

2 June 2023

Our Ref Planning Control Committee 15 June 2023
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To: Members of the Committee: Councillors Val Bryant (Chair) Tom Tyson (Vice-Chair), Daniel Allen, Simon Bloxham, Mick Debenham, David Levett, Nigel Mason, Ian Moody, Sean Nolan, Louise Peace, Terry Tyler and Phil Weeder.

Substitutes: Councillors David Barnard, Cathy Brownjohn, Sam Collins, Ian Mantle, Michael Muir and Dave Winstanley

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

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

On

THURSDAY, 15TH JUNE, 2023 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

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

Agenda **Part I**

Item	Page
<p>1. APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting.</p> <p>Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.</p>	
<p>2. MINUTES - 6 APRIL 2023 To take as read and approve as a true record the minutes of the meeting of the Committee held on the 6 April 2023.</p>	(Pages 5 - 10)
<p>3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.</p> <p>The Chair will decide whether any item(s) raised will be considered.</p>	
<p>4. CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.</p>	
<p>5. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.</p>	
<p>6. 22/02225/FP NICHOLLS YARD, CROW LANE, REED, HERTFORDSHIRE, SG8 8BJ REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</p> <p>Erection of three 2-bed, three 3-bed, and one 4-bed dwellings and associated parking and formation of vehicular access onto the highway</p>	(Pages 11 - 32)

7. **22/03245/FPH 5 HIGH STREET, PIRTON, HERTFORDSHIRE, SG5 3PS** (Pages
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER 33 - 40)
- Single storey rear extension following demolition of existing outbuilding,
insertion of windows to the principal and rear roof slopes of dwelling.
8. **22/00516/FP LAND TO THE WEST OF LUCAS LANE AND EAST OF** (Pages
HEADLANDS, GRAYS LANE, HITCHIN, HERTFORDSHIRE, SG5 2HR 41 - 68)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of nine detached dwellings (2 x 3-bed, 1 x 4-bed and 6 x 5-bed)
including garaging, parking, landscaping and creation of vehicular access off
Gray's Lane.
9. **PLANNING APPEALS** (Pages
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER. 69 - 96)

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY
ON THURSDAY, 6TH APRIL, 2023 AT 7.30 PM

MINUTES

Present: *Councillors: Councillor Val Bryant (Chair), Councillor Tom Tyson (Vice-Chair), Alistair Willoughby, Daniel Allen, David Levett, Ian Moody, Morgan Derbyshire, Sean Nolan, Simon Bloxham, Tony Hunter and Phil Weeder*

In Attendance:

Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), Anne McDonald (Area Planning Officer), Thomas Howe (Planning Officer), Henry Thomas (Planning Officer - Graduate), James Lovegrove (Committee, Member and Scrutiny Manager), Sjanet Wickenden (Committee, Member and Scrutiny Officer) and Eleanor Hopcraft (Committee, Member & Scrutiny Officer)

Also Present:

At the commencement of the meeting approximately 3 members of the public, including registered speakers.

Councillor Claire Strong was also present.

60 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 9 seconds

N.B. Councillor Phil Weeder entered the meeting at 19:31

There were no apologies for absence received.

Councillor Terry Tyler was absent.

61 MINUTES - 9 FEBRUARY 2023

Audio recording – 1 minute 34 seconds

Councillor Val Bryant, as Chair proposed, Councillor Tom Tyson seconded, and following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 9 February 2023 be approved as a true record of the proceedings and be signed by the Chair.

62 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 31 seconds

There was no other business notified.

63 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 35 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair clarified the speaking process for public participants.
- (4) The Chair advised that Clause 4.8.23(a) of the Constitution applied to the meeting.

64 PUBLIC PARTICIPATION

Audio recording – 3 minutes 55 seconds

The Chair confirmed that the registered speakers were in attendance.

65 TPO/00204 (2022) LAND REAR OF 30-36 GARDEN FIELDS, GREAT OFFLEY

Audio recording – 4 minutes 8 seconds

The Planning Officer provided the following update:

- Tree Preservation Order (TPO) TPO/00204 (2022) was being presented to the Committee due to objections to the serving of the notice.
- The spinney had come to the attention of the Planning Team so it was prudent to investigate the value of the trees.

The Planning Officer presented the report in respect of application TPO/00204 (2022) supported by a visual presentation consisting of photographs and plans.

In response to the question from Councillor Simon Bloxham, the Planning Officer advised that there was no current reported damage caused by the trees, however residents were concerned of damage that could arise.

Councillor Morgan Derbyshire proposed, Councillor Sean Nolan seconded, and following a vote, it was:

RESOLVED: That the Tree Preservation Order TPO/00204 (2022) for a group of 10 English Oak (*Quercus Robur*) was confirmed.

66 TPO/00205 (2022) SOLLERSHOTT HALL, LETCHWORTH GARDEN CITY

Audio recording – 11 minutes 6 seconds

The Planning Officer provided the following update:

- The TPO was in response to an application to fell five pine trees at Sollershott Hall (reference 22/02634/TCA), which was refused in November 2022.
- There had been two letters of objection to the TPO, with issues raised including road lifting, potential danger of falling deadwood, damage to the fabric of Sollershott Hall and original drainage systems.

The Planning Officer presented the report in respect of application TPO/00205 (2022) supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor David Levett
- Councillor Daniel Allen
- Councillor Tony Hunter

In response to the questions, the Planning Officer advised:

- The TPO covered a group 25 pine trees.
- The TPO was served in December 2022.
- The trees concerned provide significant landscape and amenity value from assessment.
- There was some root uplifting reported in the assessment, however it was felt that removal of the trees would be more harmful.

In response to the question from Councillor Daniel Allen, the Acting Development and Conservation Manager advised that letters were sent to everyone involved in the Tree Preservation Order but was unaware of the delays in receipt.

The Committee, Member and Scrutiny Manager advised that the letter was dated 29 March 2023, and that the Council could not be responsible for delivery of the letter.

The Legal Adviser advised that the agenda would have been available to the public in line with the legal deadline before the meeting. Two members of the public had registered to speak for the item, so appropriate notice was given.

The Acting Development and Conservation Manager further advised that the Council had six months to confirm the TPO after it was served. If the TPO was not confirmed within the timeframe, it would fall away, and the trees would become vulnerable.

In response to a question from Councillor Hunter, the Acting Development and Conservation Officer advised that the TPO was bought to the Committee as a TCA had been submitted.

The Chair invited Yasmin-Kate Pattison to present in objection to the Tree Preservation Order. Ms Pattison thanked the Chair, provided a verbal presentation and advised:

- A request had been submitted to the Letchworth Heritage Foundation in 2022 which did not have any issues.
- An Independent Health and Safety Risk Assessment found that the tree roots had damaged and lifted the driveway at Sollershott Hall, which was the main access point to the building and left the pathway unsafe.
- An Engineer Report had found one tree leant towards Block 34-39, which posed a risk to the building.
- There were plans to replant the trees after the driveway had been upgraded.

The Chair invited Richard Dennis to present in support of the Tree Preservation Order. Mr Dennis thanked the Chair, provided a verbal presentation and advised:

- The trees added amenity value and encouraged wildlife to the area.
- It would take a long time to replace the trees if they were felled. Therefore, a TPO should be implemented to protect the trees.

The Planning Officer advised that conditions could be placed within the TPO, such as a registered arborist would be required to undertake work. Replacement conditions could also be added.

The following Members asked questions:

- Councillor Alistair Willoughby
- Councillor David Levett
- Councillor Sean Nolan

In response to the questions, the Acting Development and Conservation Manager advised:

- Anyone could submit an application with supporting statements for work on trees protected by a TPO.
- TPOs do not appear on the public planning portal until they are confirmed.
- The TPO description of works could be amended to exclude certain or a group of trees.

The following Members took part in discussion:

- Councillor Daniel Allen
- Councillor Tom Tyson
- Councillor David Levett
- Councillor Alistair Willoughby
- Councillor Morgan Derbyshire

Councillor Alistair Willoughby proposed, Councillor Tom Tyson seconded, and following a vote, it was lost. Therefore, it was:

RESOLVED: That the Tree Preservation Order TPO/00205 (2022) – G1 – for a group of 25 Pine Trees was not confirmed.

67 PLANNING APPEALS

Audio recording – 58 minutes 18 seconds

The Acting Development and Conservation Officer advised:

- There had been 6 new planning appeals in the last monitoring period. All appeals had been dismissed by the Inspector.
- 21/02973/PIP Land East of Picknag Road appeal was dismissed on landscape value impact.

RESOLVED: That the Committee noted the report.

68 CURRENT ENFORCEMENT NOTICES

Audio recording – 59 minutes 43 seconds

The Acting Development and Conservation Manager advised that there were no specific points to raise for this item.

RESOLVED: That the Committee noted the report.

69 EXCLUSION OF PRESS AND PUBLIC

Audio recording – 1 hour 25 seconds

Councillor Val Bryant, as Chair proposed, Councillor Alistair Willoughby seconded, and following a vote, it was:

RESOLVED: That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraphs 5 and 7 of Part 1 of Schedule 12A of the said Act (as amended).

70 CURRENT ENFORCEMENT ACTIONS

N.B. This item was considered in restricted session and therefore no recording is available.

The Acting Development and Conservation Manager advised that the update covered more than one quarter and there was nothing specific to bring to the attention of the Committee.

RESOLVED: That the Committee noted the report.

The meeting closed at 8.35 pm

Chair

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<u>Location:</u>	Nicholls Yard Crow Lane Reed Hertfordshire SG8 8BJ
<u>Applicant:</u>	K D Duke & Partners
<u>Proposal:</u>	Erection of three 2-bed, three 3-bed, and one 4-bed dwellings and associated parking and formation of vehicular access onto the highway.
<u>Ref. No:</u>	22/02225/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 18/10/2022

Submitted Plan Nos: 2420se-01 1 of 2 21741se-02 2 of 2 AH015.001.00 afaP400-1A afaP400-2 Units 1; 2 and 3 afaP400-3 Units 1; 2 and 3 afaP400-4 Unit 4 afaP400-5 Unit 4 afaP400-6A Units 5 and 6 afaP400-7 Units 4; 5 and 6 afaP400-8 Units 4; 5 and 6 faP400-9 Unit 7 afaP400-10 Unit 7 afaP400-11 afaP400-12A

Extension of statutory period: 16/6/23

Reason for referral to Committee: Residential development on a site in excess of 0.5 hectares

1.0 **Site History**

- 1.1 The following list of applications at Wisbridge Farm are of some relevance :
- 1.2 03/01483/1: Land at Wisbridge Farm – Conversion of barn into a five bedroom dwelling with garaging and parking. Erection of three four bedroom detached dwellings with detached garages following demolition of existing agricultural buildings. Alterations to existing vehicular access from Crow Lane and provision of landscaping. Granted 31/3/04
- 1.3 04/01593/1: Land at Wisbridge Farm – Conversion of barn into 2 three bedroom dwellings with garaging and parking. Erection of 2 four bedroom detached dwellings with detached garages and a courtyard group of 2 three bedroom and 1 two bedroom dwellings following demolition of existing agricultural buildings. Alterations to existing vehicular access from Crow Lane and provision of landscaping and ancillary works (as a variation of planning permission 03/01483/1) Granted 20/1/05

1.4 05/00664/1: Land at Wisbridge Farm – Erection of two 4 bedroom detached dwelling houses with detached garages as variation of details approved as part of planning application 04/01593/1) . Granted 21/06/05

2.0 **Relevant Planning Policies**

2.1 **North Herts Local Plan 2011 - 2031**

2.2 Policy SP1: Sustainable development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP6: Sustainable Transport
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP12: Green Infrastructure, landscape and biodiversity
Policy SP13: Historic Environment
Policy T1: Assessment of Transport matters
Policy T2: Parking
Policy HS2: Housing mix
Policy D1: Sustainable Design
Policy D3: Protecting living conditions
Policy D4: Air Quality
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE7: Reducing flood risk
Policy HE1: Designated heritage assets
Policy HE4: Archaeology
Policy IMR1: Five Year Housing Land Supply
Policy IMR2: Local plan early review

2.3 **National Planning Policy Framework**

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

2.4 **Supplementary Planning Documents**

Vehicle Parking Standards at new development
Design Supplementary Planning Document

2.5 Reed does not have a Made Neighbourhood Plan

3.0 Representations

3.1 Reed Parish Council:

Objects to the planning application on several grounds.

Summary of Objections:

1. The application does not conform to key elements of the North Herts Emerging Local Plan (ELP), which has additional weight and relevance following publication on 8 Sept. of the Inspector's Report and Main Modifications. It is also in conflict with policy 6 of the Saved Local Plan, which accords with the NPPF in its aim to protect the intrinsic value of the countryside. Non conformity of this application to the ELP consists in: a) the availability of an allocated site in Reed to be built out within the period of the ELP and: b) the relevant local context, which is one of extensive housing growth already in Reed in the period covered by the ELP since 2011 and the fact that Reed is not a "growth" village in the ELP. (Note: though Policy 6 is time expired it remains applicable, pending the expected and imminent adoption of the ELP).
2. The application if granted would set a precedent for building on all remaining green space within the Reed Settlement Boundary in the ELP and would be a misapplication of Policy SP2.
3. The application would cause harm to the Reed Conservation area, contrary to the aims of section 16 of the NPPF and to the exemptions set out in footnote 7 to NPPF 11(d)(i); it is also at odds with policy 6 of the Saved Local Plan.
4. The application is not sustainable. Services and amenities are already very limited in Reed and the small contribution of these houses to supporting such as exist is far outweighed by the additional pressure they would impose, given that the application does not meet local need, or the need for affordable housing.
5. Limited Weight should be attributed to North Herts' Deficiency in 5 Year Housing Supply
6. Should a resolution be made to grant permission the Parish Council expect the developer to volunteer a mitigating financial contribution towards improving local infrastructure to accommodate the development of at least £30,000

3.2 Local Highway Authority

Advises that the principle of the development is acceptable however a number of details are required to enable the application to be approved.

3.3 NHDC Conservation officer

Raises an objection on the basis that the proposal will fail to satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of para 130 and Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

3.4 Hertfordshire County Council Historic Environment Advisor:

Requested an Archaeological Desk Based Assessment (submitted on 4th April 2023). Response to submitted assessment awaited.

3.5 Hertfordshire Ecology

Any comments will be provided at the meeting

3.6 NHDC Environmental Heath team:

Air Quality officer – Requests an Electric Vehicle Recharging Infrastructure condition and informative

Noise and Other nuisances officer – Recommends an informative

Contamination officer - Requests a land contamination condition to secure a Phase I assessment

3.7 Hertfordshire County Council Growth & Infrastructure team

Advises that HCC will not be seeking financial contributions due to the size of the site and number of dwellings. Advises that HCC Fire & Rescue service may request the provision of fire hydrants through a planning condition.

3.8 Hertfordshire County Council Rights of Way officer

No response received

3.9 Site Notice, Press advertisement and Adjoining residents

Several local residents have responded. Full comments can be seen on the web site. The comments can be summarised as follows:

- No comments on how local services would be enhanced / no benefit to village
- Inadequate infrastructure in the village to accommodate the development
- An overdevelopment / overcrowding / insufficient room
- Overbearing impact / excessive height
- Detrimental to visual amenity through bins and parking
- Concern over highway safety and spaces for visitor parking
- Concern over access for emergency and service vehicles
- Concern over construction traffic
- No affordable housing
- Adverse impact on properties in Nicholls Yard
- Harmful to the Conservation Area
- An unsustainable development
- Would result in a disproportionate growth in housing for the village

3.10 Councillor Morris wrote in support of the Parish Council's objection requesting that the application be referred to the Planning Committee for determination. Councillor Hill objects to the development endorsing many of the points already made by residents.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.2 The application is located at the eastern end of the village of Reed on the south side of Crow Lane covering an area of approximately 0.51 hectares of currently open land. The site is irregular in shape and is bisected by an existing vehicular and pedestrian access off Crow Lane that serves development on the former Wisbridge Farm known as Nicholls Yard. The western part of the site, including most of the access road, is within the Reed Conservation Area. All of the site is within the village boundary as defined in the Proposals Maps forming part of the adopted Local Plan and designated as a Category A village of Reed in Policy SP2 of the Plan.

4.3 The site has a wide frontage onto Crow Lane and includes the vehicular entrance into Nicholls Yard. The separate parcels of land each side of the access road within the site are undeveloped with no buildings, structures or hardsurfacing. The access road is surfaced in a bonded gravel type material and is a 'shared surface' with soft verges.

4.4 The Crow Lane frontage comprises a mainly hawthorn hedgerow, shrubs and trees. The two parcels of land are enclosed with post and rail fencing and hedgerow and contain mainly unmanaged grassland although both have also been planted with young trees. The southern part of the site around the turning circle has more mature planting with several good quality trees.

4.5 Footpath Reed 005 which has an unmade surface, dissects the eastern parcel of land running in a north south direction linking with Crow Lane through the hedgerow. Arable farmland is located to the east of the site boundary.

4.6 To the north of the site on the opposite side of Crow Lane are several dwellings forming a generally loose knit linear development along the Lane. North Farmhouse and Crabtree Cottage are Grade II listed. To the south of the site is the Nicholls Yard development comprising of new build dwellings and converted barns. Wisbridge Farmhouse to the south west is Grade II listed.

4.7 Whilst there is residential development to the north, south and west of the site it has rural character as emphasised by significant amount of soft landscaping including grassland, hedgerows and tree planting and the narrow Crow Lane carriageway which has no footpaths or street lighting. The extensive arable land to the east underpins this rural, edge of settlement and undeveloped character.

4.8 **Proposal**

4.9 This detailed application seeks permission for the erection of seven dwellings. All of the dwellings would be of two storey height.

Units 1, 2 & 3

These units would be provided on the western parcel of land in the form of a short terrace with the principal elevation facing eastwards towards the existing access road.

Each of these dwellings would contain 3 bedrooms and each have a private rear garden. A communal parking area is proposed to serve these units off the private access road to south of Unit 3. The external appearance would be of painted render.

Units 4

This unit would be two storey with single storey wings facing the existing access road. The unit would contain 3 bedrooms and would have a side and front garden. Cladding would be the main external material.

Units 5 & 6

These units would consist of a pair of 3 bedroom semi-detached two storey dwellings. The principal elevation would face towards an internal courtyard shared with Units 4 & 7 with the main rear elevations and gardens facing Crow Lane. The main external material would be timber cladding.

Unit 7

Unit 7 would be a detached two storey dwelling comprising 4 bedrooms with the principal elevation facing towards the internal courtyard. Cladding would be the main external material.

The development would provide 14 parking spaces overall via the shared parking area for units 1,2 & 3 and within the courtyard area serving units 4, 5, 6 & 7.

