

31 January 2025

Our Ref Planning Control Committee 13 February
2025
Contact. Committee Services
Direct Dial. (01462) 474655
Email. committee.services@north-herts.gov.uk

To: Members of the Committee: Councillors Elizabeth Dennis (Chair), Nigel Mason (Vice-Chair), Amy Allen, Sadie Billing, Ruth Brown, Emma Fernandes, Ian Mantle, Bryony May, Caroline McDonnell, Louise Peace, Tom Tyson and Martin Prescott

Substitutes: Councillors Val Bryant, Jon Clayden, Mick Debenham, Joe Graziano, Keith Hoskins, Steve Jarvis, Sean Nolan and Michael Muir

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY, SG6 3JF**

On

THURSDAY, 13TH FEBRUARY, 2025 AT 7.00 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

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

Agenda **Part I**

Item		Page
1. APOLOGIES FOR ABSENCE	Members are required to notify any substitutions by midday on the day of the meeting. 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.	
2. MINUTES - 16 JANUARY 2025	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 16 January 2025.	(Pages 5 - 6)
3. NOTIFICATION OF OTHER BUSINESS	Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
4. CHAIR'S ANNOUNCEMENTS	Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION	To receive petitions, comments and questions from the public.	
6. 24/01371/FP HILLCREST AND LAND AT TUSSOCKS, THE CAUSEWAY, THERFIELD, SG8 9PP	REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Erection of seven dwellings (4 x 3-bed and 3 x 4-bed) including creation of vehicular access off The Causeway, footpath, carport, parking, landscaping, and associated works following demolition of existing dwelling and outbuildings (as amended by plans and information received 22nd October 2024 and 18th November 2024).	(Pages 7 - 34)

7. **APPEALS**
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

(Pages
35 - 50)

To update Members on appeals lodged and any decisions made.

This page is intentionally left blank

Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH GARDEN CITY, SG6 3JF
ON THURSDAY, 16TH JANUARY, 2025 AT 7.30 PM

MINUTES

Present: *Councillors: Elizabeth Dennis (Chair), Nigel Mason (Vice-Chair), Emma Fernandes, Bryony May, Louise Peace, Tom Tyson and Martin Prescott.*

In Attendance: *Amy Cantrill (Trainee Committee, Member and Scrutiny Officer), Shaun Greaves (Development and Conservation Manager), Susan Le Dain (Committee, Member and Scrutiny Officer), Alina Preda (Trainee Solicitor) and Sonia Sharp (Locum Senior Planning Solicitor).*

Also Present: *For the duration of the meeting no members of the public were present.*

102 APOLOGIES FOR ABSENCE

Audio recording – 2 minute 10 seconds

Apologies for absence were received from Councillors Sadie Billing, Ruth Brown, Ian Mantle, Caroline McDonnell and Amy Allen.

103 MINUTES - 21 NOVEMBER, 3 DECEMBER 2024

Audio Recording – 2 minutes 34 seconds

Councillor Nigel Mason, as Vice-Chair, proposed and Councillor Tom Tyson seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meetings of the Committee held on 21 November 2024 and 3 December 2024 be approved as a true record of the proceedings and be signed by the Chair.

104 NOTIFICATION OF OTHER BUSINESS

Audio recording – 3 minutes 37 seconds

There was no other business notified.

105 CHAIR'S ANNOUNCEMENTS

Audio recording – 3 minutes 39 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be 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 advised that Section 4.8.23(a) of the Constitution applied to the meeting.

(4) The Chair confirmed that Agenda Item 6 23/02838/FP, Agenda Item 7 24/00708/LBC and Agenda Item 8 24/00754/FP had been withdrawn.

106 PUBLIC PARTICIPATION

Audio recording – 4 minutes 13 seconds

There was no public participation at this meeting.

107 23/02838/FP WRIGHTS FARM, SHILLINGTON ROAD, PIRTON, HITCHIN, HERTS, SG5 3QJ

This item was withdrawn from the agenda.

108 24/00708/LBC WRIGHTS FARM, SHILLINGTON ROAD, PIRTON, HITCHIN, HERTS, SG5 3QJ

This item was withdrawn from the agenda.

109 24/00754/FP SLIP END FARM, ROYSTON ROAD, SLIP END, BALDOCK, HERTS, SG7 6SG

This item was withdrawn from the agenda.

110 24/02036/FP GARAGE FLAT, CHIMNEYS, MILL LANE, GOSMORE, HERTS, SG4 7RL

Audio recording – 5 minutes 30 seconds

It was announced that the Councillor who called this application in had withdrawn the call-in request.

The advice given by the Development and Conservation Manager was under normal circumstances, without a call-in, the responsibility of determination of the application 24/02036/FP would be under the remit of the Development and Conservation Manager. As the call-in has been withdrawn this normal procedure should be resumed.

Councillor Martin Prescott proposed to delegate the determination of this matter to the Development and Conservation Manager, and this was seconded by Councillor Louise Peace and, following a vote, it was:

RESOLVED: That determination of the application 24/02036/FP was delegated to the Development and Conservation Manager.

REASON FOR DECISION: The normal course of action would be for delegation of this item, and due to Councillor Caroline McDonnell no longer wishing to call-in the application, normal practice should be resumed.

The meeting closed at 7.40 pm

Chair

<u>Location:</u>	Hillcrest And Land At Tussocks The Causeway Therfield SG8 9PP
<u>Applicant:</u>	Mr T Hanson
<u>Proposal:</u>	Erection of seven dwellings (4 x 3-bed and 3 x 4-bed) including creation of vehicular access off The Causeway, footpath, carport, parking, landscaping, and associated works following demolition of existing dwelling and outbuildings (as amended by plans and information received 22nd October 2024 and 18th November 2024).
<u>Ref. No:</u>	24/01371/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 27th August 2024

Extension of statutory period: 17th February 2025

Reason for Delay: Negotiations, amended plans and in order to present the application to an available committee meeting.

Reason for Referral to Committee: This application has been called-in to Planning Control Committee by Cllr Prescott, following the objections from the Parish Council.

1.0 **Site History**

- 1.1 **23/02417/FP** - Erection of 10 residential dwellings (1 x 2-bed, 7 x 3-bed, 1 x 4-bed and 1 x 5-bed) including creation of vehicular access, parking, landscaping, and associated works following demolition of dwelling and outbuildings. Withdrawn 3/05/2024

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan (The Local Plan) 2011 – 2031**

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 SP10: Healthy Communities

Policy SP11: Natural Resources and Sustainability

Policy SP12: Green Infrastructure, Landscape and Biodiversity

Policy SP13: Historic Environment

Policy HS3: Housing mix

Policy T1: Assessment of Transport Matters
Policy T2: Parking
Policy D1: Sustainable Design
Policy D3: Protecting Living Conditions
Policy NE1: Landscape
Policy NE2: Green Infrastructure
Policy NE4: Biodiversity and geological sites
Policy NE10: Water Framework Directive and wastewater infrastructure
Policy NE12: Renewable and Low Carbon Energy Development
Policy HE1: Designated Heritage Assets
Policy HE4: Archaeology

2.2 **National Planning Policy Framework (NPPF) (December 2024)**

Section 2: Achieving sustainable development
Section 4: Decision making
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 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

Neighbourhood Plan

Therfield Parish does not currently have a made neighbourhood plan.

2.3 **Vehicle Parking at New Development SPD (2011)** (Plus Appendix 4 in North Herts Local Plan 2011 – 2031)

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – at the time of writing this report 28 comments had been received with 24 objections and 4 neutral comments. The comments include the following concerns (full details on the Council's web site):

- Site is not designated for housing in the Local Plan
- Inappropriate for the village / will change the character and appearance
- No public transport to / from the village apart from Lynx bus
- The surrounding hilly area makes it challenging for cycling
- Lack of facilities in the village to serve the development
- Extra traffic, extra parking and congestion in the Causeway detrimental to highway safety for existing and proposed residents and school children
- Highway impact is underestimated
- Agricultural vehicles use the road past the site
- Proposed width restriction and traffic priority measure not acceptable and will be an urban feature out of character (with more road signage)
- School is full resulting in outward travel
- Traffic survey done during school holidays
- Overdevelopment of the site out of character with the village
- Inadequate parking
- No public benefits, negative impact on the community
- No mix of housing or affordable units
- Adverse impact on bio-diversity, wildlife habitat
- Already inadequate sewage infrastructure in the village

- Sets a precedent for further development
- Query evidence base used for assessment of highway matters
- Adverse cumulative impact with other permitted development
- Lack of consultation and incomplete drawings

3.2 Hertfordshire Highways – Three formal comments received from the Highway Authority (HA). The initial response in July 2024, acknowledged that the submission was a revision to details submitted under application ref: 23/02417/FP which was withdrawn. The comments set out that the submitted Transport Statement has taken on board the previous HA comments from the last application and stating that the proposal is not expected to have any significant/detrimental impact on the operation of the local highway network. The HA also acknowledge the incorporation of a footway across the site's frontage. However, the HA raised concerns in respect of substandard visibility splays from the proposed access, ensuring that the proposed footway links to the existing footways on The Causeway, ensuring that the land in question for the footway will be dedicated to the HA for adoption, and recommending changes if the southern visibility is substandard including narrowing the carriageway. Overall, these comments maintained an objection.

