the Green Belt;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the proposal is inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposal would be inappropriate within the Green Belt

3. The appeal site accommodates an outbuilding and associated hard surfacing used in conjunction with No 22 Charlton Road. This proposal seeks permission to construct a new two-storey property at the site following the removal of the existing outbuilding.
4. The National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless for one of a limited number of specified exceptions. One such exception is at paragraph 145(e) of the Framework which is for limited infilling in villages. Saved Policy 2 of the North Hertfordshire District Council District Local Plan No.2 with Alterations (LP) is consistent with the Framework insofar as it seeks to resist inappropriate development within the Green Belt.

5. The appeal site is located within a small collection of development known as Charlton. Charlton is not identified as a village within the adopted development plan or within Policy SP2 of the North Hertfordshire Local Plan Proposed Submission Incorporating the Proposed Main Modifications (ELP). The appeal site is therefore within the countryside for the purposes of planning policy. However, there is no definition of a village within the Framework or the Council's development plan. I accept that this would not necessarily exclude a hamlet or cluster of dwellings without a shop or post office of its own. There are also no specified minimum number of dwellings or population required to constitute a village. To my mind, whether or not Charlton is a village is a matter of judgment for the decision-maker based on observations made on the ground.
6. On my site visit I observed pockets of loosely knit linear residential and commercial/agricultural buildings set along Charlton Road. There are also some scattered residential and agricultural developments along Brick Kiln Lane. In my view, the small agglomeration of buildings at Charlton appeared as dispersed development in an agrarian landscape. In addition, the only facility it has is a public house which has recently closed and is now in a state of disrepair.
7. Taking all of the above into account, as a matter of fact on the ground, I am not persuaded that the collection of built form at Charlton constitutes a village of any kind. Part of the exception at paragraph 145(e) of the Framework is therefore not met. In reaching this view, I am aware that there is some street lighting in Charlton and that it is subject to 30mph and 20mph speed limits. I am also aware that it is identified as a village elsewhere, such as on street signs and on some parts of the Council's website.
8. Furthermore, the term 'infilling' is again not defined by the Framework. However, a commonly held and widely used definition of infilling is to fill a gap between buildings in an otherwise built up frontage. The proposal would be set behind No 22 and there would be no built form to its rear or immediately to its side. I therefore do not consider that it would fill a gap within a built up frontage. Consequently, notwithstanding the view of the Council on this matter, the proposal could not be reasonably described as 'infill development'. Thus, even if Charlton was a village, I find that the proposal would still fail the exception at 145(e) of the Framework.
9. Taking everything together, the proposed development would not constitute limited infilling within a village. It would therefore not meet the exception identified at paragraph 145(e) of the Framework.
10. For the reasons given, the proposal would not fall within any of the exceptions outlined in the Framework and would be inappropriate development in the Green Belt, which is by definition, harmful. In accordance with Paragraph 144 of the Framework, I attach substantial weight to this harm. The proposal would also conflict with Policy 2 of the LP insofar as it seeks to only permit new buildings which are not inappropriate within the Green Belt.

Openness of the Green Belt

11. The Framework states that the most important characteristics of Green Belts are their openness and their permanence. Openness has both spatial and visual aspects. In the context of the nearby buildings, the openness of this area has

already been affected to a degree. Nevertheless, surrounding this built form are large, predominately undeveloped, fields which can be appreciated from the appeal site. This gives the area a distinctly rural and open feel. The scale of the existing outbuilding at the appeal site is relatively unobtrusive in this landscape.

12. Given the topography of the land and the presence of boundary treatments and existing trees, the proposed dwelling would not be overly conspicuous within the wider landscape. However, it would occupy a significant proportion of the appeal site and would have a larger footprint compared to the existing outbuilding. In addition, it would be markedly taller than this outbuilding. Consequently, the scheme would increase the physical presence of built development at the site which would be perceptible from the rear of No 22 and the adjacent footpath. This would give rise to a modest loss of openness to the Green Belt in both a spatial and a visual sense. The proposal would therefore conflict with Policy 2 of the LP insofar as it seeks to keep the Green Belt open in character.