An area of open space is proposed to the east of Footpath 005.

All of the dwellings would be for open market sale – no affordable units are proposed

4.10 **Key Issues**

4.11 The principle of development

4.12 The main issue is whether the proposal, in respect to land use and amount of development, would be suitable in this location having regard to local and national planning policies.

4.13 The site is located at the eastern edge of the village within the village boundary as identified in the adopted Local Plan. Reed is classed as a Category 'A' settlement in the Plan. Strategic Policy SP2 of the Plan ('Settlement Hierarchy and Spatial Distribution') states the following:

'In Category A villages, general development will be allowed within the defined settlement boundaries'

4.14 In view of the above there is clearly a presumption in favour of development within the boundaries of Category A villages. This is consistent with the Council's strategy which, whilst focussing the majority of new development on the existing towns in the district in order to make maximum use of existing infrastructure, considers it is important also to allow the growth of villages and to permit those village communities to continue to thrive and function. That does not automatically mean that any land within the settlement

boundaries is suitable for development and regard must be had to other relevant policies in the Plan, the guidance in the NPPF as a whole and other material considerations.

- 4.15 Strategic Policy SP1 of the Plan in supporting the principles of sustainable development states that the Council will:

Grant planning permission for proposals that, individually or cumulatively:

- i. deliver an appropriate mix of homes, jobs and facilities that contribute towards the targets and aspirations in this Plan;*
- ii. create high-quality developments that respect and improve their surroundings and provide opportunities for healthy lifestyle choices;*
- iii. provide the necessary infrastructure required to support an increasing population;*
- iv. protect key elements of North Hertfordshire's environment including biodiversity, important landscapes, heritage assets and green infrastructure (including the water environment); and*
- v. secure any necessary mitigation measures that reduce the impact of development, including on climate change*

- 4.16 The message in Policy SP1 is clear that whilst the Council will support growth, delivering sustainable development also means protecting key elements of the natural and historic environment. This approach is also endorsed by Paragraph 130 of the National Planning Policy Framework which seeks to ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 4.17 Policy D1 of the Local Plan ('Sustainable Design') provides more detailed advice on the criteria for acceptable development advising that development should '*respond positively to the site's local context*' and enhances its surroundings.
- 4.18 Whilst the principle of development within the village boundary may be accepted in broad policy terms, the question of whether the proposed development is appropriate requires a more detailed assessment of the character and appearance of the site and its immediate surroundings and then an analysis of the proposed design and layout having regard to that character taking into account relevant development plan and national planning policies and all other material planning considerations.
- 4.19 Impact of the development on the character and appearance of the area
- 4.20 The village of Reed has a distinctly rural setting with the majority of the surrounding land in arable farming use. The character of the village is defined by a series of rural lanes and network of public footpaths and low-density linear development comprising both modern and historic buildings.
- 4.21 The Reed Conservation Area is extensive and covers the majority of the village save the far western end and includes a number of open spaces and historic buildings and monuments. The Conservation Area can be described as being predominantly rural with a strong sense of openness and a countryside setting.
- 4.22 The Category A village boundary is drawn tightly around the linear development along the lanes throughout the village and the application site together with Housing Allocation site RD1 (Land at Blacksmiths Lane) and the school are effectively the only open, non-residential curtilage areas of land within the village boundary. As Site RD1 is earmarked for housing development and the school playing field is a necessary functional element of the school. The application site is essentially the only undeveloped space within the new village boundary and as such its value as an area of open land contributing towards the open character of the village is of particular importance.
- 4.23 The submitted Planning Heritage statement agrees that the application site has a rural setting at paragraph 2.1 as follows:
- 'The development site, although situated within the settlement boundary of Reed (as defined in the emerging local plan), does appear to have a ruralised setting'*
- 4.24 The application site contributes to the open rural character of the village, and it acts as a transition from the built development along Crow Lane to the west and north to the farmland to the east of the site. It also provides 'breathing space' between the Crow Lane properties and the Nicholls Yard development echoing the spatial quality and context of the village and maintaining the open vista across to the adjacent farmland.
- 4.25 The proposed scheme would almost completely develop the site for residential development (approximately 80%) except for the far eastern part which would be planted as a triangular shaped area of open space. Such development would substantially erode the open, rural character of the site and this would be compounded by the density of development and its two-storey scale together with all of the usual paraphernalia

associated with residential development such as on-street parking, garden sheds and other garden structures and equipment, bin stores, fencing and lighting.

- 4.26 Moreover, upon investigation of the original planning permission for the Nicholls Yard development (planning permission ref: 03/01438/1) it is apparent that the application site (on both sides of the existing access driveway) was part of the setting agreed by the Local Planning Authority for that development with the intention that the land was undeveloped and landscaped. The submitted Design statement for that scheme stated as follows:

'A full and complimentary landscaping scheme, promoting indigenous tree and hedge planting, will enhance the site and wider area and will reinforce the village boundaries to the residential curtilage with a softer and more natural appearance'

The approved site plan and landscaping scheme for that planning permission is attached at **Appendix A** to this report. Development on the application site would breach the terms of that permission irrespective of the concerns raised above regarding loss of openness.

- 4.27 The proposed development also proposes the construction of two, 2 storey houses (Units 6 & 7) together with a garage block immediately up to the boundary with the adjacent Footpath 005. Whilst the alignment off the footpath would not be altered by this proposal, it would be bounded along its western side by built development. This would have an overbearing and partial enclosing effect curtailing views across the application site. The footpath currently provides a direct route from the village into the countryside and is therefore of high sensitivity. As such the eastern part of the development would have a significant impact on the experience and enjoyment of this rural footpath by reason of the proximity and scale of new housing development to the footpath.
- 4.28 In terms of layout and design it is noted that Units 4, 5 and 6 all have their primary elevations facing inwards towards the internal courtyard area with their main garden areas facing towards Crow Lane and the access road. This arrangement is not reflective of the prevailing pattern of housing development along Crow Lane in particular where the majority of houses have their main frontages facing the Lane. This inward facing part of the development, turning its back to the highway and the access road would fail to integrate the scheme with the village, create little sense of arrival into the development and is considered to be poor placemaking.
- 4.29 Unit 4 is considered cramped by reason of the lack of space around the building, no front garden and its main usable outdoor amenity spaces facing the access road and Crow Lane.
- 4.30 The proposal would result in a significant amount of built form. This would result in an erosion of the area's rural and open character especially through the density of development, its two-storey scale and domestic style of architecture. This adverse effect would occur irrespective of the materials from which the proposed development would be constructed from.

- 4.31 The proposed development would be of significant height and overall footprint and would include a substantial amount of hardsurfacing to create the courtyard access, the courtyard itself, the shared parking area (for plots 1 – 3) and associated footpaths. It would therefore have a substantial urbanising effect upon the rural character of the site and the surrounding area.
- 4.32 By reason of its close proximity to Crow Lane and the footpath the development will be very prominent. It will be readily viewed from public areas and has the potential to be experienced by a great number of people, including passing motorists and other road users. Consequently, the proposal would result in a strident and non-confirming form of development in this location.
- 4.33 It is concluded that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development in this regard would conflict with Policies SP1, SP2, SP9 and D1 of the Local Plan.
- 4.34 Impact on Heritage Assets
- 4.35 In assessing these impacts it is useful to refer to the Reed Conservation Area Character Statement (November 2019) which describes the significance of the assets. Extracts from the statement are set out below with relevant text highlighted:

*2.1.1 The current layout of Reed Conservation Area continues to reflect the early pattern of medieval settlement. Groups of cottages and farmsteads, as well as an unusually high number of moated manorial sites, are scattered around three historic greens and tracts of agricultural land. The Conservation Area follows an unorthodox arrangement encompassing a roughly square space defined by four lanes (Church Lane, High Street, Jackson's Lane and Driftway). These bound a central expanse of open farmland. The Conservation Area, therefore, can be characterised by extensive tracts of agricultural land with a low density of historic and modern buildings fronting the country lanes. Accordingly, **the character of Reed Conservation Area is highly rural with a strong countryside setting.***

*2.1.2 **The key character of Reed Conservation Area is its openness. There is no suburban quality to the area, instead houses and farms are mostly scattered along the various country lanes, often with an abundance of space in between properties.** There is a slight increase in density of housing in the northern parts of the Conservation Area.....*

2.1.3 The historic buildings located along Crow Lane and High Street are typically one and a half storeys, with steeply pitched thatched or tile roofs..... **The substantial, non-designated threshing barn of Wisbridge Farm House (1175755) is the tallest structure in the area and is highly visible from the road (Figure 2.1).** The historic buildings in these areas are arranged in a loose, organic pattern, with several exhibiting later extensions (e.g. North Farm House, 1175734) and often positioned with their gable ends facing the lanes (e.g. Wisbridge Farm House, 1175755). **The properties are spaced apart and set in spacious plots with views afforded in between buildings.** Unlike the row of 20th century housing established on Brickyard Lane, there is little uniformity of scale to the roadside frontages in these areas, providing the historic and rural setting for this part of Reed.

2.1.7 **Reed Conservation Area is most notable for the inclusion of large tracts of agricultural land.** The central green space, bounded by four country lanes, provides the setting for most of the surrounding cottages, manorial sites and farmsteads in Reed.....

2.2.2 The area of central open agricultural land, surrounded by country lanes and historic cottages, farm buildings and moated sites, is a focal point for the Conservation Area. **Additional surrounding farmland bounds the village and provides a countryside setting. The confined country lanes, tightly bounded by thick hedgerows and veteran tree coverage, creates a peaceful experience which positively contribute to the rural character of Reed Conservation Area.**

- 4.36 The application site make a positive contribution to the heritage significance of the Conservation Area. This is found in its open character, historic association with the Grade II listed Wisbridge Farmhouse and associated outbuildings and the views it affords into and out of the Area, including from the public footpath which crosses the site.
- 4.37 The application site is a unique example of open land within the village bounded by a country lane, a public footpath, adjacent farmland and nearby historic buildings all of which contribute to the countryside setting so characteristic of the Reed Conservation Area. Moreover, the location of the site at the edge of the village, yet still within the village boundary, reinforces its importance as a piece of open space as the land transitions toward the open farmland immediately to the east.
- 4.38 The Council's Conservation Officer has assessed this proposal in considerable depth noting that the site performs an important function in that it maintains the set back position of the nearby Wisbridge Farm development so that this development does not overtly assert itself upon the rural character of the Reed Conservation Area.

- 4.39 The Conservation officer also notes the important contribution of that the openness of the site makes to the setting of North Farm and Crabtree Cottage (both Grade II listed). Currently only the top part of the threshing barn can be seen over the substantial hedgerow along Crow Lane. The development as proposed, in particular Units 5 & 6 and the gable end of Unit 4, would bring development much closer to Crow Lane and its full two storey height and continuous built form would have an adverse impact on the setting of the listed buildings as well as adversely affecting openness. Views along Crow Lane in the vicinity of the site are referred to as a key view in the Conservation Area character statement (KV3).
- 4.40 Units 1 – 3 would also have a significant effect upon the openness of the site and therefore the character of the Conservation Area as well as adversely impacting upon the rural context of the threshing barn and hence the wider setting of Wisbridge Farmhouse.
- 4.41 The Conservation officer concludes that the application site forms an important part of the setting in which the Conservation Area is experienced and consequently it makes a positive contribution to the character and appearance of the Conservation Area. Harm caused by loss of openness would not be adequately mitigated and the development would harm the character and appearance of the area; and would result in harm to the significance of the Conservation Area as a whole.
- 4.42 Paragraph 199 of the NPPF requires that “... *great weight should be given to the asset’s conservation....*”. Paragraph 200 says that “... *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*”. In addition, parts a) and c) of Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 are relevant where it states that planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they “*enable the heritage asset to be used in a manner that secures its conservation and preserves its significance*”.
- 4.43 The proposal would result in the loss the open, undeveloped character of the application site. The urbanising influence of the residential development would be experienced across the site as a whole. The grassed open character of the land would be lost and open and direct views between the Conservation Area and the countryside would be entirely closed off. The proposal would therefore have a significant adverse effect on the setting of the Conservation Area.
- 4.44 Although the proposal would not have a direct effect on the historic buildings which are the main contributors to the significance of the CA, the site makes a particular contribution to that setting and the proposal would have a substantial impact on that contribution. It is considered that the proposal would cause less than substantial harm to the heritage significance of the CA as a whole and would fall in the middle of the spectrum of less than substantial harm.

- 4.45 The applicants have submitted a Heritage Impact Assessment (April 2023). This statement concludes that there is only one instance of less than substantial harm and that is in relation to North Farmhouse and that this harm is at a very low level. The justification is given that the scheme has been sensitively designed and that there is a green buffer between the new development and the listed building thereby mitigating any impact to a very low level.
- 4.46 The Council's Conservation officer disagrees with the conclusions of the submitted heritage impact statement identifying a greater level of harm. In particular, the officer is of the view that the proposed scheme is not sensitively designed, stating that an abundance of 'barn-like' dwellings is not necessarily regarded as a positive especially in this case when seen alongside and diluting the significance of the Wisbridge Farm grouping. Planning officers concur with this view and have attributed substantial weight to it in the planning balance.
- 4.47 In conclusion on the heritage impact issue it is considered that the proposal would result in the loss of the open, undeveloped character of the site and that, notwithstanding a relatively small part would be retained as open space, the urbanising influence of the residential development would be experienced across the site as a whole. The open, direct views between the Conservation Area and the countryside would be almost entirely closed off. The proposal would, therefore, have a significant adverse effect on this element of the setting of the Conservation Area. The effects of the proposal on the settings of the listed buildings would be less significant but would add to the overall heritage impact.
- 4.48 The proposal would, therefore, conflict with Framework paragraphs 197 and 199 which require the desirability of sustaining and enhancing the significance of heritage assets to be taken into account and to give great weight to the conservation of the asset according to its importance. Paragraph 202 of the Framework requires less than substantial harm to be weighed against the public benefits of the proposal and this is examined in the planning balance below.
- 4.49 Living conditions
- 4.50 In terms of existing residents, whilst the proposed development would be visible it is not envisaged that there would be any direct impact on local residents. Matters of construction noise etc can be dealt with via a Construction management condition.
- 4.51 Each of the dwellings would appear to meet the minimum space standards required by the Government document 'Technical housing standards – nationally described space standard' (2015) and garden sizes for each of the dwellings would be proportionate to the size of each dwelling.
- 4.52 Access and parking
- 4.53 Vehicular and pedestrian access to the development site would be via the existing shared surface and private road serving the Nicholls Farm development. The Highway Authority have raised objection to the access arrangements in principle. The submitted Transport Assessment states that the likely trip generation would only amount to 6

vehicle movements in the AM and PM peak hours and as such traffic flows would not be expected to have a severe impact on the local road network.

- 4.54 A mixture of garages, covered car ports and surface parking is proposed for the occupiers of the development. No visitors parking spaces are proposed whereas at least two spaces are required by the Council's Car Parking Standards document (Appendix 4 of the Local Plan).
- 4.55 Environmental matters
- 4.56 The site is within Flood Zone 1 of the Environment Agency flood map within which areas there is a low probability of flooding. The main issue would be surface water management and it would be expected that this matter could be dealt with via a planning condition.
- 4.57 The application is supported by a Preliminary Ecological Appraisal and Reptile Survey. The ecology report has assessed both eastern and western parts of the site either side of the existing access road and an extended Phase 1 habitat survey was undertaken in 2021 in addition to a reptile survey. Whilst the ecology report established that the site was of limited ecological value, the reptile survey reported that reptiles are likely to be present. Comments are awaited from Hertfordshire Ecology however if planning permission were to be granted then it should be conditioned on further reptile surveys and the development being carried out in accordance with the recommendations and mitigation measures set out in the submitted Ecology report.
- 4.58 The application is not accompanied by a Biodiversity Net Gain metric however several enhancements are recommended in the Ecology report. However, deliverable net gains in biodiversity has not been demonstrated, as required by Local Plan Policy NE4, and this weighs moderately against the proposal.
- 4.59 Matters relating to noise, land contamination and air quality can all be dealt with by planning conditions and/or informatives should the planning application be approved.
- 4.60 The application is not supported by an Energy assessment which may assess what carbon reducing or zero carbon measures could be incorporated into the scheme which could future proof the development against the challenge of climate change. Electric vehicle re-charging points in each dwelling would assist in this regard however the lack of detail on energy efficient measures is disappointing and fails to adequately address the issue of climate change as required by Section 14 of the National Planning Policy Framework.
- 4.61 Archaeology
- 4.62 The application is supported by an archaeological desk-based assessment. This assessment has identified a low to medium potential for prehistoric, Roman and early medieval remains, a medium potential for post-medieval to modern remains and a medium to high potential for medieval remains to be present within the site. As the site lies within an Area of Archaeological Significance and a medium to high potential has been identified for remains of medieval date to be present within the site area, it is likely

that a phased program of archaeological works will be required. Archaeological conditions will be required if approval is granted.

4.63 Planning Obligations

4.64 Planning obligations should only be sought for residential developments that are major development, which is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more and the number of dwellings is unknown. In this case the number of dwellings is specified as 7 units. The site also falls below the 11 unit threshold for requiring affordable housing as set out in Policy HS2 of the Local Plan. In these circumstances the Local Planning Authority will not seek a Legal Agreement in respect of affordable housing or Hertfordshire County Council services. No unilateral Undertaking has been offered by the applicants to cover the impact on Parish Council infrastructure for example.

4.65 Planning Balance

4.66 Following the adoption of the North Herts Local Plan 2011 – 2031 the Council has demonstrated that it has a deliverable five-year supply of housing land. Section 5 of the Framework seeks to significantly boost the supply of housing and identify opportunities for villages to grow and thrive (paragraph 79). However, the proposal is for 7 dwellings which is a modest number in terms of the overall number being delivered through the Plan and the Council has already identified a site to meet Reed's growth needs at allocated site RD1. In view of these factors, in addition to the fact that no affordable housing is proposed, only limited weight is attached to the proposed housing in the planning balance.

4.67 The proposal would provide open space however no mechanism has been offered to secure this area for public use such as through a Unilateral Undertaking. Even so, the open space is fairly modest in area and the village has extensive areas of open space such as Reed Green and Fiddlers Green. The provision of open space would provide little overall benefit.

4.68 The proposal would provide a range of economic benefits including through construction and related services employment and additional spending in the local economy. However, given the modest number of dwellings proposed, and the fact that housing is allocated in Reed in the Local Plan only limited weight is given to this benefit in the planning balance.

4.69 The application site is located within a category A village however there are few local facilities or employment opportunities and a limited bus service. The site is not within a town centre and cannot be said to be highly accessible. As such, in terms of the sustainability of the location of the proposed housing, this does not weigh materially in favour of the proposal, therefore little weight is given to this matter in the planning balance.