Following receipt of amended plans and further information from the applicant which has sought to address the previous concerns, including extending and amending the footway and narrowing the carriageway to provide the footway link, the resulting positive impact on the southern visibility splays, and identifying land that would be suitable for adoption for the HA. Upon re-consultation, the HA responded in December 2024, setting out no objections subject to conditions covering the submission and agreement of detailed technical plans, a Construction Method Statement prior to commencement, and the submission and completion of a S38 agreement.

Following the submission of a further objection by Therfield Parish Council (TPC) submitted in late December 2024 concerning the proposed highway measures including a Priority traffic management feature, the Highway Authority responded to the comments in the PC objection on 10th January. The HA advised that it had reviewed the TPC comments and the applicants highways consultants response to the TPC objection. The HA states that the applicants have satisfactorily addressed all the issues previously raised by the HA and considers that the Technical Note produced by the applicants consultant TPA in response to the TBC objection is valid and to which is fully concurs with. Accordingly, the HA advise that they have no further comments to make.

3.3 Therfield Parish Council – Object to the development on a number of grounds (summary):

- Some form of development would be agreeable, but there are concerns about several aspects of the proposal.
- Note that the scheme has been reduced to 7 dwellings but cannot understand why the Conservation Officer now accepts this when previous comments stated no more than 5 dwellings. Concerns over development on the open space in front of Tussocks which is important to village character.
- The village does not need suburban style development as it has met its housing targets over the last 10 years.
- Parking allocation appears to be inadequate, and occupiers may park on The Causeway, which is congested.

- Therfield has no regular transport service, and the village only has a school, pub and church, such that all other needs will be necessitated by private cars. The number of cars and journeys has been underestimated.
- The cycle parking provision is flawed and unrealistic.
- The Transport Statement doesn't acknowledge that car journeys will be necessary for middle/senior school, shops, cafes, restaurants, libraries, GPs and other services, instead of walking within 800m radius.
- The Causeway is a busy thoroughfare with speed and volume a major concern. There have not been any accidents but there have been many near misses.
- Plot 5 creates a new building line and is not sympathetic to existing character.
- Cars are permanently parked on The Causeway by residents and visitors, reducing it to a single lane, which will impact on visibility from the proposed access. Increased vehicle numbers will make this existing issue worse with on street parking and no passing places.
- The local Sewage Treatment Plant is currently unable to deal with the present level of sewage and that increased amount of raw sewage may be discharged into local chalk streams because of additional housing in the village.
- The application should be rejected until all issues are resolved.
- There are Great Crested Newts and Pipistrelle Bats in the site and the development will endanger them. No mitigation has been submitted. The scheme would create a net reduction in BNG.
- If this application is at some point approved despite objections, we would like to request a condition be imposed that delivery and site vehicles must park on the site and not on the Causeway and would like planning restrictions to be introduced so that building cannot take place in green spaces behind this site.

Therfield Parish Council produced a supplementary document in December 2024 raising a number of concerns relating to the proposed highway works and priority traffic management works in addition to the timing of the Safety Audit. This document made the following recommendations:

1. Traffic speed surveys to be undertaken during a school term, at times to include AM and PM peaks, as defined by journeys associated with Therfield First School.
2. A further Stage 1 Safety Audit to be undertaken, taking into account the identified shortcomings of the existing audit as outlined above, and a revised report issued.
3. A detailed and comprehensive design drawing to be issued for the proposed narrowing and give way feature, to include road widths, all signage, lighting and road markings.
4. A design meeting to take place between the applicant's designer and the HCC Development Management Team to explore the creation of an effective and safe "shared surface" solution for the street scene in the vicinity of the application site and fronting School House to replace the currently proposed give way layout. With particular consideration given to the proximity of Therfield First School in the context of its access and safety. A report to be issued detailing the outcome of that meeting.

3.4 **Environmental Health (Air Quality/Land Contamination/Environmental Health (Noise))** – No objection subject to conditions covering submission of a Construction Management Plan and provision of EV charging points.

3.5 **Archaeological Implications** – No objection subject to conditions covering the submission and agreement of an Archaeological WSI and subsequent investigation if necessary.

3.6 **North Herts Waste and Recycling** – Require a swept path analysis for a refuse vehicle and general guidance on bin storage.

- 3.7 **Senior Conservation Officer** – Two formal responses received in September and November 2024, however during the lifetime of the previous application on this site under ref: 23/02417/FP, the Conservation Officer (CO) was involved in negotiations whereby the scheme of 10 dwellings was considered unacceptable and through subsequent informal discussions, a scheme of 7 dwellings with design/layout changes was considered more appropriate.

In their initial comments in September 2024, the CO acknowledged the contents of the Heritage Impact Assessment and broadly agreed with the conclusions, subject to several matters which required further consideration in respect of the housing mix, the design of the rear elevations of Plots 1-3, the window details of Plots 1-4, details of the car ports to serve Plots 1-3.

Following receipt of formal amended plans which sought to address the matters raised by the CO, in their second comments in November 2024, the Conservation Officer acknowledged the proposed amendments and clarification and concluded with no objections subject to conditions covering the submission of external materials details prior to commencement and details for the carport being secured.

- 3.8 **Senior Ecology Officer** – No objection to the proposal. Acknowledges the presence of Great Crested Newts nearby and recommends the appropriate measures to deal with this potential impact, including the Natural England District Level License, where a countersigned Impact Assessment and Conservation Payment Certificate (IACPC) will need to be provided to NHC prior to determination. The response also acknowledges that the proposal would result in a net loss of BNG, such that the applicant will need to purchase off-site credits in order to ensure a 10% BNG. Recommends the inclusion of integrated features in the built fabric of dwellings such as bat, bird and bee bricks, as recommended by the submitted Ecological Report. Two conditions are recommended covering an Ecological Enhancement Plan and a condition ensuring that no works take place until a newt mitigation license from Natural England has been submitted to the council, should they not wish to utilise the DLL route. Mandatory BNG condition also applies.
- 3.9 **Local Lead Flood Authority** – Two formal responses received in November and December 2024. In the initial comments, concerns were raised relating to several technical matters resulting in a formal objection. Following the receipt of amended plans and information in an attempt to address the LLFAs concerns, the LLFA were re-consulted and responded with no objections subject to 3 conditions covering the submission and agreement of a constriction phase surface water management plan, a verification report and that the development be built in accordance with the details of the FRA.
- 3.10 **Thames Water** - Advise no objections subject to developer following the sequential approach to surface water disposal. No objections in terms of waste water network and sewage treatment works infrastructure capacity.
- 3.11 **Conservators of Therfield Heath and Greens** – No response received.

4.1 Site and Surroundings

- 4.1.1 The application site comprises two properties known as Hillcrest and Tussocks, located on the eastern side of The Causeway in the village of Therfield. Hillcrest comprises a detached property set nearer to the front of the site on its northern side, which has a number of outbuildings at the rear of the property. Tussocks is a much larger detached property, located towards the centre/south side of the site and set back from the highway with a large garden area that surrounds the house, with lots of trees and a pond towards the southeast corner of the property.
- 4.1.2 The site is within the settlement boundary of Therfield which is identified as a Category A village in the Local Plan. The site is within the Therfield Conservation Area.

4.2 Proposal

4.2.1 Full planning permission is sought for the erection of seven dwellings (4 x 3-bed and 3 x 4-bed) including creation of a vehicular access off The Causeway, a footpath, carport, parking, landscaping, and associated works following demolition of existing dwelling and outbuildings (as amended by plans and information received 22nd October 2024 and 18th November 2024).