Other Material Considerations

Heritage

13. The appeal site is within the Charlton Conservation Area (CA) and the nearby No 25 Charlton Road is a Grade II listed building. The Council raise no objection to the scheme's impact on the historic environment. Nonetheless, I have statutory duties to pay special attention to the desirability of preserving or enhancing the character or appearance of this CA and to have special regard to preserving the setting of listed buildings. The significance of the CA appears to derive from the architectural qualities and historic use of the buildings it contains. The setting of No 25 arises from the surroundings in which it is experienced, which in this case is rural.
14. The proposal would be a sufficient distance away from No 25 and would be separated from this dwelling by established vegetation. Consequently, it would not impact upon the setting of this listed building. Turning to the CA, it would appear that there was historically a dwelling located at the appeal site, which has had a separate address for a considerable length of time. The proposal would also be constructed using suitable materials and its more modern appearance would relate appropriately to No 22. In my view, although the scheme would not notably enhance the character or appearance of the CA, it would not result in any material harm to this designated heritage asset.
15. Taking the above into account, I find that the proposal would preserve the character or appearance of the CA and the setting of No 25. It would therefore accord with the Framework insofar as it seeks to conserve heritage assets in a manner appropriate to their significance. However, the absence of harm in this regard is a neutral factor in the overall planning balance.

Social and Economic Factors

16. Given the presence of built form close to the appeal site, the proposal would not represent a truly 'isolated home in the countryside' with regard to paragraph 79 of the Framework. It would also be positioned within a fairly accessible location. However, the proposal for one dwelling would make only a minimal contribution to the Council's housing stock. The associated economic

benefits would also be minimal and would primarily relate to the construction period. In addition, I have no substantive evidence to show that the scheme would contribute significantly towards supporting the vitality of Charlton's public house. Neither am I persuaded that it is required to maintain or enhance the vitality of the services and facilities within surrounding settlements. Under these circumstances, I give moderate weight to these social and economic benefits.

Other Considerations

17. The Framework seeks to make efficient use of land by encouraging the redevelopment of previously developed land. It also states that small and medium sites can make an important contribution to meeting the housing requirement of an area. However, this should not be at the expense of Green Belt Policy, which I have found that the proposal would not accord with.
18. I appreciate that the scheme would not result in harm to the living conditions of the occupants of surrounding properties. It would also be acceptable in other respects. For example, it would utilise renewable energy and would not prejudice highway safety. However, these are requirements of the Council's adopted and emerging development plans as well as national planning policy. They are therefore neutral factors in the overall balance.
19. The proposal would be a self-build project. I acknowledge that the Government is generally supportive of this type of development. However, it would not be possible to bind this requirement to successors in title (should the proposed dwelling be sold in the future) through the imposition of an appropriately worded condition. I am therefore not persuaded that there is a suitable mechanism before me to ensure that the proposal would indeed be carried out as a self-build project. This therefore carries limited weight in my assessment.
20. I have had regard to the comments received from neighbours in support of this scheme. None of the matters raised alter my conclusions on the main issues above. My attention has also been drawn to a development at Ivy Cottage. However, in the absence of details about how this was assessed, it carries little weight in my assessment of the appeal scheme, which I have performed based on its own individual planning merits.

Planning Balance and Conclusion

21. 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, and any other harm, is clearly outweighed by other considerations.
22. The other considerations put forward do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and harm to openness. Consequently, the very special circumstances necessary to justify the development do not exist. The scheme would therefore conflict with Policy SP5 of the ELP, which only permits developments in the Green Belt where they would not result in inappropriate development or where very special circumstances can be demonstrated.

23. The Council cannot demonstrate a five year supply of deliverable housing land. In addition, it states that Policy 2 of the LP is out-of-date. However, the application of policies in the Framework that protect assets of particular importance (in this case land designated as Green Belt) provides a clear reason for refusing the development proposed. As such, the presumption in favour of sustainable development identified at paragraph 11 of the Framework does not apply.
24. For the reasons set out above, the proposal would conflict with the development plan when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken otherwise. Having considered all other relevant matters raised, I therefore conclude that the appeal should be dismissed.

M Heron

INSPECTOR

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