4.70 The proposal would result in the loss of the open, rural character of the site which makes a substantial contribution to the setting of the Conservation Area. Furthermore, the scale and urbanising impact of the development would be inappropriate in the context of the application site. There would be significant adverse landscape and visual impacts. Overall, bearing in mind the great weight and importance to be attached to heritage assets in the Framework, it is considered that the public benefits of the proposal do not outweigh the harm caused to the settings of the Reed Conservation Area and nearby listed buildings.

4.71 **Conclusion**

4.72 The proposed development is considered unacceptable for the reasons outlined above and that planning permission should accordingly be refused.

5.0 **Legal Implications**

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

6.0 **Recommendation**

6.1 That planning permission be **REFUSED** for the following reasons:

- 1) The current layout of Reed Conservation Area (RCA) continues to reflect the early pattern of medieval settlement, is highly rural with a strong countryside setting. The RCA can be characterised by extensive tracts of agricultural land with a low density of historic and modern buildings fronting the country lanes. The key character of RCA is its openness and there is no suburban quality to the area. The significance of the RCA derives from the character of the buildings therein, and the relationship with the surrounding open land. The substantial former threshing barn at Wisbridge Farm is the tallest structure in the area and is highly visible from Crow Lane. Introducing a number of large additional boarded buildings will detract from the significance of the Wisbridge Farm grouping. Furthermore, the wider setting to North Farm and Crabtree Cottage would be adversely affected particularly by Units 4, 5 and 6, harming their significance as C17 vernacular buildings set within an established edge of countryside setting. By reason of the number, size and location of the proposed dwellings, the degree of openness at the eastern edge of the RCA would be significantly curtailed and impaired by a group of dwellings that would not be sympathetic to local character and history, including the surrounding built environment (para 130c) or would make a positive contribution to local character and distinctiveness (para 197c). The proposal fails to satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of para

130 c) and Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031. The degree of harm is considered less than substantial and any perceived public benefits are such that these are not considered to outweigh the harm.

- 2) The proposed development would detract from the open and rural character of the site and this, together its inappropriate scale and urbanising effect would have an adverse effect upon the character and appearance of the surrounding area. The development in this regard would conflict with SP1, SP2, SP9 and D1 of the Local Plan and Section 12 of the National Planning Policy Framework.
- 3) By reason of its close proximity to Crow Lane and the public footpath 005, the development will be very prominent and visually discordant resulting in a materially adverse impact on the users of the adjacent highway and footpath. The development in this regard would conflict with SP1, SP2, SP9 and D1 of the Local Plan and Section 12 of the National Planning Policy Framework.

Proactive statement

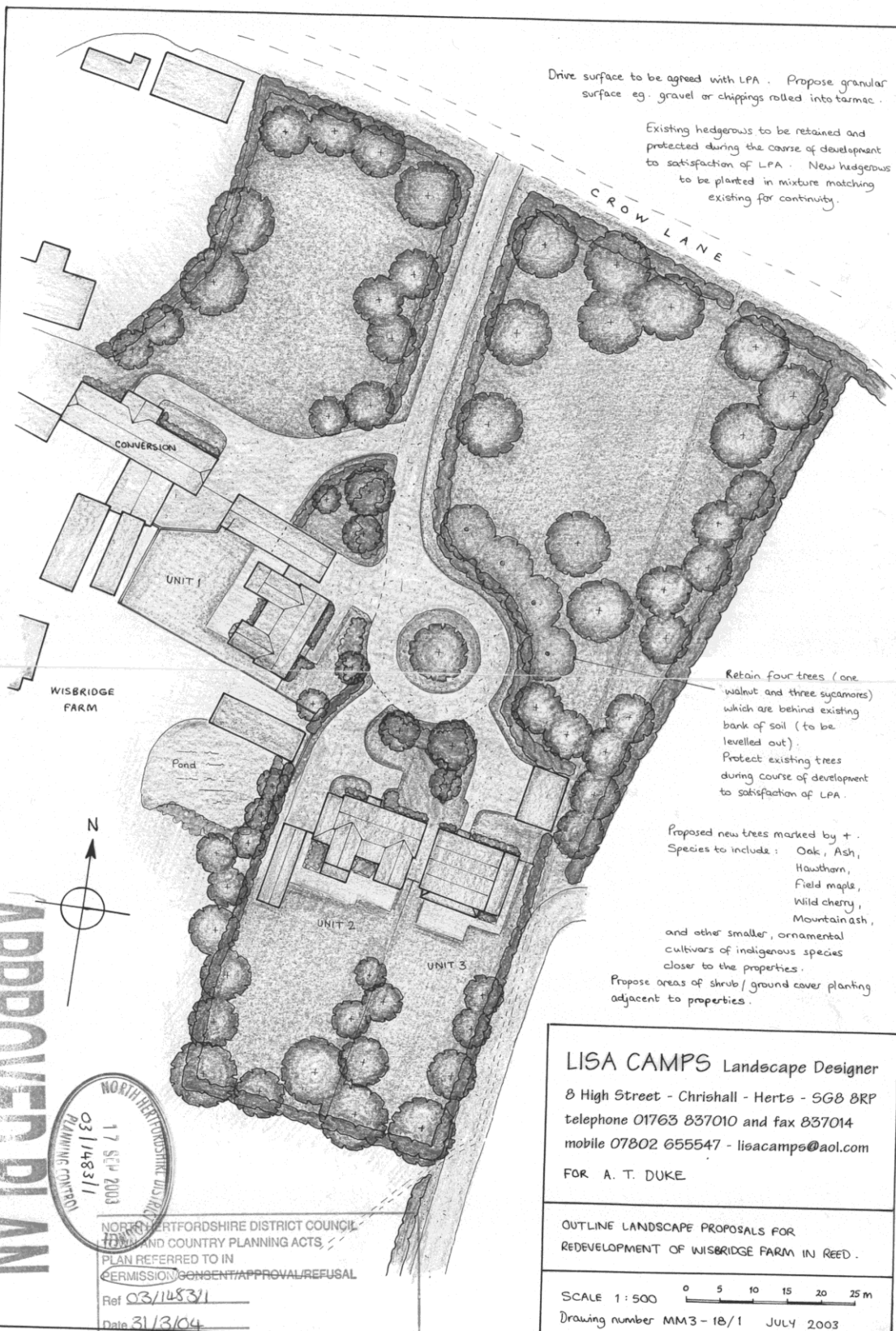
Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be 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.

7.0 **Appendices**

- 7.1 Appendix A - Planning permission ref: 03/01483/1 – Approved Landscape Scheme

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APPROVED PLAN



Drive surface to be agreed with LPA. Propose granular surface eg. gravel or chippings rolled into tarmac.

Existing hedgerows to be retained and protected during the course of development to satisfaction of LPA. New hedgerows to be planted in mixture matching existing for continuity.

Retain four trees (one walnut and three sycamores) which are behind existing bank of soil (to be levelled out). Protect existing trees during course of development to satisfaction of LPA.

Proposed new trees marked by +. Species to include: Oak, Ash, Hawthorn, Field maple, Wild cherry, Mountain ash,

and other smaller, ornamental cultivars of indigenous species closer to the properties.

Propose areas of shrub/ground cover planting adjacent to properties.

NORTH HERTFORDSHIRE DISTRICT COUNCIL
17 SEP 2003
03/1483/1
PLANNING CONTROL

NORTH HERTFORDSHIRE DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACTS,
PLAN REFERRED TO IN
PERMISSION CONSENT/APPROVAL/REFUSAL
Ref 03/1483/1
Date 31/3/04

LISA CAMPS Landscape Designer
8 High Street - Chrishall - Herts - SG8 8RP
telephone 01763 837010 and fax 837014
mobile 07802 655547 - lisacamps@aol.com
FOR A. T. DUKE







OUTLINE LANDSCAPE PROPOSALS FOR
REDEVELOPMENT OF WISBRIDGE FARM IN REED.

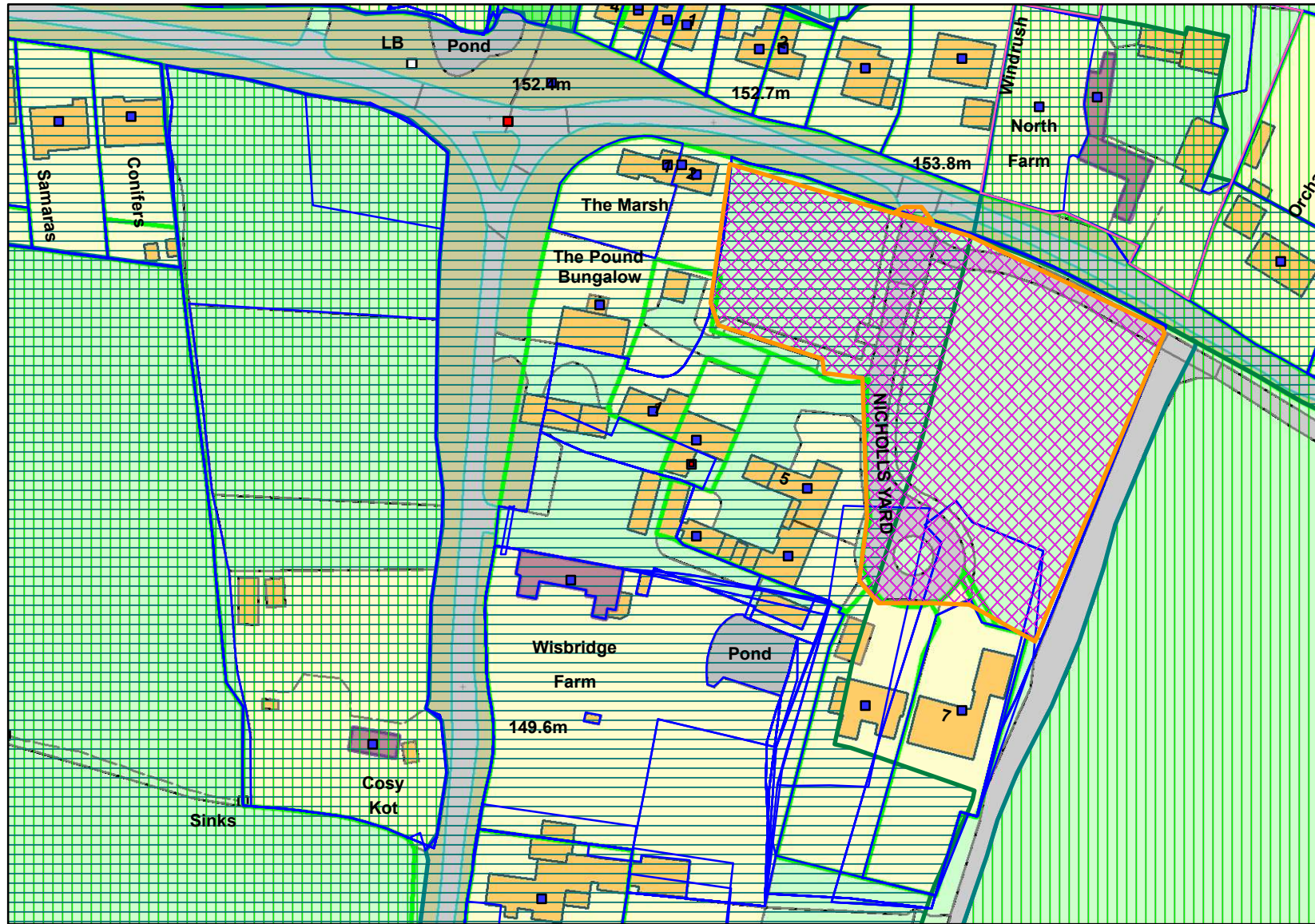
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0 5 10 15 20 25 m
Drawing number MM3-18/1 JULY 2003

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

22/02225/FP Nicholls Yard, Crow Lane, Reed, Hertfordshire, SG8 8BJ

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



Scale 1:1,250

Date: 30/05/2023

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<u>Location:</u>	5 High Street Pirton Hertfordshire SG5 3PS
<u>Applicant:</u>	Sexton
<u>Proposal:</u>	Single storey rear extension following demolition of existing outbuilding, insertion of windows to the principal and rear roof slopes of dwelling (as amended by plans received 16 March 2023 and as detailed by plans received 25 May 2023).
<u>Ref. No:</u>	22/03245/FPH
<u>Officer:</u>	Thomas Howe

Date of expiry of statutory period:

10 February 2023.

Extension of time:

19 June 2023 – required due to referral to committee.

Submitted Plan Nos:

HIGH05-10-024 REV 1 Proposed ground floor plan
HIGH05-10-013 REV 1 Proposed first floor plan
HIGH05-10-025 REV 1 Proposed South elevation
HIGH05-10-024 Proposed North elevation
HIGH05-10-023 Proposed East and West elevations
HIGH05-10-022 Existing South elevation
HIGH05-10-021 Existing North elevation
HIGH05-10-020 Existing East and West elevations
HIGH05-10-011 Existing first floor plan
HIGH05-10-010 Existing ground floor plan
HIGH05-10-002 site plan
HIGH05-10-001 Location plan

Reason for referral to Committee:

This application is to be determined by Planning Control Committee by reason of the receipt of a valid written opinion of Pirton Parish Council contrary to the recommendation of the Development and Conservation Manager which has been supported by Ward Member Councillor Claire Strong. Details of the objection from Pirton Parish Council are included in paragraph 3.3 of this committee report.

1.0 **Site History**

1.1 23/00467/TCA - T1 Hawthorn, T2 Laurel - Fell. T3 Laurel - Reduce by 1m. – No Objection.

2.0 **Policies**

2.1 **National Planning Policy Framework**

Chapter 12 – Achieving well-designed places

2.2 **North Hertfordshire Local Plan 2011-2031 adopted 8 November 2022**

SP9 – Design and sustainability

SP13 – Historic Environment

D1 – Sustainable Design

D2 – House extensions, replacement dwellings and outbuildings

D3 – Protecting Living Conditions

HE1 – Designated Heritage Assets

T2 – Parking

2.3 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

2.4 **Neighbourhood Plan (Pirton):**

Policy PNP 2 - Design and Character

Policy PNP3 - Residential Extensions (Excluding Those Covered by 'Permitted' Development)

Policy PNP 8 - Heritage Assets and Archaeological Heritage

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 27/02/2023 Expiry Date: 22/03/2023

3.2 **Neighbouring Properties:**

3.2.1 2x Neutral Representations from: No. 7 High Street, Pirton and No. 17 Holdbrook, Hitchin:

- Queries number of rooflights.
- Loss of light due to proximity to side fence.
- Departure from existing building line.
- Potential structural damage to neighbouring garage.
- Lack of access for construction materials and equipment.
- Loss of privacy.
- Disproportionate scale of development.
- Noise disruption from roof material.
- Out of character rooflights to front roof slope.

- Queries primary access point to dwelling.
- Internal use may generate noise and disruption.

3.3 **Pirton Parish Council – Objection:**

- Adverse impacts to neighbour amenity.
- Harm to Conservation Area.
- Detrimental to access and maintenance for No. 7 High Street.
- Light pollution from rooflights.
- Loss of garden space and biodiversity.
- Queries permeability of paving.
- Queries acceptability of works in relation to listed building.
- Access for construction materials and process.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 No. 5 comprises a two-storey end of terrace dwelling house fronting onto High Street in Pirton. The site is within the Pirton Conservation Area and is immediately adjacent to No. 7, a Grade II Listed Building.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the erection of a single storey rear extension following the demolition of an existing outbuilding and for the insertion of windows to the principal and rear roof slopes of the existing dwelling.

4.3 **Key Issues**

- 4.3.1 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.
- The impact that the proposed development would have on the environment.

Design and Appearance and Impact to Conservation Area:

- 4.3.2 The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Chapter 12 – Achieving well-designed places). In this regard, Policies SP9 and D2 of the Local Plan are consistent with the NPPF. The site also lies within Pirton Conservation Area and the proposal falls to be considered against Local Policies SP13 and HE1, which address the historic environment and designated heritage assets.

- 4.3.3 The proposed single-storey rear extension would be obscured from view from the street scene given its position to the rear of the dwelling. It would feature a substantial depth and would replace the existing footprint of the detached outbuilding to the rear. The bulk and footprint of the extension would be acceptable as most of the garden would remain open and the existing outbuilding would be replaced by the extension. The proposed extension would appear subservient to the host dwelling. It is proposed to insert roof lights into the dual-pitched roof to the proposed extension. However, this would not be harmful to the overall appearance of the dwelling. The number of rooflights has been reduced to improve the relationship of the extension with the adjacent listed building. Sympathetic materials of construction and the use of fenestration to the side elevation would be in-keeping with the host dwelling and result in an acceptable form of development. The introduction of front and rear rooflights would alter the character of the dwelling within the Conservation Area. However, given the shallow pitch of the roof and the shallow depth of the rooflights, it is considered that the visibility of the rooflights would not be harmful to the character and appearance of the Conservation Area. Furthermore, the agent has advised of their agreement to introducing conservation style rooflights to mitigate visual impacts that would arise from these windows. A condition is attached requiring that these windows be implemented to the dwelling.
- 4.3.4 The proposed development would comply with Policies D2, SP9 and HE1 of the Local Plan and Policy PNP 2, 3 and 8 of the Pirton Neighbourhood Plan and the core principles set out within the National Planning Policy Framework.

Impact upon the setting of nearby listed buildings:

- 4.3.5 The site is adjacent to No. 7 High Street, which is a Grade II listed building. The Council's Conservation Officer considers that the works would not be objectionable and would not harm the setting of the Listed Building. The immediate setting of the listed building is that of extended terraced cottages with outbuildings. The proposal would not depart from this existing context of the listed building. Therefore, it is considered that the heritage significance of the listed building within its residential context would be unharmed by the proposal, and the proposal would comply with Policies SP13 and HE1 of the Local Plan and Policy PNP 8 of the Pirton Neighbourhood Plan.

Impact on Neighbouring Properties:

- 4.3.6 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 D3 of the Local Plan.
- 4.3.7 No. 3 High Street is attached and to the north of this end of terraced dwelling house and No. 7 High Street is a detached dwelling to the south.
- 4.3.8 The proposed extension would replace the existing outbuilding to the rear and would predominantly extend along the party boundary with No. 7. This neighbouring house has two windows facing the rear garden to No. 5 and the side of the proposed extension. Therefore, some ambient light would be lost to these windows, although this would be limited as they are north facing windows. Given the single storey height of the proposed extension, together with its position to the north of No. 7 High Street, the proposed extension would not have and unacceptable overshadowing effect for this neighbouring

dwelling or overbearing effect upon outlook. No windows are proposed to face No. 7, therefore overlooking would not occur

- 4.3.9 No. 3 would experience some loss of light, given the orientation. However, when compared to the existing arrangement, the proposed extension would not result in a substantial degree of overshadowing to the extent that the living conditions of occupiers of No. 3 High Street would be significantly harmed, taking account of the presence of the existing outbuilding which would be demolished. The proposed window and door openings to the extension would face towards the rear of the garden and to the side elevation of the existing garage block at No. 3. The side door would face the access gate to this neighbour. However, given that this would not result in a raised position being gained, it is acceptable. The proposed rooflights to the front and rear roof slope of the existing dwelling would not be providing a new platform to look out from the dwelling and would instead provide light to the upstairs bedroom. They would therefore not harm the amenity of neighbouring occupiers.
- 4.3.10 Given the above, it is considered that the proposed development would result in no unacceptable overbearing impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework. This complies with Policy PNP 3 of the Pirton Neighbourhood Plan.