4.2.2 The scheme would be facilitated by a new access onto The Causeway, a few metres south of the existing access into Tussocks which is to be stopped up and landscaped. A footpath is proposed to run along the entire frontage of the site and connect to the existing footpath in front of School House, to the south, including carriageway narrowing works to ensure visibility splays can be achieved. Whilst a number of trees would be removed from the site to facilitate the scheme, several trees would remain including those on the immediate frontage with The Causeway and adjacent to the proposed internal access road, as well as additional planting across the site in the form of trees and hedges. The proposed dwellings would be sited across the site but 6 of the 7 would form an active frontage with the highway. Specifically, Plots 1-3 which would be a terrace in place of Hillcrest, Plot 4 which would be a detached dwelling due north of the new access, and Plots 6 and 7 which would be a pair of semi-detached properties due south of the access. Plots 1-3 would be sited closer to The Causeway with hedgerows/pedestrian walkways in front, whereas Plots 4, 6 and 7 would be set back slightly with pockets of open space and trees separating them from The Causeway. Plot 5 would be sited rearward into the site behind Plot 4, on a higher ground level given the slope of the land and occupying a large plot, largely adjacent to Tussocks which would be retained. The scheme would also incorporate a carport building to the rear of Plots 1-3, an internal access road, 4 visitor parking spaces, bin storage/collection areas, and Air Source Heat Pumps on all plots

Plots 1, 2, 3, & 5 would be M4 (2) compliant (Building Regulations Part M - Accessible and Adaptable dwellings)

4.2.3 The application is supported by the following documents:

- Planning Statement
- Design & Access Statement
- Transport Statement/Highway Technical Notes
- Archaeological Desk Based Assessment
- Accommodation Schedule
- Statutory BNG Metric
- Ecology Report
- Heritage Statement

- Arboricultural Impact Assessment/Method Statement
- FRA and SUDS Statement
- Environmental Impact Assessment
- Full proposed plans and elevations

4.2.4 Amended plans and further information has been submitted during the course of this application in an effort to overcome objections raised from consultees, particularly the Highway Authority, LLFA and the Conservation Officer.

4.3 Key Issues

4.3.1 The key issues for consideration are the

- The Principle of Development
- The Planning History
- The Impact on Designated Heritage Assets
- The Visual Impact on the Character of the Area
- Design, Layout and Landscaping
- Living Conditions
- Highways, Access, and Parking
- Ecology
- Archaeology
- Surface Water Drainage/Flooding
- Housing Mix
- Waste and Recycling
- Climate Change/Sustainability
- Other Matters
- Planning Balance

Principle of Development

4.3.2 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The National Planning Policy Framework (NPPF) 2024 is a material consideration and is considered to be consistent with the Local Plan, also attracting significant weight.

4.3.3 Policy SP1 of the Local Plan supports the principles of sustainable development and seeks to maintain the role of key settlements as the main focus for housing and to ensure the long-term vitality of the villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities. The policy elaborates on this stating that planning permission will be granted for proposals that deliver an appropriate mix of homes, create high quality development that respects and improves their surroundings and provides for healthy lifestyles, provides for necessary infrastructure to support an increasing populations, protects key elements of the District's environment including biodiversity, important landscape, heritage assets and green infrastructure, the mitigates the impact on climate change.

4.3.4 The site is within the settlement boundary of the Therfield, which is a designated Category A village where under Policy SP2 of the Local Plan, it states that "*general development will be allowed within the defined settlement boundaries*". The proposed

development of 7 dwellings within the defined settlement boundary is therefore acceptable in principle, in accordance with Policy SP2 of the Local Plan.

- 4.3.5 A number of people have commented that the site is not designated for housing and that Therfield has met its housing provision on site TH1 (10 houses recently being granted planning permission) with 24 completed dwellings since 2011. The Plan makes it clear however that the allocations are there to meet the District's overall housing requirement and Policy SP2 does not prevent other 'windfall sites' (i.e. sites not specifically identified in the development plan) from contributing to the district's housing need within the identified settlements (refer to paragraph 4.13 in the Local Plan). Like the allocated sites, each development proposal will be judged on its merits having regard to the NPPF guidance and all of the development management policies in the Plan including Policy SP9 which requires new development to be well designed and located and to respond positively to its local context.

Planning History

- 4.3.6 The site has been the subject of previous planning applications and pre-application submissions.
- 4.3.7 More recently, a planning application for 10 dwellings was submitted to the Council under ref: 23/02417/FP. This application was withdrawn on the 3rd May 2023, as a result of discussions with the Council's Case Officer and Conservation Officer. During these discussions revised plans were submitted reducing the size of the application site and also reducing the number of dwellings from 10 to 7 dwellings. Prior to withdrawing the application, both officers advised that they were supportive of the revised site area and layout for 7 dwellings, and requested the application be withdrawn to allow the revised scheme to be processed under a new planning application. This application is the re-submission to be considered herein.

Impact on Designated Heritage Assets

- 4.3.8 Policy SP13 of the Local Plan states that "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation and the management of its setting*". This reflects paragraph 212 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as conservation areas. Policy HE1 of the Local Plan states that "*Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset's optimum viable use*". This is reinforced by paragraph 215 of the NPPF.
- 4.3.9 The site is within the Therfield Conservation Area and the closest listed building, Elm House (grade II) is approx. 50.0m due south-west of the site. Therefore, consideration is given as to the impact of the proposal upon these heritage assets. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires that in the exercise of planning powers, in conservation areas "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*". Whereas Section 66 (1) of the LBCA Act requires that when considering whether to grant planning permission which affects a listed building, or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 4.3.10 A Heritage Impact Assessment has been prepared by HCUK Group dated June 2024. The Assessment sets out the relevant planning policy framework in relation to the

proposed development and its impact on designated heritage assets. It goes on to provide a description of the site and surrounding context from a historical perspective and sets out a statement of significance of the site within the Conservation Area and impact of the proposal on designated heritage assets, in this case the Therfield Conservation Area.

- 4.3.11 The Council's Conservation Officer has been formally consulted on this application, providing two formal responses in September and November 2024. Moreover, during the lifetime of the previous application on this site under ref: 23/02417/FP, the Conservation Officer was involved in negotiations following several formal responses, whereby the scheme of 10 dwellings was considered unacceptable and through subsequent informal discussions, a scheme of 7 dwellings with design/layout changes was considered more appropriate. In their initial comments in September, the Conservation Officer acknowledged the contents of the Heritage Impact Assessment and broadly agreed with the contents and conclusions, subject to several matters which require further thought. These were in respect of the housing mix, the design of the rear elevations of Plots 1-3, the window details of Plots 1-4, details of the car ports to serve Plots 1-3. The agent provided formal amended plans which sought to address the matters raised by the Conservation Officer, by amending the elevation plans for Plots 1-3, improving the window details of Plots 1-4 and providing further detail for the proposed car ports. In their second comments in November, the Conservation Officer acknowledged the proposed amendments and clarification and concluded as follows:

"The development would consolidate and to an extent urbanise this part of Therfield Conservation Area ['TCA'] and it is noted that the applicant's heritage consultant has confirmed at 5.20 of the Heritage Impact Assessment ['HIA'] that: "the less than substantial harm identified must be balanced against public benefits in line with the requirements of paragraph 202 of the NPPF. The proposals do not offer overt heritage benefits, but public benefits are identified within the Planning Statement accompanying the application and readers are directed there for a full summary."

It is considered that the proposal will occasion some harm to the character and appearance of the Therfield Conservation Area, but this harm is towards the low end of the range and further positive design changes have been sought and agreed. Whilst I cannot say that the character and appearance of the TCA would be preserved or enhanced, thus, would not fully meet the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I consider that the development would function well and add to the overall quality of the area, is visually attractive as a result of good architecture, layout and appropriate and effective landscaping and is generally sympathetic to local character (para 135, NPPF).

Furthermore, the site has not been identified as possessing any specific significance so there is no significance to preserve as such under Policy HE1a) of the Local Plan. The development will hopefully via condition, ensure that the palette of materials will make a positive contribution to local character or distinctiveness under HE1b) and I leave HE1c) with the case officer and whether the low level of harm I have identified is outweighed by the public benefits of the development. Conservation should be involved in the decision process on conditions listed at 3.0 below.

*Consequently, I raise **NO OBJECTION**, taking the position that the development would on balance satisfy the aims of paragraph 135 and Section 16 of the NPPF together with Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031".*

- 4.3.12 As such, it is considered that the proposed development will result in some harm to the character and appearance of the Therfield Conservation Area, given that the site is largely open on the Tussocks side which does provide a visual break in built form in this

part of The Causeway which contributes to the character and appearance of the Conservation Area. That said, the site is not designated as an area of significant green space in the Therfield Conservation Area Character Statement (TCACS). The level of harm to the CA is considered to be towards the lower end of less than substantial harm. However, the Conservation Officer has formally supported the proposal, subject to conditions covering external materials, setting out that it would function well and add to the overall quality of the area, is visually attractive as a result of good architecture, layout and appropriate and effective landscaping and is generally sympathetic to local character. The site is not identified as possessing any specific significance in the Therfield Conservation Area Character Appraisal, such that there is no significance to preserve in this instance. The TCACS does identify a key view (KV10) looking southwards along The Causeway noted for its soft landscaping and overall rural character. The scheme will include some new planting along the site frontage.