Impact on Car Parking:

- 4.3.11 The dwelling does not benefit from off-street parking. However, this development would not increase the parking requirements for the dwelling as there is no proposed increase in bedroom space. On-street parking is provided and therefore the development would not affect nearby parking levels.

Other Matters:

- 4.3.12 It is noted that concern is raised with regards to the proposed hardstanding. The applicant has advised that permeable block paving would be introduced, and this is considered acceptable. An informative is attached to this decision advising that applicant that concern is raised regarding the potential light spill from rooflights to the side and therefore, it requests the use of blinds to reduce light spill during periods of night.
- 4.3.13 Matters of access for maintenance and construction are not a material planning consideration and are a civil matter to be agreed between the applicant and neighbouring occupiers.

4.4 Conclusion

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

4.5 Alternative Options

- 4.5.1 None applicable.

4.6 **Pre-Commencement Conditions**

- 4.6.1 No conditions are recommended that require submission prior to the commencement of the works hereby approved.

5.0 **Legal Implications**

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

6.0 **Recommendation**

- 6.1 That planning permission be **GRANTED** subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

- 3) The proposed rooflights hereby permitted shall be 'Heritage' Conservation Style Rooflights in accordance with the details received from the applicant on 24 May 2023.








Reason: In the interest of local character.

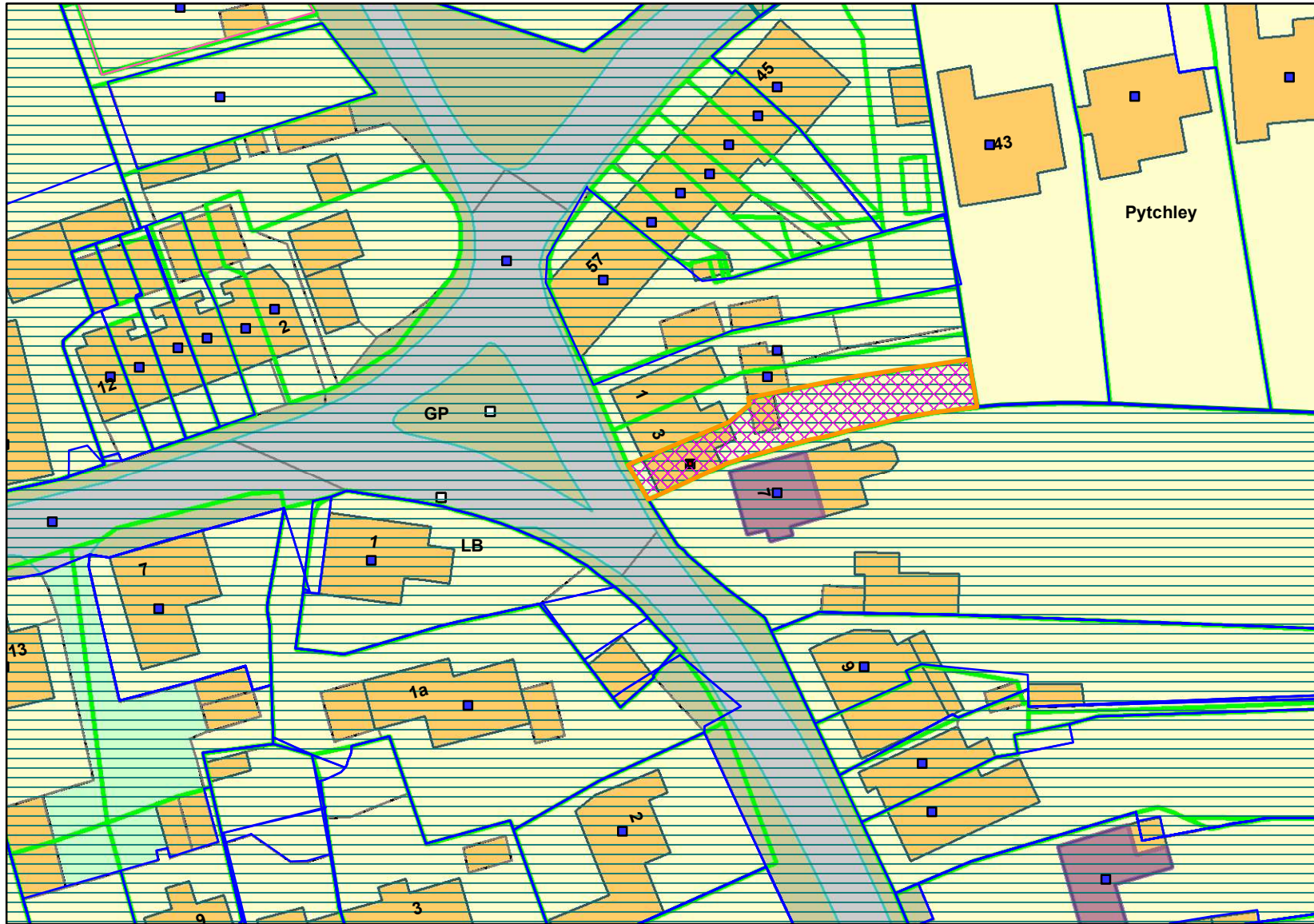
Proactive Statement

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.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

22/03245/FPH 5 High Street, Pirton, Hertfordshire, SG5 3PS

-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
Prapp99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prilistd.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
-  **Parish Boundary**
Prparish.shp
-  **Conservation Area**
Prconea.shp
-  **District Local Plan Boundary**
Prdlp2.shp
-  **Green Belt**
Prgrnbt.shp
-  **Health & Safety Consultation Zone**
Prjhzs.shp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prnris.shp
-  **Indicative Flood Plain**
Prifpn.shp



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Date: 30/05/2023

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<u>Location:</u>	Land To The West Of Lucas Lane And East Of Headlands Grays Lane Hitchin Hertfordshire SG5 2HR
<u>Applicant:</u>	Mr W Berry
<u>Proposal:</u>	Erection of nine detached dwellings (2 x 3-bed, 1 x 4-bed and 6 x 5-bed) including garaging, parking, landscaping and creation of vehicular access off Gray's Lane.
<u>Ref. No:</u>	22/00516/FP
<u>Officer:</u>	Germaine Asabere

Date of Statutory Expiry Period: Agreed extension to 20.06.2023

Reason for Delay:

Ongoing delays with the examination of the now adopted Local Plan, awaiting consultation responses, site layout and legal agreement.

Reason for Referral to Committee

The application site area at 0.83 hectares requires that this planning application for residential development must be determined by the Planning Control Committee under the Council's constitution and scheme of delegation.

Submitted Plan Nos to Determine:

Site Layout Drawing: 112-PS-003 Rev D

House Floor Plans and Elevations : 112-PS-001 Rev A; 112-PS-002 Rev B; 112-PS-003 Rev D; 112-PS-004 Rev B; 112-PS-110; 112-PS-120; 112-PS-130; 112-PS-140; 112-PS-150; 112-PS-180; 112-PS190-A; 112-PS-195-A

Outline Layout Plan: GUA-DR-L-001 P02, 194632/P01 Rev D

Illustrative Landscape Masterplan: GUA-DR-L-002 P03

Associated Documents

Preliminary Ecological Appraisal (December 2021)

Design and Access Statement (D&AS - 3 Parts)

Arboricultural Impact Assessment (2 parts)

Ecology Report

Noise Assessment

Transport Statement

Ground Investigation Report (October 2021)

Flood Risk Assessment and Drainage Strategy (2 parts)

Summary

This is a full planning application for nine dwellings on the adopted Local Plan allocated site – Land to the West Of Lucas Lane And East Of Headlands (Policy HT5). The application is accompanied by a host relevant supporting documents detailed above.

The application was validated in February 2022, predating the Local Plan adoption and has been the subject of extensive discussions, negotiations and revisions both prior to and following submission. The principle of the proposed development has been established through the site-specific allocation in the Authority's adopted Local Plan (Policy HT5).

This report sets out the relevant planning policies, responses from consultees and interested third parties and a detailed assessment of all the relevant planning issues. There is general support from statutory consultees and others have provided comments. There remains strong local objection, in particular to the principle of development as the site was previously within the metropolitan Green Belt.

The report concludes that the application meets national policy tests and satisfies the requirements of Policy HT5. The balance between built development, green space and landscaping is considered to have been successfully reached. Hertfordshire County Council has confirmed that traffic generated would be accommodated within the highway network and the controlled surface water discharge rate would ensure no increase in flood risk to or from the development.

For these reasons as elaborated upon in this report, the officer recommendation is that planning permission should be granted subject to conditions.

1.0 Policies

- 1.1 North Hertfordshire Local Plan (2011-2031) (Nov 2022):
Section Two – Spatial Strategy and Strategic Policies
SP1 – Sustainable development in North Hertfordshire
SP2 – Settlement hierarchy;
SP6 – Sustainable Transport
SP7 – Infrastructure requirements and developer contributions
SP8 – Housing
SP9 – Design and Sustainability
SP10 – Healthy Communities
SP11 – Natural resources and sustainability
SP12 – Green infrastructure, biodiversity and landscape

Section 3 – Development Management Policies

- HS1 – Local Housing Allocations
HS3 – Housing mix;
HS5 – Accessible and adaptable housing
HT5 – Land at junction of Grays Lane & Lucas Lane
D1 – Sustainable design;
D3 – Protecting living conditions;
D4 – Air quality
NE2 – Landscape;
NE4: Biodiversity and geological sites

NE6 – New and improved open space
NE7 - Reducing flood risk;
NE8 - Sustainable drainage systems;
NE9 - Water Quality and Environment;
NE10 - Water Framework Directive and Wastewater Infrastructure;
NE11 – Contaminated Land
T1 – Assessment of transport matters
T2 – Parking

- 1.2 National Planning Policy Framework (NPPF) (July 2021):
Section 2 ‘Achieving sustainable development’
Section 4 ‘Decision Making’
Section 5 ‘Delivering a Sufficient Supply of New 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 14 ‘Meeting the Challenge of Climate Change, Flooding and Coastal Change’
Section 15 ‘Conserving and enhancing the natural environment’

- 1.3 Supplementary Planning Documents:
Vehicle Parking at New Development Supplementary Planning Document (Sept 2011)
Design Supplementary Planning Document (July 2011)
North Hertfordshire Transport Strategy (2018)
Planning Obligations Supplementary Planning Document (November 2006)
Developer Contributions SPD (2023)

2.0 **Site History**

- 2.1 None of particular relevance to this application site although the proposal was subject to detailed pre-planning application discussions under reference (21/00556/PRE).
Information on adjoining allocated site (HT6) is below:
- 2.2 21/01562/OP Outline planning permission for up to 58 dwellings, a community woodland, associated car parking, open space, landscaping and new access from Grays Lane, with all matters reserved except for access. This application was withdrawn.
- 2.3 22/03092/FP Residential development of 47 dwellings and associated car parking, open space, landscaping and creation of access off Grays Lane. This application is currently under consideration.

3.0 **Representations**

- 3.1 **NHDC Environmental Health Officer (Noise) –**
No objection subject to informative.
- 3.2 **NHDC Environmental Health Contamination (Contamination) –**
No objection subject to recommended condition requiring a written preliminary environmental risk assessment report.

- 3.3 **NHDC Environmental Health (Air Quality) –**
No objection raised.
- 3.4 **NHDC Planning Policy –**
Comments received
- 3.5 **Greenspace –**
Commented on inadequate provision of play area.
- 3.6 **Highways (HCC) –**
The Highway Authority have reviewed the application and does not wish to raise an objection subject to the inclusion of the recommended planning conditions and informatives.
- 3.7 **Archaeology (HCC) –**
No objection subject to conditions
- 3.8 **Waste and Recycling Team –**
The Team queried the setup of onsite household refuse and recycle facilities and collection arrangement.
- 3.9 **CPRE Hertfordshire –**
Raised an objection on the basis the application site was Green Belt land and the development was an encroachment and extension of the built up area.
- 3.10 **Herts & Middlesex Wildlife Trust –**
Raised an objection on the basis that biodiversity net gain of the site has not been proven. Additionally, the supporting ecological report was found to be inconsistent with national guidance.
- 3.11 **Lead Local Flood Authority –**
No response received.
- 3.12 **Bedford Group of Drainage Boards –**
No comment as the application site is outside the Board's district.
- 3.13 **HCC Growth and Infrastructure Team –**
Require contributions for Primary Education, Secondary Education, Special Educational Needs and Disabilities, Library Service, Youth Service, Waste Service and monitoring fee based on new guidelines. Table on later part of the report sets out the details for these contributions.
- 3.14 **Hertfordshire Ecology –**
Any response will be reported at the Planning Committee.
- Neighbours and local residents' comments**
- 3.15 At the time of finalising this report, several representations have been received. A majority of which are in objection to the proposal and a few in support (running total can

be viewed on the Council's website). These representations are available to view in full on the Council's website and summarised below:

- Traffic generation.
- Concerns about traffic data used.
- Insufficient parking on site (including visitor parking) and potential impacts on the local area.
- Concern about road safety and crossings.
- Travel plan measures will not be effective.
- Inappropriate development in the Green Belt and there are no exceptional circumstances or very special circumstances. Destruction of the Green Belt which should be preserved.
- Design and layout not in keeping
- Excessive number of dwellings proposed.
- No affordable housing.
- Inappropriate dwelling mix.
- Lack of sustainability features.
- Lack of community benefit from the development.
- Increase risk of flooding in the area.
- Concern about on-site drainage.
- Light pollution.
- Pollution from traffic.
- Lack of infrastructure to support dwellings.
- Destruction of wildlife and habitats.
- Lack of ecology surveys.
- Loss of privacy to existing dwellings
- Lack of suitability for mobility impaired.
- Increase in noise and disturbance.
- Lack of extensive consultation of general public.
- Inaccurate references in supporting documents.

3.16 Comments in support recognise that this is an allocated site, and the proposal appears to be generally in line with Policy HT5 of the Local Plan.

4.0 **Planning Considerations**

Site and Surroundings

4.1 The site comprises undeveloped land constituting an unmanaged agricultural field that has become long grass, measuring approx. 0.82ha. Ground levels are largely flat. Boundaries are intermittent trees and vegetation, more so on the east and north boundaries. A rectangular area of trees on the western side of the site is designated as an Area Tree Preservation Order (TPO/00199, created in 2020).

4.2 The site is on the western edge of Hitchin, with residential development of Hitchin on the east side of Lucas Lane comprising detached and semi-detached two storey dwellings, chalet bungalows and bungalows. A single dwelling Headlands shares a boundary with the west of the site. The north site boundary adjoins Lavender Fields, which provides residential accommodation and care for the disabled. Land to the south on the other side of Gray's Lane is undeveloped. West of Headlands, land is agricultural.

- 4.3 The application site has no heritage designations however, it is an area of archaeological interest. This includes the late 19th century country house of Foxholes, and its 19th century gardens and grounds [Historic Environment Record nos. 13218 and 10203], a Roman cemetery comprising several inhumation burials found in the garden of Foxholes [HER 1184], and a 1st and 2nd century Roman sub rectangular ditched enclosure with internal post holes, and boundary ditches to the west and south-west [HER 31555].
- 4.5 The nearest bus stops to the site are located along Offley Road 400m to the south the site, walking distance equating to 800m. Further bus stops are located to the east of the site via West Hill plated as Old Park Road at 700m. The Hitchin Bridleway 004 lies adjacent.
- 4.6 The site is allocated as site HT5 in the Local Plan for new housing ('Land at junction of Grays Lane & Lucas Lane')

Proposal

- 4.7 The application seeks full planning permission for residential development of nine detached dwellings (2 x 3-bed, 1 x 4-bed and 6 x 5-bed) including garaging, parking, landscaping and creation of vehicular access off Gray's Lane. There have been revisions following negotiations with statutory consultees including access arrangements.

Key Issues

- 4.8 The main consideration is whether the proposals comply with Policy HT5 of the adopted Local Plan (Land at junction of Grays Lane & Lucas Lane). This forms the policy background and principle of development, other key issues for consideration of this full planning application are as follows:

Policy background and the principle of development
Design of the proposal and impact on the character and appearance of the area;
Standard of proposed accommodation for future occupiers;
Impact on the amenity of adjoining properties;
Highways matters;
Heritage considerations;
Flood risk
Ecological impacts
Planning obligations

Policy background and the principle of development

- 4.9 Under the provisions of section 70(2) of the Town and Country Planning Act 1990, section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. paragraph 2, applications for planning permission must be determined without delay in accordance with the development plan unless material considerations indicate otherwise.
- 4.10 At the current time the statutory development plan in respect of this application consists of the North Hertfordshire District Council Local Plan (LP) (Adopted November 2022) and associated housing sites allocation plan, any 'made' neighbourhood plans and the

- 4.11 At the point of submission of this application, the site was located outside of the settlement boundary of Hitchin and was within the Green Belt. However, the application site is now an allocated housing site in the Local Plan, which was adopted on 8th November 2022. The red line boundary of the application site is now in its entirety outside of the Green Belt and there is no objection in principle to the proposed housing development.

Policy compliance

- 4.12 Policy HT5 of the Local Plan allocates this site for the provision of around 16 residential dwellings. This is to partly contribute towards meeting the identified housing need arising from within the local area and derived from technical studies which assess the optimal use of the land. The policy sets out that detailed proposals for the site that meet 4 site specific requirements will be permitted. These site-specific requirements are listed below and considered in turn in the body of this report.

- ***Improvements to Grays Lane to provide access to sites HT5 and HT6 whiles maintaining appropriate access to, and integrity and character of, Bridleway Hitchin 004 and Byway Open to All Traffic Hitchin 007;***
- ***Retain and reinforce planting along western boundaries to protect openness of Green Belt beyond the allocation;***
- ***Consider and mitigate against potential adverse cumulative impacts of sites in this area on Oughtonhead Lane SSSI; and***
- ***Sensitive design to minimise impacts upon landscapes to the west, including longer views from the Chilterns AONB.***

- 4.13 At 9 dwellings, the proposed quantum of development with this application represents a shortfall that is not consistent with the dwelling estimate set out in Policy HT5.. The quantum of development as proposed is a reduction of 44 percent in housing provision and the Local Authority aims for residential delivery numbers to normally be within 20% of site estimates.

- 4.14 The supporting Design and Access Statement of the application however indicates that the site faces a number of constraints that may not have been apparent at the time the site's housing estimates were being calculated namely:

- A private sewer running from west to east across the southern portion of the site,
- A majority of the shared access with adjacent site (HT6) to satisfy point 1 above is within the application site boundary, and
- A blanket tree preservation order has been placed on an area of vegetation in the northwest corner of the site, which has implications on site capacity and layout.

- 4.15 Overall, the site area amounts to 0.83 hectares; 0.57 of this is solely devoted to housing with the rest going toward open space and the protection of trees in the north-western corner of the site. The gross development density therefore works out at approximately 16 dwellings per hectare (dph). As alluded to, this dph figure is low however, based on site specific circumstances as stated above the overall housing provision can be seen as comparable to neighbouring sites.

- 4.16 Paragraph 14.15 of the Local Plan notes that an estimate of the number of new homes has been provided against each site. However, these figures are not to be seen as binding as the Development Management process will be used to explore design-led solutions on individual sites. This stance is supported at paragraph 124 of the NPPF where it is cited that planning policies and decisions should support development that makes efficient use of land, taking into account amongst other things the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 4.17 The dwelling mix would comprise:
- 2 x 3-bed units;
 - 1 x 4-bed units; and
 - 6 x 5-bed units.
- The overall numbers proposed fall below the threshold for affordable housing provision as expected by Policy HS2 of the local plan and under the circumstances; none is sought.
- 4.18 On this basis, it is considered the development is policy compliant subject to all other relevant material planning matters to be discussed below.

Design of the proposal and impact on the character and appearance of the area

- 4.19 A high standard of design is a key aspect of sustainable development. Policy D1 of the Local Plan, national guidance and the adopted Design Guide advocate the highest levels of design in new development, ensuring it is contextually appropriate and would not harm the landscape setting, making it accessible and environmentally sustainable.
- 4.20 Hitchin is one of North Hertfordshire's main settlements and is classed as a town under Policy SP2 of the Local Plan. The town has developed around its long thin medieval marketplace which ran parallel to the River Hiz. A clearly demarcated settlement boundary exists beyond which there is Green Belt. As set out elsewhere in the report, the application site is located to the west of the town of Hitchin. Locally, the site is a flat open field with mature trees and shrubbery along the boundaries. There is an existing area of vegetation to the northwest corner which is covered by a group tree preservation order. The site was in the Green Belt and classified as agricultural land but has not been cultivated for years and is now covered by long grass. Notwithstanding, housing development on this edge of town site would have some visual impact on the character and setting of the area as stressed by representations from interested parties and neighbouring residents. The proposed development would however read in conjunction with existing residential development adjacent to it to the east, expected residential development to the south and the more spontaneous arrangement of Headlands and Lavender Fields to the west and north respectively.

Layout

- 4.21 The application site would be accessed from Gray's Lane as part of highways improvement works that would also provide vehicular access to the adjoining site (HT6) and accommodate the existing bridleway and footpath. From the new main access point, a single vehicular route moves through the site providing access to the proposed dwellings. Off the main route, paths within the site are designed as a shared surface.

- 4.22 The development fronts inwards along the proposed main access and terminates at a shared courtyard to the northeast corner of the site which would be enclosed by built form on three sides. Each dwelling would have on curtilage parking spaces, a garage and well-proportioned amenity area to the rear. The access road into the development would offer a glimpse of the open space on arrival and the balance of dwellings either side of the entrance with the boundary treatment of trees and shrubs would provide a softening of the development from Gray's Lane.
- 4.23 The proposed layout, landscaping, trees and boundary treatments would create a sense of place for the development. Given the constrained nature of the site and generous general permitted development rights; a condition is recommended removing 'permitted development' rights.
- 4.24 Overall, the layout is considered to be acceptable. The reduced number of units is welcomed as it allows for better design of the site. It is noted that the rear amenity spaces for the units are relatively small for the level of accommodation being provided so a relevant planning condition will be imposed to minimise future additions. The dominance of cars is reduced by the use of parking spaces and garages set back from the main building frontages. All site boundaries have landscaped edges and the fact that the woodland area is being retained and repurposed as public open space represents a significant improvement to the scheme. The road layout is informal and road widths are varied; it is stated in supporting D&AS that these would be shared surface which is welcomed. A central road running north to south is proposed leading from the Lucas Lane junction to the wooded area and countryside beyond.

Design detailing and materials

- 4.25 The supporting Design and Access Statement cites that the proposed dwellings will draw on the existing details from the surrounding area but use modern methods of construction to create comfortable well insulated homes to meet or exceed the latest building regulations standards. The proposed dwellings would be a maximum of two storeys in height to match the predominant scale of buildings in the immediate area. The dwellings are of traditional pitched roof form which reflect the scale and type of the surrounding properties as per the North Hertfordshire Design SPD 2011.
- 4.26 Features which are commonly repeated are creasing tile corbels with clipped gables, projecting bay windows of single and two storey. Creasing tiles are also used as windowsill and window head features and accompanying brick bands and quoins. These are all reassuringly traditional however, it must be pointed out that there is no policy requirement for this to be a traditional nor contemporary scheme and as such the design approach adopted is considered acceptable.
- 4.27 A relatively simple palette of materials would be used – red and red-grey brick and tile and limited use of render. This material choice is welcomed as this approach tends to reinforce the character of a development. The materials would be secured by condition requiring details to be submitted and approved in writing by the Local Planning Authority. Overall the proposed development reflects a high quality of design, which incorporates sustainability measures to help future proof the homes and the choice of materials reflects quality traditional and natural materials where possible in accordance with national and local guidance and Policies SP1 and D1 of the Local Plan.

Standard of proposed accommodation for future occupiers

- 4.28 The applicant has confirmed that the dwellings meet the nationally described space standards and has produced a table to demonstrate. Air Source Heat Pumps will be provided to all homes on the development to deliver a low-carbon source of heating to the properties in compliance with Local Plan Policy D1: Sustainable Design. The proposed houses have private gardens and it is noted that these are all ample in proportion to complement the detached structures.
- 4.29 The buildings have been positioned with the aim to maximise sunlight/daylight areas within gardens, with the principal habitable rooms facing onto private garden space. This arrangement also provides large areas of glazing and doors to access garden spaces with smaller windows to the front of the dwellings which are north facing. Natural light and solar gain to the principal rooms will be maximised with this arrangement. It was noted on the layout plan that Plots 1 and 6 had a less than average back to back separation distance which would have potentially resulted in some mutual overlooking and to an extent a sense of enclosure between the identified dwellings. Following negotiations, it was agreed that the build footprint of Plot 1 would be moved forward towards the highway so a minimum 20 metre separation can be achieved. The amendments have been indicated on drawing number 194632/P01 Rev D. Given this amendment, it is considered that the proposed development would be acceptable and not result in a material loss of privacy to any future residents on site.
- 4.30 In relation to environmental conditions, the area of the proposed development has no major sources of noise in proximity apart from road traffic noise on A505 and Lucas Lane. The development is however expected to comply with standards on sound insulation and noise reduction for buildings. The developer has demonstrated via their noise consultant and the environmental noise survey reports that internal noise standards will be met. Additionally, there are no commercial/industrial units which pose other environmental threats to the amenity of future occupiers of the proposed development. The Environmental Health Officer has raised no objection to the findings of the report and no concerns are raised.

Impacts on the Amenities of Adjoining Properties

- 4.31 The proposed development is adjoined largely by woodland area to the west with Headlands (an existing residential unit) beyond. To the east, there are a row of detached dwellings which are separated from the application site by the unadopted part of Lucas Lane. In respect of the northern boundary, concern has been raised in relation to the proposed two-storey dwellings on plots 7 – 9 backing onto Lavender Fields. Given the distance between the plots and the property to the north, the orientation of the proposed building, intervening vegetation and boundary treatments, it is considered there will be no significant impact on neighbouring residential amenity in accordance with Policy D3 of the Local Plan.
- 4.32 Along the southern boundary is allocated site (HT6) and an indicative layout for that proposal shows that there would be acceptable distances achieved between development on the neighbouring sites. There is also existing vegetation screening some of this boundary and some additional tree planting is proposed. As such, it is

considered that the proposed houses would not result in a material loss of privacy to neighbouring properties or be unduly dominant.

- 4.33 In conclusion, it is considered that the proposed development would not cause unacceptable harm to living conditions of existing and future occupiers of neighbouring properties or the occupiers of the new properties. As such the proposed development would comply with Policy D3 of the Local Plan.

Highways matters

- 4.34 Site specific expectation on highways matters are – ‘Improvements to Grays Lane to provide access to sites HT5 and HT6 whilst maintaining appropriate access to, and integrity and character of, Bridleway Hitchin 004 and Byway Open to All Traffic Hitchin 007;

Paragraph 110 of the NPPF states:

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

- 4.35 The nearest bus stops to the site are located along Offley Road 400m to the south the site with walking distance equating to 800m. Further bus stops are located to the east of the site via West Hill plated as Old Park Road at 700m. The application submission includes a Transport Assessment with Highways Technical Note. The impact on the local highway network is a key local concern and the applicant has provided additional information in response to requests from Highway Authority including junction capacity modelling (Grays Lane / Lucan Lane) and impact of the development on the bridleway.

Access

- 4.36 The proposals include the provision of a new access arrangement off Grays Lane which will be delivered to serve this development application and the adjoining development to the south (land parcels HT5 & HT6 respectively). Prior application discussions between the applicant and Highway Authority emphasised the requirement for the developers of land parcels HT5 & HT6 to deliver a joint access to serve both development sites and to ensure that the users of the existing public right of way (Hitchin Bridleway 004) are accommodated safely within the new access design.
- 4.37 The section of Gray’s Lane which provides vehicular access to the site is at the western end of an unclassified road and designated an L2 Local Access within the HCC Highway Hierarchy. This section of highway is subject to a 30mph speed limit and is a width suitable for two vehicles to pass simultaneously. Footways are located on both sides of Gray’s Lane and link to the existing footway network which leads to the town centre. The section of Gray’s Lane to the north of the site is a Public Bridleway (Hitchin Bridleway 004). Lucas Lane (Hitchin BOAT007) is located to the north of the site. designated an L2 Local Access within the HCC Highway Hierarchy. This section of highway is subject to a 30mph speed limit and is a width suitable for two vehicles to pass simultaneously. Footways are located on both sides of Gray’s Lane and link to the existing footway network which leads to the town centre. The section of Gray’s Lane to the north of the

site is a Public Bridleway (Hitchin Bridleway 004). Lucas Lane (Hitchin BOAT007) is located to the north of the site.

- 4.38 Supporting information shows vehicle access indicated via a priority junction and the extension of Gray's Lane, with the intention to connect into the adjacent allocated site HT6. The Highway Authority are satisfied with the access arrangement, which has been subject to discussion with Rights of Way team as it retains access to the adjacent PRoWs. These access arrangements would be secured by a S278 Agreement directly with HCC Highways Authority and this is highlighted in an appended informative.
- 4.39 In relation to internal arrangement, the proposed site plan includes 2m wide footways leading into the site and 5.5m wide carriageway. The Highway Authority are satisfied with the internal layout. Swept paths of a 12.1m length large refuse collection vehicle have been undertaken and demonstrates refuse collection vehicles can enter and exit the site. It is noted that a 12.1m refuse collection vehicle is longer than any fire appliance used by Herts Fire and Rescue Service and therefore emergency fire service trucks can be accommodated on site. The applicant must be aware that all parts of the proposed highway to the north of Gray's Lane will remain private ownership and not adopted by the Highway Authority.

Car parking provision

- 4.40 The proposals include two (garage) spaces per dwelling plus two spaces in front of the garages. Whilst the HCC Highway Authority would recommend a car-lite development in order to encourage active and public transport, the overall determination of car parking spaces is set by the Local Planning Authority. Policy T2 – Parking Local Plan and the Vehicle Parking at New Developments Supplementary Planning Document ('Parking SPD') set out the minimum parking requirements for this proposal. This outlines that - 2 spaces are required for any dwellings of 2 bedrooms or more. In addition, between 0.25 and 0.75 visitors parking spaces are required per dwelling, with "the higher standard applied where every dwelling in the scheme is to be provided with a garage". In terms of cycle parking/ storage, the Parking SPD requires: "1 secure covered space per dwelling. None if garage or secure area provided within curtilage of dwelling".
- 4.41 The proposals include 2 car parking spaces within integrated garages per dwelling. 2 additional spaces per dwelling are also provided per dwelling on hardstanding in front /sides within building curtilages. In total, there will be 36 car parking spaces with each dwelling having access to a double garage and two on-plot vehicular parking spaces per dwelling. As noted above, cycle parking is not required if garages are provided, as such no additional designated cycle parking areas are proposed. With the provision of driveways for each home alongside garages, each home will be provided with an electric vehicle charging facilities. As such, the parking provision complies with the standards set out in the Local Plan and Parking SPD.
- 4.42 The HCC Highway Authority are satisfied with this level of provision. Electric charging units are not clearly indicated on plans therefore, the details of electric charging would be secured by a planning condition recommended by the Highways Authority.

Assessments and mitigation measures

- 4.43 Junction Assessment - in conjunction with HCC Highways, the agreed capacity assessments have been undertaken at two existing junctions and the new site access in order to determine the cumulative impact of the development proposal and traffic growth on the impact of the existing highway network. It was concluded that traffic furthest from the development will disperse which is not considered to have a severe/material impact.
- 4.44 The Highways Engineer has cited that there has been three collisions of slight severity at the A505/Pirton Road/Upper Tilehouse Street roundabout. It is deduced that following the proposed development, there is the risk that additional trips may impact the safety of the junctions. The Highway Authority has requested sustainable transport contribution for the proposals of the adjacent site - HT6 site – which is considered will represent a suitable mitigation for the proposal for this site (HT5). Additionally, due to concerns over the impact of construction traffic travelling to the site, the Highways Officer has recommended a planning condition requiring a Construction Traffic Management Plan prior to commencement on site.

Summary

- 4.45 Many of the objections received from local residents referred to the impact this proposed development would have on matters of highway capacity and access. It is acknowledged that there are issues of congestion particularly during peak rush hours. However, Hertfordshire County Council Highways Authority have not objected to these proposals, subject to conditions and a package of mitigation measures in conjunction with the adjacent site (HT6) to be secured via legal agreements as outlined above.
- 4.46 The concerns raised by local residents with regard to traffic, highways safety and parking issues are noted. However, in the absence of an objection from the Highway Authority, it is the officer's view that these would not be sustainable reasons to withhold planning permission.

Heritage considerations

- 4.47 The site is not within a conservation area and there are no nationally listed buildings or structures on or close to the site and there is an absence of archaeological remains on the site. The development, however is in an area of archaeological interest. This includes the late 19th century country house of Foxholes, and its 19th century gardens and grounds [Historic Environment Record nos 13218 and 10203], a Roman cemetery comprising several inhumation burials found in the garden of Foxholes [HER 1184], and a 1st and 2nd century Roman sub rectangular ditched enclosure with internal post holes, and boundary ditches to the west and south-west [HER 31555].
- 4.48 HCC Historic Advisor has confirmed that no archaeological finds are recorded from the application site but it is located on similarly high ground, in a favourable topographic location for prehistoric and Roman settlement. Paragraph 203 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be

taken into account in determining a planning application. In weighing applications, a balanced judgement will be required having regard to the scale of any harm/ loss and the and the significance of the heritage asset. The HCC Archaeologist considers that in this instance, the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and should be fully investigated. Subject to a condition requiring further surveys and subsequent appropriate preservation (preservation by record or preservation in situ), the proposed development would be considered acceptable.

Flood risk

- 4.49 Flood risk considerations are a key local concern which is reflected in the Local Plan and the Environment Agency's flood risk mapping. All development must therefore ensure that they do not exacerbate existing issues. Having said that, it also cannot be required that new development address pre-existing problems in the local area. The proposed application site is within Flood Zone 1. There is no increased risk of flooding, with the strategy having been designed to allow for extreme rainfall events of 1 in 100 years plus a 40% allowance for climate change.
- 4.50 The development incorporates permeable paving and cellular attenuation under driveways. The Flood Risk and Drainage Strategy and Drainage Design Plan set out that it is proposed to capture and convey runoff along the boundaries of the site via a swale directing runoff to an existing outfall.
- 4.51 The Lead Local Flood Authority (LLFA) has been consulted on this application. The applicant has demonstrated that surface water runoff can be limited to greenfield rates and would provide benefit to the area. The LLFA have not provided formal comments on the application, it is however noted that the application was triaged by the LLFA Team and was considered to be acceptable on flood risk grounds based on the site constraints and supporting information. Given that the water company and the LLFA have raised no objections, it is the view of Officers that there would not be sustainable reasons to withhold planning permission on the grounds of water-related issues.

Energy and sustainability

- 4.52 The application is supported by an outline Energy and Sustainability Statement. This sets out the strategy to minimise carbon emission and energy during the occupation of the development. This will comprise a (i) fabric first, (ii) energy recovery and (energy efficient services together with (iii) renewable and low carbon technology approach. The fabric first method proposes to minimise heat losses through construction methods. The energy recovery method seeks heating from the most efficient means, passive ventilation, optimal heating controls, maximum insulation and LED lighting. The renewable and low carbon method will seek to utilise the most appropriate technologies for heating purposes. Sustainable drainage systems, the use of green roofs and efficient water technologies are also proposed. Overall, this outline strategy is considered acceptable. A condition requiring specific details of the measures to be adopted for the development is both necessary and reasonable to deliver a sustainable development on the site.