- 4.3.13 The TCACS also mentions 'Opportunities for Improvement' and refers to on-street parking along the Causeway that detracts from the character of the CA encouraging parking within properties and better location of storage of bins. It is likely that the proposed Priority highway feature will remove some on-street parking to provide a visual improvement. The development will also provide all of its parking provision on site as well as discreet bin storage facilities in compliance with this part of the TCACS.
- 4.3.14 Overall, Officers are firmly in agreement with the formal comments and recommended conditions set out by the Conservation Officer.
- 4.3.15 Therefore, whilst the Council acknowledge that the proposal would result in some harm to the Conservation Area, this is considered to be towards the lower end of less than substantial and must be weighed against the public benefits of the proposal, in accordance with Policy HE1 of the Local Plan and Section 16 of the NPPF, particularly paragraph 208. This balance will be undertaken at the end of this report.

Visual Impact on the Character of the Area

- 4.3.16 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.17 The site is currently comprised of two residential dwellings, namely Hillview, which is a detached two-storey property located on the northern part of the site adjacent to Fitches View and is sited close to the highway behind a hedgerow, and Tussocks, which is a detached two-storey detached property located on the southeast part of the site significantly set back from the highway, benefitting from a sizable front garden area with several trees and an access road. Both dwellings, whilst in the Therfield Conservation Area, are not considered to be of any architectural merit and do therefore not contribute to the visual character of the area. However, the sizable front garden of Tussocks which is a sloping green space with several trees, is acknowledged to have a positive contribution to the character of the area. It is proposed to demolish Hillview and its associated outbuildings and retain Tussocks, but with a smaller garden area to facilitate the proposal.
- 4.3.18 A Design and Access Statement has been submitted with this application, which provides a review of the site and how the layout and design of the scheme has evolved.

- 4.3.19 Officers acknowledge that the proposal would result in a material change to the visual character and appearance of the area, due in the main to the erection of built form where there is currently open grassland and landscaping. However, through significant negotiation and consultation with Officers, including the Conservation Officer, the proposed scheme has been amended to a point where it is considered acceptable in planning terms. The proposed access off The Causeway would be slightly southwards of the existing access point, which is acceptable. The siting of the proposed dwellings would largely follow the building line from Fitches View down to School House, creating a new street scene that would reflect the character of the area including the linear pattern of housing along the highway. The pockets of open space with trees in front of Plots 4, 6 and 7 are positive and would soften the impact of these dwellings on the area. Whilst it is acknowledged that Plot 5 and the car port building are sited to the rear of the primary street scene frontage, they are largely in line with Tussocks and are suitably set back from The Causeway so as to not be overbearing or unacceptable to the character of the area.
- 4.3.20 As such, whilst it is acknowledged that the development would result in a marked change to the visual character of the area, it is considered that the proposal is well designed in form and layout such that it would have an acceptable impact on the rural visual character of the area. The scheme would respond positively to the site's local context. Therefore, there is no conflict with Policies D1 and SP9 of the Local Plan.

Design, Layout and Landscaping

- 4.3.21 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.22 A Design and Access Statement (DAS) has been submitted and the statement has sought to set out how the scheme subject of this application has progressed and been designed through an analysis of the settlement structure and pattern of existing development, demonstrating how the density, layout and form of development proposed in this application blends in with the existing settlement and surrounding urban grain. The DAS sets out that the scheme has been designed with a layout that maintains the frontage building alignment with the properties to the north of the application site along The Causeway and also School House to the south, has been landscape-led which responds to the existing landforms and topography, where existing mature trees and hedges will be retained around the site and has formed a basis for the low-density nature of the scheme. The dwellings have been designed to be two storey, which is similar in height to existing properties along The Causeway, and reflects the scale of existing properties, mass, form and architectural detailing, which are largely traditional with dual-pitched roofs, porches/canopies, chimney and window details, as well as indication of suitable materials. An outline landscaping and detailed planting plan has also been submitted which shows the extent of retained and proposed green landscaping, proposed hardstanding materials and means of enclosure.
- 4.3.23 As stated, there have been considerable negotiations and consultations on the layout and design of this proposal, with significant input from the Conservation Officer. These negotiations have arrived at a scheme which is considered acceptable in terms of its layout and design. Indeed, the Conservation Officer has formally considered that "*the development would function well and add to the overall quality of the area, is visually attractive as a result of good architecture, layout and appropriate and effective landscaping and is generally sympathetic to local character (para 135, NPPF).*" The scheme would positively respond to the site's rural local context, as they have been

designed to reflect the existing dwellings on The Causeway to the north of Hitches view, respect the building line of development to the north and south, utilise some development in depth which is not uncommon in this part of Therfield, and would have suitable form and scale for the proposed dwellings and carport. Matters relating to external materials and windows are considered acceptable, but further conditions are recommended to secure the submission and agreement of these details prior to commencement of development, given that the site is within the Conservation Area. Overall, the design and layout of the proposal would accord with SP9 and D1 of the Local Plan and Section 12 of the NPPF.

- 4.3.24 The site is 0.5Ha and would therefore have a density of 14 dwellings per hectare. This is considered low density, which is appropriate for this village setting, especially when factoring in the areas of open space, reasonably sized gardens and the internal access arrangements.
- 4.3.25 The submitted outline landscaping and detailed planting plans showing the extent of hard and soft landscaping throughout the proposal are considered acceptable. There would be some retained trees and hedges and those that would have to be removed would be supplemented by new planting across the site, which is suitable. In terms of hard standing, the distinction between asphalt surfacing for the main spine road and paving for the private access/parking areas, are considered acceptable. The proposed footpath across the site's frontage would be a positive addition to the village in this location where there is currently no footpath, which means pedestrians have to walk on the highway. It is considered that the landscaping plan is acceptable in planning terms and meets the requirements of Policy NE1 of the Local Plan.
- 4.3.26 In respect of trees, an Arboricultural Impact Assessment was submitted which assessed a total of 39 individual trees, 3 groups, 6 hedges and 1 shrub. The assessment concluded that 35 are assessed as low quality or value, 3 are poor and 11 are moderate value trees either arboriculturally or because of their wider landscape value, also stating that there are no high-quality trees on or adjacent to the site. The proposal would require a loss of 7 individual trees of low value (T4, T58, T60, T64, T65, T77, T78), 1 low value shrub (S79), 1 tree of moderate value (T62), and 3 small sections of low value hedges. Another tree, T63 cannot be sustainably retained due to its poor health and condition. Pruning is specified for the management of some trees in relation to building footprints, and for construction access, it is recommended that trees T5-T9 and T12 are managed as a high hedge rather than allow to develop into mature trees. Overall, the conclusions of the Arboricultural Report are considered justifiable and acceptable.

Living Conditions

- 4.3.27 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. Policy D1 seeks to ensure that residential development will meet or exceed the nationally described space standards.
- 4.3.28 In terms of the layout of the proposed dwellings relative to the immediate neighbours, the site would be immediately south of Flitches View, north of School House, and directly opposite due west is Beacon Field House and Maplefield.
- 4.3.29 The proposed built aspect of the development has been limited to two-storey in scale. In terms of Flitches View, the proposed terrace of three dwellings would largely be in a similar position to the existing property Hillview, which is to be demolished. The scheme would also see the outbuildings to the rear of Hillview removed and replaced with a carport, which would be sited right at the back of the site. The street scene elevations indicate the suitable separation distance between Plot 1 and Flitches View, with no side

facing windows, only rearward. Given the separation distances involved (approx. 7.0m) and the positioning of the new dwellings relative to this neighbour, whilst they would be south of the property, it is considered that any daylight/sunlight loss would be limited to the areas to the side of this neighbour where considerable landscaping exists. As such, it is considered that the proposal would not result in a materially overbearing impact, result in loss of privacy, or loss of daylight/sunlight, towards this neighbour.

- 4.3.30 In terms of School House, the proposed pair of semi-detached dwellings would be new built form within proximity to the shared boundary. School House is approx. 4.0m from the northern boundary and Plot 7 would be approx. 3.0m from this boundary, which is a total of 7.0m. The principal elevation of Plot 7 would be in line with the rear elevation of School House, which would make it visible from this neighbour. However, due to the separation distance and the existing landscaping on this boundary, it is considered that the proposal will not be adversely overbearing. There are no first-floor side facing windows on Plot 7 that could occasion any overlooking and consequential loss of privacy, only a ground floor window. Given the orientation, these plots would not result in any daylight/sunlight loss to this neighbour.
- 4.3.31 In respect of the neighbours opposite the site on The Causeway, by reason of the sizable separation distances, retained landscaping and orientation, it is considered that the development would not result in any significant harm to the amenities and reasonable living conditions of occupiers of these properties.
- 4.3.32 Generally, the site will intensify in terms of comings and goings and associated activity, given the increase in dwellings from 2 to 8 (Tussocks included). However, the site is large, is within an existing residential area of similar density, and would be appropriately served, such that this intensity can be reasonably accommodated within the site.
- 4.3.33 All the dwellings would exceed the nationally prescribed minimum space standards depending on their no. of bedrooms/persons, would benefit from a suitable size and type of private amenity space, and all habitable rooms would benefit from acceptable levels of natural light. Therefore, the proposal would not result in unacceptable harm to the reasonable living conditions of future occupiers.
- 4.3.34 The proposal would therefore accord with Policies D1 and D3 of the Local Plan.