Ecological impact

- 4.53 The site area was previously in agricultural use and majority of the site currently comprises a field of unmanaged, semi-improved neutral grassland. This dominance of coarse grass has rendered the site relatively species poor at an average of about 7–8 species per. On the other hand, there is a blanket tree preservation order on woodland to the north west of the site meaning the impact on trees and biodiversity improvements arising from the development of the site will need to be considered. The application was accompanied by an Ecological Appraisal and further information has been submitted in relation to Ecology and Biodiversity Net Gain (BNG) including a Biodiversity Metric.
- 4.54 Local Plan Policy NE4 requires a 12m buffers and net gain in biodiversity on all sites. The policy also states amongst others that:
“Applicants should, having regard to the status of any affected site(s) or feature(s)...
- d. Integrate appropriate buffers of complimentary habitat for designated sites and other connective features, wildlife habitats, priority habitats and species into the ecological mitigation and design. The appropriateness of any buffers will be considered having regard to the status of the relevant habitat. 12 metres of complimentary habitat should be provided around wildlife sites (locally designated sites and above), trees and hedgerows. It may be necessary to exceed this distance for fragile habitats such as ancient woodland or to provide appropriate root protection for mature trees;”*
- 4.55 The application site is not covered by any statutory wildlife site designation and does not support any ancient woodland other than the woodland noted above. The submitted Ecological Appraisal document however identifies non-statutory designated sites in relative proximity to the site. when taken in isolation, the proposed buffering at this site will be inadequate however, Local Plan policy does in fact note that the provision of 12m buffers should be provided but it is not an absolute requirement of policy. This requirement to implement the 12m buffers has to be regarded with pragmatism as otherwise some of the smaller proposed housing allocation sites in the Local Plan – such as the subject application site - could well be undeliverable. As such, it is considered that the proposed buffers as noted would be sufficient in this instance.
- 4.56 The proposed development takes the opportunity to provide a new high quality communal open space for the development; this would include a small play area, seating and woodland walks. The landscaping of the scheme has evolved through the application process and the landscape strategy includes retention of existing boundary vegetation around the site and enhancements with infill planting. Additional trees and a formal hedge frame are proposed at the entrance to the development and around the site. The hard landscaped areas will be softened by ornamental planting and appropriate ‘soft’ boundary treatments.
- 4.57 HCC Ecology has not commented on the proposal however objections raised by the H&E Wildlife Trust and Herts CPRE are acknowledged. The applicant has sought to address these objections by revising their appraisal documents and submitting a biodiversity metric which is in line with government guidelines. These are considered to

be acceptable in terms of impact on ecology and biodiversity, subject to the recommended condition(s).

Planning Obligations

- 4.58 In considering Planning Obligations relating to this proposed development. The Community Infrastructure Regulations and Paragraph 57 of the Framework set out statutory and policy tests. Paragraph 57 reads as follows:
 “Planning obligations must only be sought where they meet all of the following tests
 a) necessary to make the development acceptable in planning terms;
 b) directly related to the development; and
 c) fairly and reasonably related in scale and kind to the development.”
- 4.59 Local Plan Policy SP7: Infrastructure requirements and developer contributions cites that the Council will require development proposals to make provision for infrastructure that is necessary in order to accommodate additional demands resulting from the development. The Planning Obligations SPD and Developer Contributions SPD are given weight form material consideration in the consideration of this application.
- 4.60 All of the expected contributions for this site (plus indexation linked to BCIS 1Q2020) are listed in the table below.

Project	Contribution and Justification
Primary Education educations (HCC)	£99,374 Towards the expansion of expansion of Oughton Primary School
Secondary Education	£108,097 Towards the expansion of The Priory School
Special Educational Needs and Disabilities (SEND)	£10,962 Towards the new Severe Learning Difficulty (SLD) School (East)

Library Service	£1,049 Towards increasing the capacity of Hitchin Library or its future re-provision
Youth Service	£2,344 Towards increasing the capacity by sourcing a new exclusive or shared use young people's centre serving Hitchin and the surrounding area
Waste Service	£1929 Towards the new Recycling Centre development for Letchworth based in Baldock
Monitoring Fees	£340 Based on the number of triggers within each legal agreement with each distinct trigger point attracting the stated charge.

4.61 All the elements of these financial obligations are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In the light of the detailed evidence, all the elements of the Obligation meet the NPPF and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

4.62 At this stage the planning contribution figures have been agreed by all parties. Discussions are ongoing regarding a Unilateral Agreement and it is considered that discussions are advanced enough to refer this matter to Planning Committee and that any outstanding issues are minor in nature and can be resolved prior to determination.

As such the recommendation is that planning permission should be granted subject to conditions and completion of the unilateral undertaking.

5.0 **Conclusion**

5.1 Paragraph 11 of the NPPF states that: *“Plans and decisions should apply a presumption in favour of sustainable development.” For decision-taking this means:*

11c) approving development proposals that accord with an up-to-date development plan without delay.”

5.2 To conclude, this is an important housing site allocation in the Authority’s adopted Local Plan that will make an important contribution towards meeting identified local housing needs in the Local area. The proposed development would provide 9 dwellings, open space, highways arrangement and associated landscaping in accordance with the Local Plan policy requirements. The balance between built development, open space and landscaping is considered to have been successfully reached. Hertfordshire Country Council has confirmed that traffic generated would be accommodated within the highway network and the controlled surface water discharge rate would ensure no increase in flood risk to or from the development. It is therefore recommended that planning permission should be granted subject to conditions and the prior completion of a unilateral agreement.

6.0 **Alternative Options**

6.1 None applicable

7.0 **Pre-Commencement Conditions**

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

8.0 **Legal Implications**

8.1 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.

9.0 **Recommendation**

9.1 That planning permission be **GRANTED** subject to:

- a. The completion of a satisfactory legal agreement or unilateral undertaking and the applicant agreeing to extend the statutory period in order to complete the agreement if required and;
- b. The following conditions and informatives:

Conditions:

1. Time limit

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. Approved details

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. Approved materials

Prior to commencement of any above ground construction works, full details of the external materials to be used in the facings of all buildings, and including their roofs, shall be submitted to and be approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

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. Access Design

Prior to use, the gradient of the main vehicular access road shall be constructed not be steeper than 1 in 20.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy 5, of Hertfordshire's Local Transport Plan 4.

5. Electric Vehicle Charging Point

Electric Vehicle (EV) Charging Point Prior to the first occupation of the development hereby permitted, each residential dwelling shall be provided with an active (ready to use) EV charging point which shall thereafter be provided and permanently retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Building Regulations Part S and Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

6. Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements

- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Impacts to the public rights of way and diversions if required.

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).

7. Land Contamination Condition

(a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

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

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

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

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

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

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

8. Biodiversity and Landscape Management Plan

Prior to the commencement of any landscaping works, a Biodiversity and Landscape Management Plan (Landscape Ecological Management Plan) which details how the ecological units shown in the approved biodiversity metric will be delivered as the part of the development

shall be submitted to and approved in writing by the Local Planning Authority. It should address the aspirations of NPPF in achieving overall net gain for biodiversity, along with details on how it is planned to incorporate biodiversity as part of the development scheme, how the habitats within the site boundary will be managed to maintain long term biodiversity objectives, and if possible, who will have the management responsibilities. As such the plan shall include the following:

- a) aims and objectives of management;
- b) location, area and species composition of the habitats shown within the approved metric to be retained, enhanced and created; (which may include the area offsite to the north)
- c) appropriate management options for achieving target condition for habitats, as described in the approved metric;
- d) prescriptions for management actions, only definitive measures are acceptable;
- e) preparation of a work schedule capable of being rolled forward in perpetuity), clearly marked on plan; and
- f) ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.
- g) Details of 33 integrated swift boxes, 33 integrated bat boxes (make, model and location), and hedgehog highways.
- h) the body or organisation responsible for implementation of the Plan and monitoring and remedial measures of the Plan. The plan shall be implemented in accordance with the approved details and the programme as approved and the measures shall be maintained and retained thereafter.

Reason: To ensure that the agreed landscaping and biodiversity gains are delivered and maintained in the interests of local biodiversity, ecology and the visual amenity of the site.

9. Drainage

No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall be based on the approved Flood Risk Assessment and Drainage Strategy. The scheme shall also include:

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
2. Provision of half drain down times within 24 hours
3. Provision of above ground features as such permeable paving in areas of hardstanding.
4. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
5. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

10. Energy and sustainability statement

Prior to the commencement of the development, a pre-construction energy and sustainability statement to be submitted to and approved in writing by the LPA. All measures set out shall be implemented in accordance with the approved plans.

Reason: To ensure that the development is energy efficient and minimises energy use.

11. Archaeology WSI

- **A** No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
5. Provision to be made for archive deposition of the analysis and records of the site investigation.
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: To ensure that the appropriate site investigation relating to potential archaeological remains are investigated on this site prior to the implementation of the planning permission.

12. Tree protection

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.

13. Tree protection

Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

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

14. Permitted development rights revocation

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, C, E and F 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 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 at the pre-application stage and 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)

AN1) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN5) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Prior Consent under The Control of Pollution Act 1974

Under Section 61 of COPA 74', developers and their contractors may apply for 'prior consent' for noise-generating activities during construction work. The application must contain the details of the works to be carried out, the methods by which they are to be carried out, and the steps proposed to minimise noise resulting from the works. The Council may also attach conditions to the consent and limit its duration. Applications for prior consent must be received at least 28 days prior to the commencement of works and should be submitted NHDC.

Permitted hours for building work

Construction and demolition works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

Notification to neighbours of demolition/ building works

At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

Dust

Best Practicable Means (BPM) should be used in controlling dust emissions, in accordance with the Supplementary Planning Guidance on The Control of Dust and Emissions from Construction and Demolition.

Dark smoke and nuisance

No waste materials should be burnt on site of the development hereby approved.

Noise and Vibration from demolition, piling, concrete crushing, drilling, excavating, etc.
Best Practicable Means (BPM) should be used, including low vibration methods and silenced equipment and machinery, in accordance with the Approved Codes of Practice of BS5228:2009 for noise and vibration control on construction and open sites.







Appendices

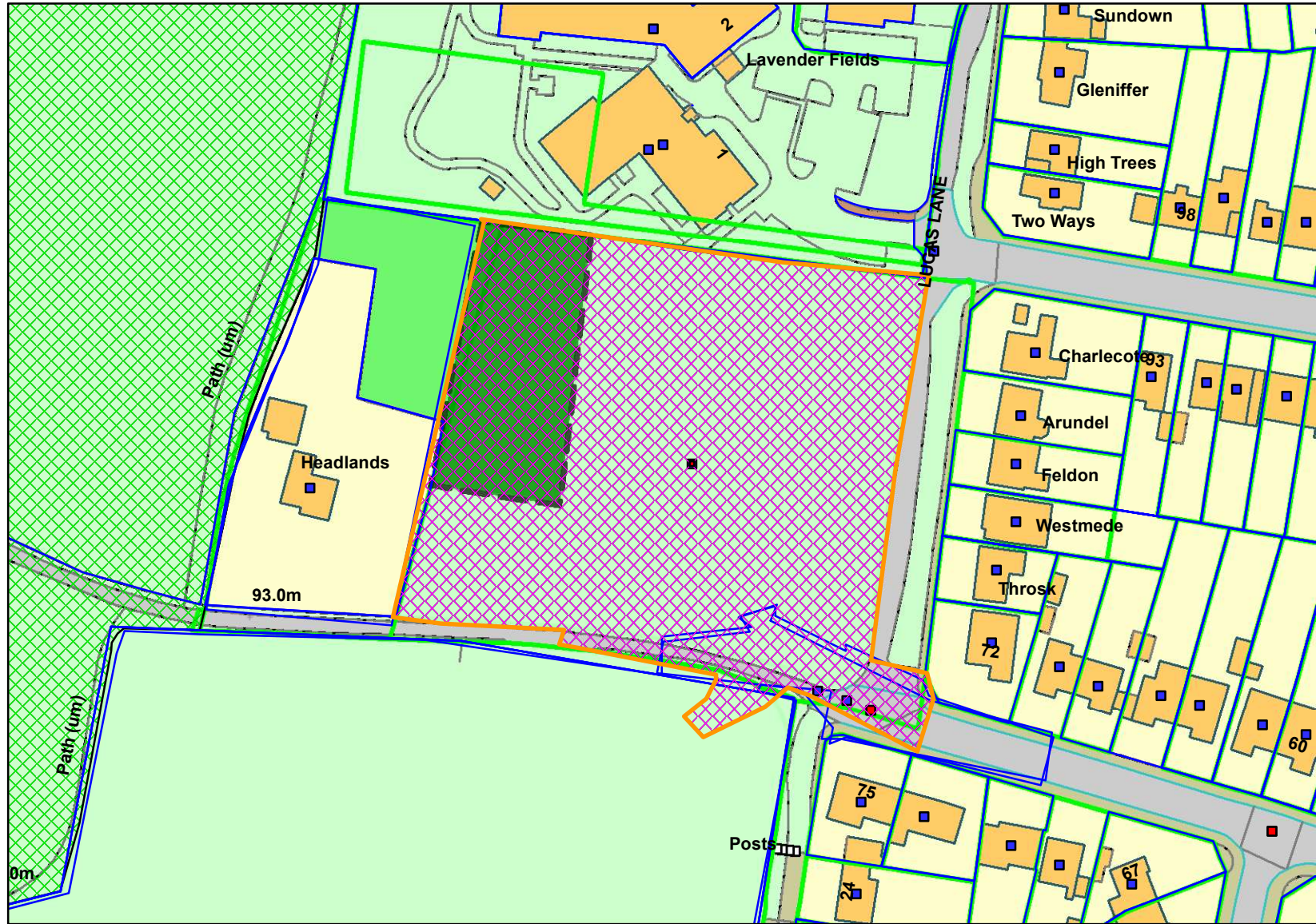
None

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

22/00516/FP Land to the West of Lucas Land and East of Headlands, Grays Lane, Hitchin, Hertfordshire, SG5 2HR

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



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PLANNING CONTROL COMMITTEE

DATE: 15 June 2023

PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Alex Farr	28 March 2023	Erection of one 2-bed detached dwelling including widening of existing vehicular access (as a resubmission of planning application 21/02890/FP refused on 10.12.2021)	1 Caldecote Road Newnham Baldock SG7 5JZ	22/00606/FP	Written Representations
Mr Andy Bartlett	29 March 2023	Erection of a detached one 3-bed dwelling and erection of detached workshop/shed following demolition of existing workshop/shed on adjacent owned land	Land Between Cherry Holt And 2 Caldecote Road Newnham	22/00346/FP	Written Representations
MBNL	25 April 2023	Replace existing monopoles and installation of one additional monopole and cabinets.	Telecommunication Masts Near Priory Lane Royston SG8 9JT	22/02547/TD	Written Representations
Hurstcourt Investments Limited	4 May 2023	Erection of one 3-bed and one 2-bed bungalows including associated car parking.	Land To The Rear Of 23 Conquest Close Hitchin	21/00354/FP	Written Representations
Mr and Mrs Cordell	16 May 2023	Erection of one detached 4-bed dwelling including new vehicular access, garage, parking and landscaping (as amended by plans received 9th August 2022).	Land Adjacent To Red Brick Cottage The Street Kelshall Royston SG8 9SQ	22/01229/FP	Written Representations

Mr Staddon & Ms Orman	17 May 2023	Development A: Single storey rear extension following demolition of existing rear extension and three rooflights to front roofslope. Development B: Rear roof extension above existing bathroom to create ensuite at second floor level. Insertion of dormer window to the rear to facilitate loft conversion.	72 Lancaster Road Hitchin Hertfordshire SG5 1PE	22/01727/FPH	Written Representations
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PLANNING CONTROL COMMITTEE

DATE: 15 June 2023

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Colin & Linda Gore	Erection of one detached 4-bed dwelling including creation of vehicular access off Priors Hill following demolition of existing water tower.	Pirton Water Tower Priors Hill Pirton Hertfordshire	21/03134/FP	Appeal Dismissed On 24 March 2023	Delegated	The Inspector concluded that The National Planning Policy Framework advises at paragraph 176 that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection. The appeal proposal would not conserve or enhance the special character of the AONB and would conflict with Local Plan policies NE3 (The Chilterns Area of Outstanding Natural Beauty) and CGB1 (Rural areas beyond the Green Belt), policies of the Pirton Neighbourhood Plan and the Chilterns AONB Management Plan 2019- 2024.
Mr S Allan	Extensions and alterations to existing building and change of use to residential to form 3no. 3 bed dwellings; erection of 1no. detached 4 bed dwelling with detached garage; and associated residential	Lakewood Rushden Road Sandon Buntingford Hertfordshire SG9 0QR	20/01946/FP	Appeal Dismissed On 04 April 2023	Delegated	The Inspector stated that the proposal would fail to preserve the special interest, including setting, of the Grade II listed building and the character and appearance of the site and its surroundings. Hence, the appeal scheme would fail to satisfy the requirements of the Act,

	curtilages and parking provision.					paragraphs 197, 199, and 200 of the Framework and conflict with the heritage aims of Local Plan Policy HE1 (Designated heritage assets).
Mr S Allan	Extensions and alterations (including some demolition) to existing building to facilitate conversion to 3no. 3 bed dwellings.	Lakewood Rushden Road Sandon Buntingford Hertfordshire SG9 0QR	20/02206/LBC	Appeal Dismissed On 04 April 2023	Delegated	See Above
Mr & Mrs Jas Lidder	First floor rear extension.	16 Bearton Green Hitchin Hertfordshire SG5 1UG	22/03061/FPH	Appeal Allowed On 13 April 2023	Delegated	<p>The Inspector concluded that the proposed rear extension and loft conversion would have no materially detrimental effect on the character or appearance of the host dwelling, its semi-detached pair or the surrounding area. In consequence, it would comply with Policies D1(Sustainable design) and D2 (House extensions, replacement dwellings and outbuildings) of the Local Plan and the National Planning Policy Framework (NPPF).</p> <p>The Inspector also concluded that the proposed extensions would have no materially harmful effect on the living conditions of neighbouring occupiers with respect to privacy or overlooking. In consequence, it would comply with Local Plan Policy D3 (Protecting living conditions) and the NPPF which, taken together and amongst other things, expect extensions to dwellings to provide a</p>

						high standard of amenity for existing and future users such that they do not cause unacceptable harm to living conditions.
Mr J Swain	Development A - Single storey rear and side extensions, replacement chimney and rear and side patio area with replacement windows and doors Development B- Formation of vehicular crossover and associated parking space to the front of the dwelling as amended by plans received on 4 February 2022.	45 Longmead Letchworth Garden City Hertfordshire SG6 4HP	21/03418/FPH	Appeal Allowed On 05 May 2023	Delegated	The Inspector concluded that the single storey rear and side extensions, replacement chimney, front parking area and rear patio area, replacement windows and doors and new front cross-over would not result in harm to highway and pedestrian safety. The proposal complies with Policy T1 (Assessment of transport matters) of the Local Plan, Policy 5 of the Local Transport Plan 4 2018 (LTP), and guidance within the RDKTC and the National Planning Policy Framework (the Framework). Collectively, these policies and guidance documents seek to ensure development access arrangements are safe and would not result in an unacceptable impact on highway safety.
Mr Stephen Hamid	Erection of detached double garage	15 Oakfields Road Knebworth Hertfordshire SG3 6NS	22/01036/FPH	Appeal Dismissed On 15 May 2023	Delegated	The Inspector concluded that the proposal would have a harmful impact on the character and appearance of the area and would conflict with Policy D2 (House extensions, replacement dwellings and outbuildings)) of the Local Plan and Policy KBBE4 of the Knebworth Neighbourhood Plan 2019-2031, March 2022, which amongst other things seek to ensure that a

						proposal respects local character and does not have an adverse impact on the character and appearance of the street scene or area. The proposal would also conflict with the National Planning Policy Framework which seeks to ensure that development is sympathetic to local character.
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Appeal Decision

Site visit made on 14 March 2023

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/X1925/W/22/3301143

Pirton Water Tower, Priors Hill, Pirton SG5 3QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Colin and Linda Gore against the decision of North Hertfordshire District Council.
 - The application Ref 21/03134/FP, dated 5 November 2021, was refused by notice dated 9 May 2022.
 - The development proposed is demolition of water tower and erection of dwelling.
-

Preliminary matter

1. The North Hertfordshire Local Plan 2011-2031 (LP) was adopted on 8 November 2022. Policies of the LP replace the saved policies of the 2007 Local Plan referred to in the reasons for refusal. The parties provided submissions on this matter and I have taken these into account.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular reference to the Chilterns Area of Outstanding Natural Beauty (AONB).