Highways, Access, and Parking

- 4.3.35 The application has been submitted with a Transport Statement which has considered the site and the proposal in the context of its impact on the highway network. The statement concludes that the proposed development is not predicted to result in a significant or noticeable impact on the local highway network and will not have any negative impact upon highway safety, based on the relevant TRICS data and safety guidance.
- 4.3.36 The existing access into Tussocks is proposed to be stopped up and landscaped, with a new access onto The Causeway proposed a few metres southwards. A footpath would run along the entire frontage of the site and connect to the existing footpath in front of the School to the south. The access would lead to an internal access road which would enable access to the parking areas of all properties. Two private parking spaces are proposed per dwelling and four visitor spaces are provided. This level of provision meets the standards required in the Council's Vehicle Parking at New Development SPD (2011).
- 4.3.37 The Highway Authority have been consulted extensively on this proposal, including during the negotiation process on the previous application at this site under ref:

23/02417/FP which was withdrawn. Whilst in their initial comments the HA did accept that the proposal is not expected to have any significant/detrimental impact on the operation of the local highway network, they did object to the proposal for a number of reasons, in respect of substandard visibility splays from the proposed access in the south direction, ensuring that the proposed footway links to the existing footways on The Causeway, ensuring that the land in question for the footway will be dedicated to the HA for adoption, and recommending changes if the southern visibility is substandard including narrowing the carriageway. The applicants sought to amend the scheme to address and incorporate the main issues, which saw the submission of a Highways Technical Note and amended plans including a site plan which now shows the proposed footway across the entire frontage of the site connecting to the existing footway in front of School House. As a result of this connection, the HA recommended that the carriageway be narrowed to ensure visibility splays are achievable, which has been incorporated into the site plan. This would see a priority over oncoming vehicles arrangement on the highway. The submission also seeks to allow the HA to adopt part of the site to enable maintenance of the footway in perpetuity. Overall, following consultation with the HA on the amended plans, they have no objections subject to conditions covering the submission and agreement of detailed technical plans, a Construction Method Statement prior to commencement, and the submission and completion of a S38 agreement.

4.3.38 It is acknowledged that the proposed arrangements will be a noticeable change to the existing highway network, specifically due to the carriageway narrowing and associated footway works, which will have an impact on the existing flow of traffic and the parking of vehicles on The Causeway. Interested parties have expressed concerns with these proposed measures and the validity of the highway survey. However, the Highway Authority are the appropriate experts in this matter and have considered the proposal to be reasonable and safe, based on the evidence submitted to date. Therefore, it would be unreasonable to object to the proposal on highway and access terms.

4.3.39 At the request of the Parish Council a meeting was held in January 2025 between planning and highway officers and members of the Parish Council and a local councillor to discuss the highway matters and the particular concerns of the PC. The Highway officer explained that the approach of the highway authority is, in line with Local Transport Plan LTP4, to prioritise the reduction in travel and support designs that protect vulnerable road users such as pedestrians and cyclists. The proposed development will provide a footpath connection directly to the school where there currently isn't one and introduce a traffic calming measure to assist in providing that safe pedestrian access and reduce traffic speeds. The narrowing of a short stretch of the carriageway will, as well as reducing speeding traffic, remove some on-street parking which has been acknowledged by the PC as a concern and highlighted in the Conservation Area Character statement as an area of opportunity to address. The proposed footpath alignment across the site frontage will not encroach into the current carriageway and still allow parking on The Causeway except for that area near the traffic priority measure. A key benefit of the footpath is that schoolchildren being dropped off or collected can exit or access vehicles directly from the new footpath unlike the present situation where passengers exit/access vehicles onto/from the road due to the hedgerows and other planting on the east side of the carriageway.

4.3.40 The introduction of Priority traffic features within villages in North Herts and adjoining districts (including in Conservation Areas in some cases) is well established. Examples of these priority features elsewhere include the following villages:

- Holwell
- Lilley
- Great Wymondley
- Little Wymondley

- Old Knebworth
- Ashwell (Station Road)
- Litlington
- Walkern
- Digswell, Welwyn

4.3.41 Concerns have been raised by the PC regarding the illumination of the signs associated with the Priority traffic feature however illuminated signs are not proposed on the submitted drawing SK01A forming part of the applicant's Technical Note. Indeed, the Priority features found in other villages throughout the district generally do not have illuminated signage. All of the details of the highway measures are required to be submitted for approval prior to commencement and a condition to this effect is recommended.

4.3.42 In respect of parking, the proposed development would comprise a total of 7 units, 4 x 3-bed and 3 x 4-bed. Under the provisions of Policy T2 of the Local Plan, 2 private parking spaces are required for dwellings with 2 or more bedrooms. For visitor parking, the Policy sets out that between 0.25 and 0.75 spaces per dwelling is required depending on the number of garages proposed in the scheme. The proposal would deliver 2 private parking spaces per dwelling and 4 of the dwellings have no garages and 3 of the dwellings would have garages, the calculation would be $(4 \times 0.75) + (3 \times 0.25)$ which equals 3.75 spaces, rounded up to 4, which has been provided on the scheme. As such, the proposed parking provision is considered acceptable in accordance with Policy T2 of the Local Plan.

Ecology

4.3.43 This application was submitted with a full biodiversity metric and an ecology report. The Council's Ecologist was consulted on the application and formally confirmed no objection to the proposal.

4.3.44 The Council's Ecologist acknowledges the presence of Great Crested Newts nearby and recommended the appropriate measures to deal with this potential impact, including the Natural England District Level License, where a countersigned Impact Assessment and Conservation Payment Certificate (IACPC) will need to be provided to NHC prior to determination. The applicant has expressed that they are going to proceed with the DLL route and a countersigned IACPC has been submitted to the Council, which is acceptable.

The Council's Ecologist also acknowledges that the submitted report does not identify any bat interests at the site, contrary to the views of some interested parties.

4.3.45 The formal response also acknowledges that the proposal would result in a net loss of BNG, such that the applicant will need to purchase off-site credits in order to ensure a 10% BNG. Recommends the inclusion of integrated features in the built fabric of dwellings such as bat, bird and bee bricks, as recommended by the submitted Ecological Report, which will ensure measurable gains in biodiversity in line with Policy NE4 of the Local Plan. Two conditions are recommended covering an Ecological Enhancement Plan and a condition ensuring that no works take place until a newt mitigation licence from Natural England has been submitted to the council, should they not wish to utilise the DLL route. Furthermore, the mandatory BNG condition also applies to this development and within this, the applicant will have to show how the mandatory 10% is met with off-site credits.

4.3.46 Overall, it is considered that the proposed development can deliver net gains in biodiversity and subject to the above conditions and measures, will have an acceptable ecological impact, in accordance with Policy NE4 of the Local Plan.

Archaeology

4.3.47 A desk based Archaeological Assessment has been submitted with this Application. It concludes that the site is within an historically significant area with Prehistoric barrows recognised to the north-west and east. Anglo Saxon activity has also been identified in close proximity to the west. The assessment has highlighted that the site has moderate to high potential for the Prehistoric period, low potential for the Roman period and moderate to high potential for the Early Medieval period. Potential for the Medieval period is low while the post-medieval period is deemed to be high.

4.3.48 Following consultation with the County Councils LEADS service, no objections were raised subject to conditions relating to the submission and agreement of an Archaeological WSI and subsequent investigation if necessary. This is acceptable and in accordance with Policy HE4 of the Local Plan.

Surface Water Drainage/Flooding

4.3.49 The site lies within Flood Zone 1 and given the scale of development, a Flood Risk Assessment and drainage strategy was submitted with this application. The Lead Local Flood Authority (LLFA) was consulted on this application and formally responded in November 2024, raising concerns relating to several technical matters resulting in a formal objection. Following the receipt of amended information in an attempt to address the LLFA's concerns, the LLFA were re-consulted and responded with no objections subject to 3 conditions covering the submission and agreement of a constriction phase surface water management plan, a verification report and that the development be built in accordance with the details of the FRA.

4.3.50 Therefore, subject to the recommended conditions, the proposal will not result in an unacceptable flood risk or have adverse drainage impacts, in line with Policy NE7 of the Local Plan.

4.3.51 The Parish Council advise that the local Sewage Treatment Plant is over capacity and that untreated sewage may be discharged into local chalk streams due to the additional housing in the village. No evidence has been provided to support this view. This issue was raised with the larger major planning application at the Grange Meadow site at Police Row (Ref: 23/01885/FP) although Thames Water did not respond. In this case the applicant has shown a new sewer connection onto The Causeway (drawing 478.11 D). Although a material planning consideration, it is the responsibility of the relevant water authority to ensure sufficient infrastructure capacity exists to accommodate new development. In any event, Thames Water have been consulted on this application and have not raised any objections. With specific reference to sewage, Thames Water state in their response:

'Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided'.

Given the above views of the LLFA and Thames Water, the matters of surface water disposal and sewage capacity do not present a barrier to development on the application site.

Housing Mix

- 4.3.52 The proposed development would provide a total of 7 units, 4 x 3-bed and 3 x 4-bed. Given the number of dwellings that is proposed, the size and mix of dwellings is not considered unreasonable. This generally accords with Policy HS3 of the Local Plan which also seeks to 'provide a density, scale and character of development appropriate to its location and surroundings'.

Waste and Recycling

- 4.3.53 The proposal has been submitted with a swept path analysis drawing showing how a refuse vehicle could enter the site, manoeuvre, and leave in forward gear. The Waste and Recycling Team have considered this and note that it is acceptable and addresses their initial comments. In terms of the proposed bin collection areas, which are to be shared, this is considered acceptable. Bin storage will be in the rear private gardens of properties, which is considered acceptable.

Climate Change/Sustainability

- 4.3.54 This application was submitted prior to the adoption of the Council's Sustainability Supplementary Planning Document in September 2024. The scheme does however include a SuDS strategy including permeable paving, geo-cellular attenuation tanks, rainwater planters and water butts as well as electric vehicle charging infrastructure. To further future proof the development against the challenge of climate change it is recommended that a condition is imposed, should permission be granted, to secure further measures of renewable energy, reducing carbon emissions and water conservation in accordance with NPPF advice and the Council's Sustainability SPD.
- 4.3.55 Overall, the scale of this development is unlikely to result in a significant impact on local climate change subject to securing the above identified sustainability measures.

Other Matters

- 4.3.56 Given the sensitivity of the site and the extensively negotiated and clearly designed farmyard concept, which is considered a benefit of this proposal, it is considered reasonable to removed Permitted Development rights through Classes A, B, C, D, E and F of the GPDO 2015.

Planning Balance

- 4.3.57 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.
- 4.3.58 The proposed development would bring forward social benefits through the provision of 7 dwellings which would assist in addressing the Council's identified housing supply shortfall in a Category 'A' village which is deemed a suitable location for new development with access to existing services and facilities. Child yield from the development, although limited, will help towards maintaining the future viability of the nearby village school. To these matters moderate weight can be attached.

- 4.3.59 There would be economic benefits through the construction of the dwellings and the contribution to the local economy through the likely spending of future residents in the local area, helping to maintain the vitality of local services. These matters attract moderate weight.
- 4.3.60 The provision of a new footpath will improve pedestrian safety in the immediate vicinity of the site and the proposed traffic priority measure will assist in reducing traffic speed on this part of The Causeway. The proposals would also result in a Bio-diversity net gain. Moderate weight can be attributed to these environmental benefits.
- 4.3.61 There would be some limited harm to heritage assets however these would be outweighed by the public benefits of the scheme as identified above in accordance with paragraph 215 of the Framework.
- 4.3.62 The Council does not have a 5-year supply of deliverable housing land. Therefore, the tilted balance set out at paragraph 11 (d) of the NPPF applies. This stipulates that planning permission should be granted unless: (i) the application of policies in the NPPF that protect assets of particular importance provides a strong reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. It has been concluded that the proposal would not harm the significance of nearby designated heritage assets through development within their setting and the proposal would not have adverse impacts that would significantly and demonstrably outweigh the identified benefits that would arise from the delivery of the proposed dwellings.
- 4.3.63 Overall, taking all matters into account, the proposal complies with the Local Plan and the NPPF as a whole and the application is recommended for approval, subject to conditions.

4.4 **Alternative Options**

- 4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

- 4.6.1 The applicant agrees to the proposed pre-commencement conditions.

5.0 **Legal Implications**

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

6.0 **Recommendation**

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

1. The development hereby permitted shall be 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. No works are in any circumstances to commence unless the local planning authority has been provided with a newt mitigation licence issued by Natural England authorizing the specified activity/development to go ahead.

Reason: To ensure that works do not result in adverse impacts to protected species under Schedule 5 of the Wildlife and Countryside Act, and the Conservation of Habitats and Species Regulations 2017.

4. No development shall take place until an Ecological Enhancement Plan (EES) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures and hedgehog holes in fences and tree, has been submitted to and approved in writing by the local planning authority.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework.

5. Details of all roof materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. Thereafter the roof coverings shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special character of the Therfield Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the Local Plan.

6. Details and/or sample of the proposed brick type(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. Thereafter the development shall be carried out in accordance with the approved details/sample.

Reason: To ensure that special regard is paid to protecting the special character of the Therfield Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the Local Plan.

7. Details (including material, sections, method of opening and external finish) of all windows shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. Thereafter the windows shall be manufactured and installed in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special character of the Therfield Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the Local Plan

8. As noted on approved drawing no. 478.19 Rev B, the car port serving Plots 1, 2 and 3 shall be constructed with an open eaves (exposed rafter feet), curved knee braces and brickwork plinths, unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special character of the Therfield Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the Local Plan.

9. 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

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

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

11. 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

12. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development and to comply with Policy T2 of

the North Hertfordshire Local Plan 2011 to 2031.

13. No development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of immediately surrounding properties. The development shall be carried out as approved.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to comply with Policy D1 of the Local Plan

14. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation (WSI) 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 and methodology of site investigation and recording as required by the evaluation results
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted and to comply with Policy HE4 of the North Hertfordshire Local Plan 2011 to 2031.

15. 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 approved Written Scheme of Investigation and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted and to comply with Policy HE4 of the North Hertfordshire Local Plan 2011 to 2031.

16. Prior to the provision of any external lighting outside of the domestic curtilages of the development hereby permitted full details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and residential amenity and to comply with Policies D1 and D3 of the North Herts Local Plan

17. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation proposals set out in the submitted Ecology Report by Applied Ecology June 2024.

Reason: In the interests of nature conservation and enhancement and to comply with Policy NE4 of the North Herts Local Plan.

18. Prior to the commencement of the development hereby permitted full details of the cycle and refuse / recycling storage facilities within the curtilages of each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with Policy D1 of the Local Plan.

19. Prior to the commencement of any development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
- a) The demolition, construction programme and phasing
 - b) Hours of operation, delivery and storage of construction materials
 - c) Control of dust relating to demolition, groundworks and subsequent construction
 - d) Details of consultation and complaint management with local businesses and neighbours
 - e) Management of associated waste generated during construction process
 - f) Mechanisms to deal with environmental impacts such as noise, air quality and artificial light used and arising from groundworks and associated construction methods.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of general amenity and to comply with Policy D1 and D3 of the Local Plan

20. No development shall commence until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle access and associated highway works concerning the implementation of the footways, dropped kerbs, tactile paving, returning redundant crossover back to footway, traffic calming measure, etc. in accordance with the hereby approved drawing no.SK01 rev A plan. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before occupation of any part of the development.

Reason: To ensure the provision of a vehicle accesses and footway is safe, suitable, and sustainable for all highway users.

21. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Statement shall include details of:

- o Access arrangements to the site.
- o Traffic management requirements.
- o Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas).
- o Siting and details of wheel washing facilities.
- o Cleaning of site entrances, site tracks and the adjacent public highway.
- o Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times.
- o Provision of sufficient on-site parking prior to commencement of construction activities.
- o Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- o 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 which must be kept within the site boundary, pedestrian routes and remaining road width for vehicle movements

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).

22. Prior to the commencement of the development a construction phase surface water management plan for the site will be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to and during the construction phase.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site.

23. Prior to the first use of the development, a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of "as built" drawings plus photographs of excavations (including soil profiles/horizons), any installations of any surface water drainage structures and control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of North Herts District Council.

24. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (ref: Hillcrest & Tussocks FRA & SuDS revision D, dated 18 November 2024), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in

accordance with NPPF and Policies of North Herts District Council.

25. Prior to occupation, each dwelling shall incorporate one Electric Vehicle (EV) ready domestic charging point and it shall thereafter be retained.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality and to comply with Policy D4 of the North Hertfordshire Local Plan 2011 to 2031.

26. 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, D and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

27. Prior to the commencement of development, a site-wide sustainability strategy shall be submitted to the Local Planning Authority for approval addressing renewable energy, reducing carbon emissions and water conservation. The approved measures must be implemented on site for each dwelling hereby approved prior to its first occupation.

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with Policies SP9 and D1 of the North Hertfordshire Local Plan 2011 to 2031

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

Highway Informatives:

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

Further information is available via the 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.

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) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN5) 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.