Reasons

4. Pirton Water Tower consists of a tall, braced steel structure with a steel panelled tank, characteristic of other similar 'Braithwaite' structures erected in the 1930s. It lies on an area of higher ground on the south-western edge of the village of Pirton and within the AONB. It is visually isolated from the settlement by virtue of its siting and elevation and is surrounded by open fields on 3 sides, one of which lies on the other side of Priors Hill (the Hitchin Road) and is the site of a Scheduled Monument¹. It is starkly visible in the landscape from all directions and is a prominent feature seen particularly from a broad expanse of open countryside to the west within the AONB. It is also conspicuous seen from countryside to the north across a shallow valley.
5. The site lies outside the development boundary of the village in an area designated in LP policy CGB1 as the Rural Area beyond the Green Belt. The proposed scheme consists of a substantial 4 bed 2 storey dwelling with rooms in the roof together

¹ Anglo-Saxon settlement and probable prehistoric ring ditches

- with a detached garage. It would not fall within any of the typologies set out in CGB1 that indicate development would be acceptable on this site.
6. Turning to character and appearance, whilst the proposed scheme would be lower than the water tower and could be surrounded by a vegetation screen, it would nevertheless be a prominent new built feature on the edge of the village. There is little in the Planning Statement to indicate how the scheme has been designed to be sensitive to its location. The proposed design of the dwelling, although said to be in accordance with advice in the Chilterns Building Design Guide referenced in LP policy NE3, reflects the unremarkable character of much contemporary suburban built development rather than the special quality of the landscape that the policy seeks to conserve and enhance. The scheme represents insensitive development at the edge of the settlement which would interfere with and obstruct appreciation of views from Priors Hill towards the AONB. Moreover, whilst the tower is man-made and its removal would benefit the natural beauty of the AONB, the harm caused is insignificant compared with that which would result from the appeal scheme.
 7. In considering this matter I have had regard to two of the ten characteristics of a well-designed place set out in the National Design Guide. It has not been demonstrated how the scheme would enhance the surroundings or be attractive and distinctive.
 8. Although bulky at high level, the utilitarian water tower has a slender permeable structure which allows views through. It is not a structure which is particularly unusual in the countryside, as noted by Historic England when considering statutory listing. Its functional appearance is quite different to that of a dwelling.
 9. The house would appear incongruous seen from popular public rights of way within the AONB on higher ground to the south west including the Icknield Way Trail and the Chiltern Way. It would appear quite out of keeping seen from a wide radius within this part of the AONB, including locally important views identified in the Pirton Neighbourhood Plan.
 10. The adoption of the LP means that the District can now demonstrate a 5 year supply of housing land and the provision of a single dwelling on a 'brownfield' site carries only limited weight. There are no other material considerations that weigh in favour. A recently built housing scheme at Saxon Rise is not directly opposite the appeal site and lies within the village development boundary defined in the Pirton Neighbourhood Plan 2011-2031, made in April 2018. It is not seen in the immediate context of the appeal site and does not provide a precedent.

Conclusion

11. The National Planning Policy Framework advises at paragraph 176 that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection. The appeal proposal would not conserve or enhance the special character of the AONB and would conflict with LP policies NE3 and CGB1, policies of the Pirton Neighbourhood Plan and the Chilterns AONB Management Plan 2019-2024.
12. For the all the above reasons, the appeal must be dismissed.

Paul Jackson

INSPECTOR



Appeal Decisions

Site visit made on 7 March 2023

by **Paul Thompson DipTRP MAUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 April 2023

Appeal A: APP/X1925/W/21/3284061

Lakewood, Rushden Road, Sandon, Buntingford, Hertfordshire SG9 0QR

- 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 B Byrne (Stallan Sandon Ltd) against the decision of North Hertfordshire District Council.
 - The application Ref 20/01946/FP, dated 28 August 2020, was refused by notice dated 24 May 2021.
 - The development proposed is extensions and alterations to existing building and change of use to residential to form 3no. 3 bed dwellings; erection of 1no. detached 4 bed dwelling with detached garage; and associated residential curtilages and parking provision.
-

Appeal B: APP/X1925/Y/21/3284062

Lakewood, Rushden Road, Sandon, Buntingford, Hertfordshire SG9 0QR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by S Allan (Stallan Sandon Ltd) against the decision of North Hertfordshire District Council.
 - The application Ref 20/02206/LBC, dated 30 September 2020, was refused by notice dated 24 May 2021.
 - The works proposed are extensions and alterations to existing building, including some demolition and change of use to residential to form 3no. 3 bed dwellings.
-

Decision

1. Appeals A and B are dismissed.

Procedural Matters

2. I have taken the site address from the Decision Notices and Appeal Forms, as this more accurately reflects its location.
3. The Procedural Guide Planning Appeals – England states that *only the person who made the planning application can make an appeal*. In this case, the appeals were lodged by one of the original applicants but in conjunction with a different company name. As an appeal cannot technically be transferred to another person, it must continue in the original names of the applicants, so I have considered the appeals on this basis.
4. The two appeals concern similar schemes. I have therefore dealt with both appeals together in my reasoning.
5. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). I have had regard to the Framework in my decision and I am

satisfied that this has not prejudiced any party, particularly as the revisions do not alter the policies upon which this appeal turns.

6. Appeal decisions must be based on the policies from the development plan prevailing at the time of determination and the North Hertfordshire Local Plan 2011-2031 (LP) was adopted on Tuesday 8 November 2022. The Council has suggested LP Policy HE1, which replaces the emerging version referred to on the Decision Notices, is the policy relevant to the determination of the appeals. The appellants are aware of the policy and have had the opportunity to comment upon its relevance to the appeals.

Main Issues

7. The main issue is whether the proposal would preserve the special interest of the Grade II listed building, known as 'Lakewood', including its setting, and its effect on the character and appearance of the site and its surroundings.

Reasons

Special Interest, Setting and Surroundings

8. The appeal site concerns Lakewood, its gardens and other associated land and buildings. It is a Grade II listed single-storey, timber-framed, building arranged to a lobby-entry plan in three bays, with rooms to its attic served by gabled dormer windows positioned symmetrically on both roof slopes. The timber frame is exposed throughout, including in attic rooms.
9. Lakewood is likely of 17th Century or earlier origin, but has been subject to alterations and extensions. Moreover, the appeals are supported by a Heritage Statement (HS), which includes a chronology dating the extension to its north to the 19th Century. An 18th Century former barn, the Saddlery, is arranged perpendicular to it and this too has been significantly extended and altered to all sides, mostly in the 20th Century. It is linked to Lakewood via extensions to both buildings. The Saddlery forms part of the listed building by virtue of its origin and relationship with it, as outlined in Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
10. The proportions and appearance of the 20th extensions north, east, and south of the Saddlery are largely insensitive, crude, and jar with the exterior of both buildings. They also conceal some of the front façade of Lakewood and the roof form of the Saddlery, with extensions up to its eaves on the north side and on both roof slopes. While these have a negative effect on the special interest and setting of the listed building, they do not affect appreciation of symmetry of the roof of Lakewood, its historic lobby entry and 3-bay floor plan, or interaction with gardens to its south, east, and west. The gables to either end of the listed building and its eaves, verge and roof form are apparent, and their undulations add to its charm and character.
11. Up until 2015, both buildings were used by the Sandon Saddlery Company but have been vacant since. Since 2012, Lakewood has also been included on the Council's Buildings at Risk Register, as a Category 3 'At Risk' building.
12. The appeals also include a Structural Inspection report, which identifies Lakewood as being in generally poor condition, with most parts of the building affected in one form or another. These include structural issues and damp affecting the walls and their coverings internally and externally and its fabric

throughout. The presence of vegetation, the absence of foundations and the soil composition of the ground beneath the building are all reasons identified for movement of the building.

13. Despite alterations to it and its current condition, as far as it is relevant to the appeals before me, the special interest of Lakewood lies in its architectural and historic interest, as a 17th Century former domestic property of a modest scale, with rooms arranged in three bays on a lobby-entry plan, and with a timber frame. In particular, the plan form helps to demonstrate how the building has been used, including any changes in the size or occupation of the rooms within the building to reflect the needs of society at that time. Lakewood also draws interest from its connection with the Saddlery.
14. I am mindful of the definition of 'setting' in the Framework as being the surroundings in which a heritage asset is experienced. The garden south and east of Lakewood provides an intimate area enclosed by planting, undeveloped qualities of which provide a verdant backdrop to the building and a transition to the agricultural fields beyond. While there was a building sited in front of Lakewood up until the mid-19th Century, the garden south and west has been in situ since and makes a similar contribution, providing a planted foreground separating the property from the road. These features ensure Lakewood maintains a prominent position within Sandon and contribute positively to its setting, which in turn contributes to its understanding and special interest.
15. The arrangement of streets in Sandon is very conspicuous, as the principal routes in the village are arranged in a triangle, with houses arranged in a linear manner with predominantly landscape frontages to the streets. The spacious and contained backdrop of the site and its open and undeveloped qualities make a positive contribution to the character and appearance of the site and its surroundings, not least to the transition from built development to the open agricultural fields that envelope the village, including to its south.

Effect of the Proposal

Works and Development to Lakewood

16. The effect of the removal of walls, which are of special interest, is before me, as they form part of the proposal shown on the application drawings. These show the removal of the entirety of the east and west walls within the central bay, and part of the wall between the north bay and 19th Century extension. The west wall would be repositioned to widen the hallway at ground floor, which would reduce the depth of the existing room in the central bay.
17. There would be limited traces of the positions of existing walls within the building to evidence alterations to the proportions and configuration of rooms. Instead, an open plan form would be introduced that would be inconsistent with the humble origins of Lakewood. The expansion of the hallway at ground floor would also lead to the fireplace and hearth being positioned illogically in the corner, rather than at the centre, of what would remain of the central bay.
18. The retention of walls in their current and/or historic positions may be an inconvenience to the appellants regarding the layout and subdivision of internal spaces of the building. However, the proposal would disturb the historic floor plan of the building, particularly the proportions of rooms and the alignment of

walls within the lobby entry and three-bay layout. This would be harmful to the legibility and understanding of the listed building.

19. The HS states that only features that cannot be understood to make a contribution toward overall significance or special interest are to be removed, but there is no assessment of the contribution made to special interest by those elements of the timber frame within the northern and central bays that would be removed. Moreover, a vertical timber post and scroll forming part of the wall between the north bay and 19th Century extension appear to constitute elements of the historic timber frame. The significant extent of historic fabric that would need to be removed through enlargement of existing rooms is therefore not sufficiently justified and would be harmful to the special interest of the listed building.
20. Extent of works to be undertaken to the building is also unclear due to the amount of detail within the submissions, including how existing floor joists and beams within each bay would be supported in the scheme, given the removal of walls, and how the walls and roof of building, amongst other things, would be made good.
21. The simple external detailing of the proposed extension would be clearly distinguishable from the existing fabric of Lakewood, and it would be set below its ridge and only occupy a small extent of its garden. Nevertheless, it would be of considerable scale and length to the east of the listed building and protrude above the remaining dormers. This would disrupt the pleasant form, scale, and symmetry of the roof of the property, that is implicitly a strong defining characteristic of its appearance. Similarly, the proportions of the proposed fenestration would fail to have regard to the form and dimensions of existing openings. The extension would therefore stand out as a poorly conceived addition that would noticeably increase the modest scale of the listed building.
22. I am mindful the Act only requires preservation of a listed building, enhancing existing windows is not a necessity, but could amount to a heritage benefit were it to be offered, which does not appear to be the case.

Works and Development to the Saddlery

23. The proposed two-storey and single-storey extensions to the north of the Saddlery would replace an existing single storey and box dormer extensions. They would remain set back slightly behind the gabled structure to the western end of the building. The north eaves of the two-storey range perpendicular to Lakewood would also be uncovered. However, the two-storey addition would amount to a considerable break of the eaves line of the building and its scale would compete with and detract from the existing L-plan arrangement of the two-storey parts of this building. The appearance and form of flat roofs of the single-storey extensions to the north would also be poorly conceived and fail to reflect the characteristics of roof forms found on Lakewood and the Saddlery. Furthermore, having regard to the internal layout of the proposed extensions, the fenestration would be poorly balanced with the composition of the north façade, as the eastern flank wall of the proposed gable would float above a set of double doors beneath.
24. Although the existing single-storey projection south of the Saddlery would be replaced with lower porch, it would be poorly animated, with a more solid appearance in contrast to the lightweight construction of the existing partly

glazed structure. It would therefore have a similar effect in detracting from the foreground setting of Lakewood.

25. Conversely, the removal of the other existing extensions and outbuildings to the south and east of the Saddlery and its external fire escape and staircase would help to better reveal the historic fabric and layout of Lakewood and the Saddlery. These alterations would therefore amount to heritage benefits as improvements to the listed building and its setting.

Proposed New-Build Dwelling

26. The new-build dwelling to the east of the listed building is likely to be conspicuous through planting at the boundaries of the site when viewed from adjoining land, the public footpaths south and east, and from the garden designated to Lakewood. It would therefore erode its undeveloped qualities, and the space it provides around the property and to the transition to the countryside beyond.
27. This proposed dwelling would incorporate dormer windows like Lakewood and be constructed using a complementary palette of materials, including red brick and clay tiles. It would also incorporate a full-height glazed feature to its front façade, described by the Council as a 'midstrey'. While this would face Lakewood and not be characteristic of its appearance, the dwellings in Sandon close to the listed building are of varying design and appearance. Despite these factors and the proposed dwelling being set away behind the listed building and designed to reduce its scale, it would be taller and its span considerably greater than Lakewood and the Saddlery. Accordingly, it would appear of such scale that it would compete with and enclose the listed building to a harmful extent.
28. I appreciate that planting could be added around the property to reduce its prominence, and this could be secured by planning condition, but this would be unlikely to have matured enough in its initial years of development to soften the visual effect of the physical presence of the proposal in its sensitive location. In any event, I am also mindful that planting is ephemeral, subject to seasonal change, and it would take some time for any tree coverage to reflect the verdant backdrop provided by existing planting. Similarly, historic mapping in the HS shows there was some form of division from Lakewood's south gable to land south of it, which included the pond in situ. The proposal is to subdivide the garden in a similar manner, but this would amount to a minor contributing factor to the presence of built development behind the listed building.
29. The reduction of space around Lakewood and the presence of the proposal to its rear would therefore be harmful to its setting and the character and appearance of the site and its surroundings.

Vehicle Parking and Refuse Storage

30. The white lines demarcating spaces to the south of the Saddlery, at its frontage with Rushden Road, indicate there would have been vehicles parked forward of Lakewood. However, as evidenced on the historic maps in the HS, the area immediately in front of the listed building has remained open and undeveloped for a considerable period. While it includes some hard surfacing, it is generally grassed and features plants, trees, and hedgerows.
31. The proposal would include six parking spaces, and access thereto, in the foreground of the listed building. This would amount to a large area of hard

surfacing within the important open and undeveloped frontage of Lakewood. This impact would be exacerbated when vehicles are stationed in the parking spaces, as they would be significantly prominent and detracting elements within the generally soft landscaped setting of the building. The proposal includes a scheme of landscaping, including tree planting in the foreground of the parking. Although this would soften the appearance of the parking from views beyond the site, it would still be a prominent and harmful feature visible within the grounds of Lakewood.

32. The rear garden for the proposed dwelling within Plot 2 would not have direct access to the existing or proposed access arrangements for the site, but it would be possible to design and arrange a small, enclosed bin storage area or structure within the site that would have a limited effect on the setting of the listed building. Access would be possible to the rear gardens of the other properties, including the listed building, so areas that would be likely for the storage of other bins could also be agreed by condition to ensure that they would not be prominent within the setting of the listed building. Adequate controls could also be put in place to ensure bins are stored correctly.
33. Despite my findings in relation to the refuse storage, the arrangements for vehicle parking would have a significantly detrimental effect on the setting of the listed building.

Public Benefits and Conclusions on the Main Issue

34. The statutory duties in Sections 16(2) and 66(1) of the Act are matters of considerable importance and weight, as are the content of Paragraphs 197, 199 and 200 of the Framework.
35. As outlined above, all aspects of the proposal, except for storage of refuse bins, would be harmful to the special interest and/or the setting of the Grade II listed building. This would have a negative effect on its significance as a designated heritage asset which, in my view, would equate to less than substantial harm to its significance. In such circumstances, paragraph 202 of the Framework and LP Policy HE1 both identify this harm should be weighed against public benefits of proposals.

Heritage Benefits

36. The Structural Inspection report recommends Lakewood should be demolished and rebuilt, but the appellants' proposal is to retain the listed building and remedy ongoing problems to remove it from the Council's Buildings at Risk Register. However, other than what is shown on the application drawings, which amount to harm to the building, there is scant detail before me as to the majority of any other works that would be required to safeguard the long-term future of the listed building. Accordingly, I am only able to afford these benefits negligible weight, as their extent is unknown and not convincing justified.
37. It is only to be expected that owners of listed buildings should maintain the built fabric of their properties to reasonable standards, so I find the appellants' assertion that the building has been subject to unavoidable degradation somewhat troubling. With this duty of care in mind, I afford negligible weight to arguments that further degradation is inevitable without the proposal.

38. I have outlined above that demolition of existing extensions to the Saddlery and removal of its fire escape and staircase would all amount to heritage benefits, which I afford moderate weight.