AN6) Highway to remain private: The applicant is advised that all new highway routes within the development site are likely to remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform

purchasers of their future maintenance liabilities.

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Further Highway Advice:

The applicant is advised that a s38 Highway Agreement will be required for land to be dedicated to the LHA for adoption, that amount of the site's frontage needed to achieve the footway widths as shown on the approved plan Highway boundary overlay plan drawing no. SK02. The applicant will be liable for the total cost of the adoption process that will need to be undertaken by the Council, the making good of the wider footway (s278) and its commuted maintenance payments.

Environmental Health EV charging informative:

Informative:

EV Charging Point Specification:

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

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

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

- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

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

- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

- o UK Government issued legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov regulations.



This page is intentionally left blank

PLANNING CONTROL COMMITTEE

DATE: 13 February 2025

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Talía Galloway	First floor front extension. Alterations to roof including hip to gable roof extension; raised height of existing chimney and insertion of front and rear box dormer windows including rear balcony to facilitate conversion of loft into habitable accommodation. Alterations to fenestration	3 Brook View Hitchin SG4 9NY	24/00878/FPH	Appeal Dismissed On 13 January 2025	Delegated	<p>The Inspector concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the streetscene and, as such, it would conflict with Policies D1 (Sustainable design) and D2 (House extensions, replacement dwellings and outbuildings) of the North Hertfordshire Local Plan 2011-2031 (LP). Amongst other matters, these policies require proposals to respond positively to local context and for dwelling extensions to be sympathetic to the existing house, including by reason of height and form.</p> <p>In addition the Inspector concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 2 Brook View by reason of overlooking and loss of privacy and, as such, it would conflict with LP Policy D3 (Protecting living conditions) which</p>

						refers to development not causing unacceptable harm to living conditions.
Shabana Asghar	Erection of carport structure and installation of front boundary fence. (Development already carried out).	3 Fountain Row Ninesprings Way Hitchin SG4 9NR	24/01231/FPH	Appeal Part Allowed On 13 January 2025	Delegated	<p>The appeal is dismissed for the erection of the car port. The appeal is allowed for the erection of a boundary fence to the front of the house</p> <p>The Inspector stated that the council has not objected to the front boundary fence. Although taller than other near-by means of enclosure fronting the roads, the fence is not an incongruous form of development within the streetscene and there are no reasons to disagree with the council's assessment.</p> <p>The Inspector stated that by reason of the car port's significant projection forward of the host property's front elevation, the car port's siting and size does result in an incongruous form of development within the streetscene when viewed along Ninesprings Way and Oakfield Avenue. This element of the appeal scheme does cause unacceptable harm to the character and appearance of generally open and verdant streetscene and, as such, it is contrary to LP Policies D1</p>

						(Sustainable design) and D2 (House extensions, replacement dwellings and outbuildings). Amongst other matters, these policies require proposals to respond positively to local context and for dwelling extensions to be sympathetic to the existing house.
Mr Rama Coceal	Erection of one detached 3-bed dwelling including parking, landscaping and creation of vehicular access off Folly Close	137 Stevenage Road Hitchin SG4 9DT	24/00329/FP	Appeal Dismissed On 14 January 2025	Delegated	<p>The Inspector concluded that the proposed development would cause harm to the character and appearance of the area. Therefore, in respect of this main issue, there would be conflict with LP Policies SP9 (Design and sustainability) and D1 (Sustainable design) which expect proposals to be well designed and to respond positively to local context.</p> <p>The Inspector also concluded that the proposal would cause harm to the living conditions of the occupiers of 137 Stevenage Road, with particular regard to sunlight and daylight. Consequently, with regard to this main issue, there would be conflict with Policy D3 (Protecting living conditions) of the LP which resists proposals that cause unmitigated harm to the living conditions of existing users.</p>

This page is intentionally left blank

**PLANNING CONTROL COMMITTEE
PLANNING APPEALS LODGED**

DATE: 13 February 2025

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr and Mrs N Merlo	10 December 2024	Erection of detached rear garden room to facilitate gym/sauna/workshop	22 Blackmore Way Blackmore End AL4 8LJ	24/01823/FPH	Householder Appeal Service
Chalkdene Developments LLP	16/01/2025 (new start date for appeal as appeal procedure changed to a Public Inquiry)	Proposed residential development for 42 dwellings, access, parking, landscaping and associated works, including provision of an electrical sub-station (as amended by plans and documents received 23.08.2022, 29.09.2022, 20.12.2023 and 27/02/24).	Land East Rhee Spring And Orwell View Royston Road Baldock	21/01882/FP	Public inquiry to be held on 29 April 2025 (currently sitting for 4 days)

This page is intentionally left blank



Appeal Decision

Site visit made on 18 December 2024

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 January 2025

Appeal Ref: APP/X1925/D/24/3350924

3 Brook View, Hitchin, Hertfordshire SG4 9NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Talia Galloway against the decision of North Hertfordshire District Council.
 - The application Ref is 24/00878/FPH.
 - The development proposed is roof alterations including dormers and balcony to the rear.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. The content of the revised Framework does not materially change the national policy basis for the assessment of this appeal.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on the character and appearance of the host property and the streetscene and (b) the living conditions of the occupiers of 2 Brook View.

Reasons

Character and Appearance

4. The proposed development includes the erection of a first floor extension above the original ground floor of a bungalow which has already been altered, including by a 2-storey rear addition. The appeal property is situated within a predominantly residential area comprising mainly bungalows some of which have been altered to create habitable accommodation within the roofspace, including by the erection of large rear dormer extensions. There are some examples of front dormer extensions, including at 2 Brook View.
5. Other schemes within the surrounding area identified by the appellant have involved the demolition and rebuilding or substantial alterations of bungalows to create properties with 2 levels of habitable accommodation, including at 20 and 22 Brook View and 33 and 39 Broadmead. However, the full planning circumstances of these other schemes have not been provided and they have been given limited

weight in the determination of this appeal which has been assessed on its own circumstances.

6. The council has not specifically objected to the proposed rear dormer extension which would be of a design and size comparable to other additions which could be seen during the site visit. The proposed front dormer would be comparable in appearance to other roof additions to bungalows within the area, including at No. 2.
7. However, the design of what would be a 2-storey front gable would materially alter the character and appearance of the host property to create the impression of an additional floor rather than, as with other properties, the roofspace of a bungalow being used for habitable accommodation. Although retaining a similar roof form and pitch as the current single storey gable, this proposed 2-storey gable would be highly visible from the road and would result in the host property being a conspicuous and incongruous form of development within a streetscene which is characterised by bungalows.
8. In reaching this judgement, account has been taken of the existing 2-storey rear addition but this is set well back from the road and, as such, it is less conspicuous within the streetscene. By reason of the siting of the 2-storey addition, the original bungalow maintains its positive contribution to the streetscene predominantly characterised by single storey dwellings.
9. On this issue, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the streetscene and, as such, it would conflict with Policies D1 and D2 of the North Hertfordshire Local Plan 2011-2031 (LP). Amongst other matters, these policies require proposals to respond positively to local context and for dwelling extensions to be sympathetic to the existing house, including by reason of height and form.

Living Conditions

10. The property is located within an urban residential area and some degree of overlooking of rear gardens from the first floor windows of neighbouring properties can be expected, including from the first floor rear dormer window of No. 2 towards the property's rear garden. In this case, there are no first floor openings in the rear elevation of the original bungalow. There are 2 rooflights within the roofslope of the 2-storey rear addition which do face towards the rear garden of No. 2 but they are relatively small in size and are only secondary openings for habitable rooms within the roofspace. The principal openings for these rooms are within the front and rear elevations of the 2-storey addition.
11. As part of the proposed development a first floor balcony would be created above an existing single storey rear addition and would be used as a private outdoor space. This balcony is proposed to include an 1.8 metre high obscure glazed balustrade erected along the side elevation which would prevent an outlook both into and from the rear first floor window of No. 2.
12. The appeal scheme also includes a 1 metre high balustrade sited to the rear of the proposed balcony. However, unlike the side balustrade, the height of the proposed rear balustrade would not preclude overlooking of the rear garden of No. 2 and would afford materially greater views of this garden when compared to the more limited outlook from the existing rooflights. Accordingly, and taking into account the outlook from the rooflights, the proposed balcony would result in an unacceptable

level of overlooking towards the rear garden of No. 2 and thereby a material loss of privacy for the occupiers of this neighbouring property, including the area directly adjacent to the rear elevation.

13. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 2 Brook View by reason of overlooking and loss of privacy and, as such, it would conflict with LP Policy D3 which refers to development not causing unacceptable harm to living conditions.