Other Benefits

39. The adoption of the Council's new Local Plan means that it is now able to demonstrate five-years supply of deliverable housing land, but I acknowledge the important contribution that would be made to the supply of housing by this small windfall site, particularly as it could be built-out relatively quickly. The proposed new dwelling would also be constructed to high environmental standards and in accordance with Lifetime Homes, so would add to the choice of homes available within the district. The proposal would be situated in a location from which local services and facilities can be accessed by future occupiers, so they would help to support the vitality and viability of the local economy. There would also be a choice of transport modes for future occupiers, other than private motorised vehicles. Nevertheless, given the scale of the proposal, these social, environmental and economic benefits would each only be afforded limited weight.
40. The site forms a crucial part of the setting of the listed building, so it could not be said to be significantly under-used. Furthermore, I note that the Framework is clear that making efficient use of land should include taking into account the desirability of maintaining an area's prevailing character and the importance of securing well-designed, attractive and healthy places. I therefore afford limited weight to the potentially more effective use of the site.
41. There would be short-term benefits to the local and wider economy from employment associated with construction works and the procurement of materials but, given the magnitude of the proposed schemes, they would be afforded limited weight.
42. I appreciate that the proposal could remedy the overgrown appearance of the site, but this could be achieved in its absence or other built development, so I afford this benefit negligible weight.
43. The proposal would not result in harm to living conditions of existing and future occupants of the site, or those living nearby, and it would not be at risk of flooding. The appellants have also demonstrated that there would not be harm to protected species. These matters therefore constitute absences of harm and neither weigh in favour nor against the appeal scheme.
44. The appellants suggest the extension is necessary, but there is no substantive evidence before me to demonstrate the appeal scheme is the only way to secure retention of the heritage asset or its optimum viable use in order to safeguard its long-term conservation, without harming its special interest.
45. Taking the above together, while collectively there would be several benefits of moderate and limited weight associated with the proposal, the harm that would be caused to the special interest of Lakewood, including its setting, by allowing it would be of greater significance. Moreover, in accordance with paragraphs 199 and 202 of the Framework, considered together, I conclude that the stated benefits do not outweigh the great weight given to the less than substantial harm I have identified.

46. In light of the above, I conclude that the proposal would fail to preserve the special interest, including setting, of the Grade II listed building and the character and appearance of the site and its surroundings. Hence, the appeal scheme would fail to satisfy the requirements of the Act, paragraphs 197, 199, and 200 of the Framework and conflict with the heritage aims of LP Policy HE1.

Other Matters

47. The appellant has referred to the conduct of the Council in the determination of the applications, including its justification of the harm associated with the proposal and understanding of legislation. These are primarily not matters for me to contemplate and I have considered the individual merits of the appeal scheme in relation to the relevant policies and evidence before me.

Conclusion

48. The proposal would not comply with development plan policy in respect of its effect on the special interest of the listed building, including its setting, and the character and appearance of the site and its surroundings. This leads me to an overall conclusion that the appeal scheme would not accord with the LP, when considered as a whole, and I find the adverse impacts of the proposal are matters of great weight against its approval, that outweigh the stated benefits. Furthermore, there are no other considerations, including provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that both appeals should be dismissed.

Paul Thompson

INSPECTOR



Appeal Decision

Site visit made on 4 April 2023

by **S Pearce BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 May 2023

Appeal Ref: APP/X1925/W/22/3303249

45 Longmead, Letchworth Garden City, Hertfordshire SG6 4HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Jason Swain against the decision of North Hertfordshire District Council.
 - The application Ref 21/03418/FPH, dated 14 February 2022, was refused by notice dated 28 March 2022.
 - The development proposed is a single storey rear and side extensions, replacement chimney, front parking area and rear patio area, replacement windows and doors and new front cross-over.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear and side extensions, replacement chimney, front parking area and rear patio area, replacement windows and doors and new front cross-over at 45 Longmead, Letchworth Garden City, Hertfordshire SG6 4HP in accordance with the terms of the application, Ref 21/03418/FPH, dated 14 February 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; Site Plan Rev A; Front Garden Plan Rev A; Ground Floor Plan Proposed drawing no. 12821/05 Rev C; Roof Plan Proposed drawing no. 12821/06 Rev C; Rear and Front Elevations Proposed drawing no. 12821/07 Rev C; and, Right and Left Elevations Proposed drawing no. 12821/08 Rev E.
 - 3) The raised rear patio area shall not be brought into use until obscure screening panels to a height of 1.7m have been installed to the south east and north west sides of the patio area. The obscure screening panels shall be retained at all times thereafter.

Preliminary Matters

2. The Council issued a split decision for the development proposed as part of this appeal. Section 79(1)(b) of the Town and Country Planning Act 1990 (the Act), allows the Secretary of State, on appeal under Section 78 of the Act, to deal with the application as if it had been made to them in the first instance. I have therefore considered the development applied for as a whole as part of my decision.

3. The Council amended the description of the development, from that in the planning application form, to Development A: Single storey rear and side extensions, replacement chimney and rear and side patio area with replacement windows and doors; and, Development B: Formation of vehicular crossover and associated parking space to the front of the dwelling. As I have considered the development as a whole, I have determined the appeal on the basis of the description used by the appellant on the planning application form.
4. Based on my observations during my site visit, the element of the proposed development referred to by the Council as 'Development A' had commenced and appeared largely complete. I have considered the appeal based on the development applied for and the plans submitted with it.
5. When forming the main issue within this appeal, I have had regard to the reason for refusal given by the Council in the decision notice.
6. The decision notice refers to policies set out in the emerging plan. Since the decision was issued by the Council, the North Hertfordshire Local Plan 2011-2031 (LP) has been adopted. Therefore, the North Hertfordshire District Local Plan No 2 with Alterations April 1996 (saved policies under the Planning & Compulsory Purchase Act 2004 Written Statement September 2007) no longer forms part of the development plan. I have not therefore had regard to saved Policy 55 of the superseded plan in reaching my decision and have taken account of the policies set out in the LP adopted on 8 November 2022.

Main Issue

7. The main issue is the effect of the development on highway and pedestrian safety.

Reasons

8. Longmead is an unclassified road, with a 30mph speed limit, located within a predominately residential area. I observed low vehicle and pedestrian movements and low vehicle speeds along Longmead during my site visit. I appreciate that the road conditions I experienced were only a snapshot of the road at this particular time. I have had regard to evidence submitted as part of this appeal, including comments from a third party which indicate the road is increasingly utilised as a 'cut through' and the Highway Authority comments which state that Longmead has no recorded accident history in the past five years. I am therefore satisfied that the conditions I observed largely represent typical conditions.
9. Hertfordshire County Council Environment and Infrastructure Department Residential Dropped Kerbs Terms and Conditions guidance document (RDKTC) requires any additional crossover to have provision for vehicles to enter and leave the site in a forward gear. The RDKTC cites the reason for this requirement is that it is safer to drive off a property in a forward gear. The proposed development includes a second crossover, to provide access to a single parking space. There is no provision shown on the submitted plans which would allow vehicles to enter and leave the site in a forward gear. The proposed second crossover does not therefore comply with the guidance contained within the RDKTC. However, I note that the RDKTC states its primary consideration is highway safety.

10. During my site visit I observed that the majority of properties along Longmead, and the surrounding streets, have off-street parking provision, typically in the form of a single access point. The majority of the off-street parking spaces I observed did not have provision for vehicles to enter and leave the site in a forward gear. I therefore consider that it is common for vehicles to either reverse on or off each driveway along Longmead. I did observe that no. 22 Longmead had two crossovers, neither of which allowed for cars to enter or leave in a forward gear. I have limited information before me relating to the provision of the second crossover and, as such, this is a matter of limited weight.
11. The submitted plans show the number of bedrooms serving no. 45 are to be reduced from 3 to 2. I note that the Highway Authority have confirmed that as the proposed development does not provide any additional bedrooms, it is unlikely to generate a significant number of additional vehicle trips. Based on the evidence before me, I have no reason to disagree with the Highway Authority's assessment regarding movements to and from the site.
12. Having regards to the above, there is no evidence before me that demonstrates that the proposed second crossover would result in an unacceptable impact on highway safety, particularly as vehicle movements to and from the site are unlikely to significantly increase as a result of the proposed development. Whilst the proposal conflicts with the specific guidance contained in the RDKTC, it does not conflict with its primary consideration with regards to highway safety.
13. I note that the Highway Authority highlight that the proposed new crossover is unlikely to be approved and as a result the parking layout is therefore unacceptable. The approval of any such crossover is a separate matter from the application for planning permission.
14. For the above reasons, I conclude that the single storey rear and side extensions, replacement chimney, front parking area and rear patio area, replacement windows and doors and new front cross-over would not result in harm to highway and pedestrian safety. The proposal complies with Policy T1 of the LP, Policy 5 of the Local Transport Plan 4 2018 (LTP), and guidance within the RDKTC and the National Planning Policy Framework (the Framework). Collectively, these policies and guidance documents seek to ensure development access arrangements are safe and would not result in an unacceptable impact on highway safety.
15. The Council have referred to Policies SP9 and T2 of the LP and Policies 1 and 7 of the LTP within their reason for refusal. These policies seek, amongst other things, to ensure that development is well designed and responds positively to its local context, provide minimum parking provision, promote transport user hierarchy and promote active travel. As these policies do not refer to highway safety, they are not relevant to this matter.

Other Matters

16. I have also had regard to the element of the proposed development, referred to as 'Development A' by the Council. I agree with the Council and find no harm to the scale and character of the area or living conditions of neighbouring occupiers as a result of the proposed development.

17. The Council have highlighted the layout at no. 53 Longmead, which I observed on my site visit, has utilised part of its front garden to create a parking space, whilst retaining the one vehicular access. I have limited information before me relating to this development. In any case, I have to deal with the proposal based on the information before me.

Conditions

18. The Council have recommended three conditions, relating to time limit, approved plans and screening of the rear patio area. For the avoidance of doubt, development needs to be carried out in accordance with the statutory time limit and approved plans. In order to ensure the living conditions of neighbouring properties are not affected, by virtue of overlooking, appropriate screening to both side boundaries of the patio is required. I have amended the wording of this condition to make it more precise.

Conclusion

19. For the above reasons, having considered all the policies drawn to my attention, the compliance with Policy T1 of the LP and Policy 5 of the LTP leads me to conclude that there is no conflict with the development plan as a whole. There are no material considerations that indicate that I should conclude other than in accordance with the development plan. Consequently, I conclude that the appeal should be allowed.

S Pearce

INSPECTOR



Appeal Decision

Site visit made on 17 March 2023

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/X1925/D/22/3309564

15 Oakfields Road, Knebworth, Hertfordshire SG3 6NS

- 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 Stephen Hamid against the decision of North Hertfordshire District Council.
 - The application Ref 22/01036/FPH, dated 9 April 2022, was refused by notice dated 26 August 2022.
 - The development proposed is the erection of detached double garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has referred to revised plans which were not considered by the Council when determining the application. I consider these would materially change the proposal subject of the original application. Given that interested parties have not had the opportunity to comment on the revisions, I have not had regard to them in determining the appeal.
3. Since the application was determined and the appeal submitted, the North Hertfordshire Local Plan 2011-2031 (NHLP) has been adopted and I have determined the appeal on that basis. The Council has provided details of the adopted plan and the appellant has had the opportunity to comment on the relevant policy relied on by the Council.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal property is a detached house located on an attractive residential road where properties are mainly detached on spacious plots set back from the road with parking areas and gardens to the front. Most houses have a front hedge and other vegetation in their front gardens such as trees and shrubs which creates a pleasant verdant character. This arrangement, together with a generally consistent building line, creates a largely uniform and spacious appearance to the street scene that contributes positively to the local character of the area.
6. The proposed development would introduce a detached double garage set forward of the existing house on the appeal site towards the front of the plot.

Due to its size and in particular its siting it would significantly erode the existing spacious appearance at the front of the property. The existing hedge along the frontage of the appeal site would not adequately screen or soften the proposal and in any case such a feature is not permanent and may change over time.

7. Notwithstanding the proposed low hipped roof design and the fact that according to the appellant it would cover 43% of the street frontage and 19% of the front garden area, the proposed double garage would be a highly prominent and visually obtrusive feature in the street scene that would be incompatible with the established pattern of development along Oakfields Road.
8. The appellant has drawn my attention to several other similar situations where garages are sited to the front of properties or where planning permission has been granted for such development. None of the examples highlighted are along Oakfields Road itself. Although relatively close by, the character and appearance of Oakfields Avenue and Stevenage Road, where the other properties are located, are materially different. These roads do not have the same largely uniform and spacious appearance as evident along Oakfields Road, in part because of the existence of the garages highlighted by the appellant. As a result, these other examples, and the impact they have on their surroundings are materially different from the proposed garage and do not justify harmful development at the appeal site.
9. The appellant has also highlighted that a house opposite has been granted planning permission for a large rebuild. I do not have the details of this development before me and I am unable to comment further, except to say that the fact that planning permission has been granted at that house does not justify harmful development at the appeal site.
10. Overall, I conclude that the proposal would have a harmful impact on the character and appearance of the area and would conflict with Policy D2 of the NHLP and Policy KBBE4 of the Knebworth Neighbourhood Plan 2019-2031, March 2022, which amongst other things seek to ensure that a proposal respects local character and does not have an adverse impact on the character and appearance of the street scene or area. The proposal would also conflict with the National Planning Policy Framework which seeks to ensure that development is sympathetic to local character. In their reasons for refusal, the Council cited saved Policy 28 of the Local Plan and Policy D2 of the emerging Local Plan. As outlined, the NHLP has now been adopted and has superseded these policies.

Other Matters

11. As outlined, the appellant prepared revised drawings prior to determination of the application and asked for these to be substituted. According to the appellant the Council refused to consider these revised drawings and so considers the proposed amendments were not fairly considered. I do not know the full details of any pre-determination discussions. However, for the reasons set out above I have determined the appeal based on the plans considered by the Council. The fact that the appellant submitted amended plans which they don't think were fairly considered does not change my conclusions on the main issue.

Conclusion

12. For the reasons given above I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR

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Appeal Decision

Site visit made on 21 March 2023

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13TH April 2023

Appeal Ref: X1925/D/23/3316764

16 Bearton Green, Hitchin, Hertfordshire, SG5 1UG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Jas Lidder against the decision of North Hertfordshire District Council.
 - The application Ref 22/03061/FPH, dated 28 November 2022, was refused by notice dated 24 January 2023.
 - The development proposed is a hip to gable loft conversion as approved by 22/00266/LDCP, first floor rear extension and loft over existing ground floor.
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Decision

1. The appeal is allowed and planning permission is granted for a hip to gable loft conversion as granted by 22/00266/LDCP, first floor rear extension and loft over existing ground floor at 16 Bearton Green, Hitchin, Hertfordshire, SG5 1UG in accordance with the terms of the application, Ref 22/03061/FPH, dated 28 November 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P1 dated 27.08.22 and P2 dated 06.12.22.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. There are two main issues. Firstly, the effect of the proposed extension on the character and appearance of the host dwelling, its semi-detached pair and the streetscene of Bearton Green; and secondly, the effect on the living conditions of neighbouring occupiers with respect to privacy and overlooking.

Reasons

3. Bearton Green is a no-through street of inter-war dwellings set on generous plots in a spacious setting. Dwellings are mainly larger, semi-detached houses of a number of different designs. The appeal dwelling is semi-detached and set on a wide corner plot. It has a large detached double garage to the side and
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rear of the dwelling which screens much of the rear elevation of the house from the street. The dwelling has previously been extended across the full rear elevation by about 3.5m at single storey. The semi-detached pair has been extended at two storeys under a pitched, hipped roof by about the same amount and there is a further single storey extension, set away from the shared boundary, beyond that.

4. The proposed extension would include a hip to gable roof alteration, which is understood to be the subject of a lawful development certificate, and a two storey rear extension over the existing single storey extension. This would have a hipped, pitched roof of similar overall height to the main roof and with a modest central dormer. Taken in the context of the existing extension to the semi-detached pair, the main difference would be the roof form which would incorporate the hip to gable conversion and be higher, so as to accommodate part of the loft conversion and the dormer. Whilst adding bulk, the hip to gable alteration could be undertaken in any case and other alterations would be contained in the central part of the roof, away from the eaves and adjoining dwelling, ensuring they remained subordinate to the roof as a whole and did not overwhelm the dwelling.
5. Although the rear extension would amount to a significant addition, the careful design, hipped roof and limited additional bulk over and above that at the adjoining dwelling would ensure that it did not appear unsympathetic to or out of scale with the host dwelling or its semi-detached pair. Moreover, views from the street would be mainly from the side, with the roof sloping away from the street, thus reducing the overall prominence. From the rear, views from the street would be substantially screened by the existing garage and direct views from main windows in neighbouring dwellings would be at a significant distance.
6. It is concluded on the first main issue that the proposed rear extension and loft conversion would have no materially detrimental effect on the character or appearance of the host dwelling, its semi-detached pair or the surrounding area. In consequence, it would comply with Policies D1 and D2 of the North Hertfordshire Local Plan 2011-2031 (LP), adopted 2022, and the National Planning Policy Framework (NPPF). Taken together, these expect extensions to dwellings to be well designed and to respond positively to the site's local context so as to be visually attractive and sympathetic to local character, sympathetic to the existing house and not to dominate adjoining properties.
7. Turning to living conditions, the Council and third parties raise concerns regarding loss of privacy and overlooking resulting from the dormer window. However, both the rear gardens of neighbouring dwellings and the side window in No 14 are already overlooked by large windows at first floor in both the appeal and other dwellings. Moreover, I saw that a nearby dwelling has existing roof dormers which also face towards the neighbouring rear gardens.
8. I am therefore satisfied that, although the dormer would be set at a higher level, any additional overlooking or loss of privacy resulting from the proposed dormer window would be negligible. Moreover, the proposed second floor side facing window and side facing roof light would face the front of dwellings opposite. I agree with the Council that, given the separation distance, the height of the roof light, and the fact that the window would serve an ensuite would ensure no material overlooking of Nos 57 or 59 occurred.

9. It is concluded on the second main issue that the proposed extensions would have no materially harmful effect on the living conditions of neighbouring occupiers with respect to privacy or overlooking. In consequence, it would comply with LP Policy D3 and the NPPF which, taken together and amongst other things, expect extensions to dwellings to provide a high standard of amenity for existing and future users such that they do not cause unacceptable harm to living conditions.
10. Turning to conditions, the Council suggests two conditions in addition to the statutory commencement condition. I agree that the development should be carried out in accordance with the approved plans and in matching materials in order to protect the character and appearance of the host dwelling and the surrounding area and for the avoidance of doubt.
11. The Council also suggests that the dormer window should be fixed and obscure glazed. However, I have found that this window would not cause harmful overlooking or loss of privacy. Moreover, it is the only window (other than roof lights) serving the proposed loft bedroom. I therefore consider that such a condition would be unnecessary and unreasonable.
12. The adjoining occupier expresses concern that the alterations would result in the semi-detached pair appearing different from each other and that this could devalue the property. However, property value is not a matter that can be taken into account as a material planning consideration.
13. For the reasons set out above and having regard to all other matters raised, including the representations of neighbouring occupiers, I conclude that the appeal should be allowed.

KE Down
INSPECTOR

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