Other Matters

14. The appellant claims that the proposed development would provide economic, social and environmental benefits which should be taken into account in the assessment of this appeal.
15. The erection of the appeal scheme would generate construction jobs but these would only be short term and, as such, this matter is given only limited weight. There would be an improvement to the level of accommodation provided and, as explained by the appellant, thereby enabling an extended family to live together. However, this matter is particular to the circumstances of the appellant rather than delivering a wider social benefit and, as such, it is also given limited weight.
16. The claimed benefits of the appeal scheme to ecology and making effective use of land without extending the built footprint are associated with a lack of harm arising from the proposed development rather than being benefits. For these reasons, these matters are given limited weight in the determination of this appeal.
17. Accordingly, it is judged that the identified unacceptable harm and conflict with the development plan demonstrably outweighs the appellant's claimed benefits and, as such, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 18 December 2024

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th January 2025

Appeal Ref: APP/X1925/D/24/3350298

3 Fountain Row, Ninesprings Way, Hitchen, Hertfordshire SG4 9NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Shabana Asghar against the decision of North Hertfordshire District Council.
 - The application Ref is 24/01231/FPH.
 - The development is the erection of a carport structure and boundary fence to front of house.
-

Decision

1. The appeal is dismissed for the erection of the car port. The appeal is allowed and planning permission granted for in the erection of a boundary fence to the front of the house at 3 Fountain Row, Ninesprings Way, Hitchen, Hertfordshire SG4 9NR in accordance with the terms of the application, Ref 24/01231/FPH, subject to the following condition:
 - 1) The development hereby permitted insofar as it relates to the erection of a boundary fence to the front of the house shall be carried out in accordance with the following approved plans: P1; P2; P3; P4; P5; P6 and P7A.

Procedural Matters

2. The development subject of this appeal has been erected.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. The content of the revised Framework does not materially change the national policy basis for the assessment of this appeal.

Main Issue

4. It is considered that the main issue is the effect of the proposed development on the character and appearance of the streetscene.

Reasons

5. The development includes the erection of a car port and a front boundary fence. The council has not objected to the front boundary fence. Although taller than other near-by means of enclosure fronting the roads, the fence is not an incongruous form of development within the streetscene and there are no reasons to disagree with the council's assessment.
6. The car port is sited to the side and front of the semi-detached 2-storey host property and comprises wooden posts with a flat roof which slopes away from the

- road. The appellant identifies that the structure was erected for security and privacy reasons.
7. The council has assessed that the scale and design of the car port does not detract from the character and appearance of the host property and, from the observations made during the site visit, there are no reasons to disagree with this assessment.
 8. Within the surrounding area the gardens fronting the roads are characterised by landscaping with areas for external parking giving them an open appearance. The means of enclosure adjacent to the footways are low level comprising a mix of walls, hedges and fences. Overall, the streetscene along the surrounding roads therefore possess a generally open and verdant appearance. Although some small scale front extensions have occurred to individual dwellings, there no other structures of a similar scale, design or siting as the car port.
 9. The front elevation of the car port is sited adjacent to the boundary of the property with the footway along Ninesprings Way. When viewed from the east, the car port is partially viewed against the context of wooden fencing within the elevated front garden of 2 Fountain Row. From the west, the car port is seen against the context of the open front gardens of 4 to 6 Fountain Row. There are clear views of the car port from the south along Oakfield Avenue.
 10. By reason of its significant projection forward of the host property's front elevation, the car port's siting and size does result in an incongruous form of development within the streetscene when viewed along Ninesprings Way and Oakfield Avenue. This element of the appeal scheme does cause unacceptable harm to the character and appearance of generally open and verdant streetscene and, as such, it is contrary to Policies D1 and D2 of the North Hertfordshire Local Plan 2011-2031 (LP). Amongst other matters, these policies require proposals to respond positively to local context and for dwelling extensions to be sympathetic to the existing house.
 11. However, in this case the 2 elements of the appeal scheme are clearly severable and are both physically and functionally independent. Accordingly, there exists the potential to issue a split decision in this case. For the reasons given, it is concluded that the front boundary fence does not cause unacceptable harm to the character and appearance of the streetscene and, as such, it does not conflict with LP Policies D1 and D2. Conversely, it is concluded that the car port does cause unacceptable harm to the streetscene and, as such, it does conflict with LP Policies D1 and D2.
 12. The Council has not suggested any conditions in the event that this appeal succeeds. However, for reasons of certainty, a condition is necessary to identify the approved drawings insofar as they relate to the front boundary fence. Accordingly, it is concluded that the appeal should be dismissed for the erection of the car port but allowed for the erection of the boundary fence to the front of the house.

D J Barnes

INSPECTOR



Appeal Decision

Site visit made on 4 December 2024

by E Catchside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2025

Appeal Ref: APP/X1925/W/24/3345023

137 Stevenage Road, Hitchin, Hertfordshire SG4 9DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Rama Coceal against the decision of North Hertfordshire District Council.
 - The application Ref is 24/00329/FP.
 - The development proposed is erection of 1no detached 3-bed dwelling with new access off Folly Close.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework), to which I have had regard, was published on 12 December 2024. The parties have been invited to comment on the revised Framework, and I have taken the comments received into account.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupiers of 137 Stevenage Road, with particular regard to sunlight and daylight; and,
 - whether the proposal would provide an adequate standard of accommodation for future occupiers, with particular regard to outdoor amenity space and traffic noise.

Reasons

Character and appearance

4. The appeal site forms part of the garden of 137 Stevenage Road, which wraps around the host property adjacent to the Folly Close junction. Although the site is bound by fencing, the absence of tall buildings in the existing garden allows for views to be gained between Folly Close and Stevenage Road, which contributes to a sense of space despite the built-up nature of the area.
5. There is a mix of residential and commercial buildings in the wider locality, which display a variety of heights and styles, and some have been altered or

extended. However, the nearest properties to the Folly Close junction, and on Folly Close itself, are predominantly two-storey dwellings with simple forms and pitched roofs.

6. The proposed dwelling would have a similar height, building line, and plot ratio to nearby properties; and its external materials could be conditioned to ensure they are appropriate to the setting. However, the proposed gable end fronting the street would be at odds with the simple style and roof orientation that is common to the existing properties nearest the Folly Close junction. It would therefore fail to integrate sympathetically with the character of neighbouring buildings. The proposal would, therefore, fail to comply with the Framework insofar as it expects developments to be sympathetic to local character.
7. Due to the width of the driveway, the rear of the property and the car parking area would be exposed to views from the intersection of Folly Close and Folly Path, and it would detract from the relatively verdant character of the pedestrian route to central Hitchin. Whilst fencing and landscaping could soften those views to some extent, there would be insufficient space for effective screening due to the short depth of the car parking area. Moreover, whilst some side space would be retained, the proposed dwelling would occupy a large area of the site, thus adding substantial built form to this relatively open corner. Owing to its width, height, and proximity, the proposal would obstruct views that can currently be gained between Folly Close and Stevenage Road. It would, therefore, have an enclosing effect on the Folly Road junction to the detriment of the street scene.
8. The design and siting of the proposal has evolved following the Council's refusal of a previous iteration of the scheme. However, I have found the proposal would cause harm to local character. Therefore, whether or not it could be less harmful than a previous proposal is not determinative to my conclusions on this main issue.
9. Overall, I conclude that the proposed development would cause harm to the character and appearance of the area. Therefore, in respect of this main issue, there would be conflict with Policies SP9 and D1 of the North Hertfordshire Local Plan 2011-2031 (LP) which expect proposals to be well designed and to respond positively to local context.

Living conditions

10. The proposed dwelling would be sited close to the side wall of No 137. I observed double doors in the side wall, which in the absence of substantive evidence to the contrary, provide the principal source of natural light to a ground floor habitable room. I have not been provided with any authoritative evidence to demonstrate the effect of the proposal on daylight and sunlight. However, due to the height of the proposed dwelling, and the orientation of the properties, the new home would in all reasonable likelihood cast shadows over the double doors, particularly during the mornings when the sun is rising.
11. Moreover, due to its narrow width and the height of the existing and proposed buildings, the space between the dwellings would be dimly lit, thus restricting daylight penetration through the double doors. Consequently, the living environment within the habitable room would be dark, gloomy, and unpleasant for its occupiers, contrary to the expectation of the Framework that high standards of amenity should be achieved for existing users.

12. I also observed that an obscured glazed doorway in the side wall of the host property provides access to a kitchen. However, the principal source of light to this room is a large rear window which would not be unduly affected by the proposal. Consequently, sufficient levels of daylight and sunlight would be maintained to the kitchen.
13. Overall, I conclude that the proposal would cause harm to the living conditions of the occupiers of 137 Stevenage Road, with particular regard to sunlight and daylight. Consequently, with regard to this main issue, there would be conflict with Policy D3 of the LP which resists proposals that cause unmitigated harm to the living conditions of existing users.

Standard of accommodation

14. On my site visit, I observed a steady flow of traffic along Stevenage Road. However, the dwelling would be sited in a well-established residential area, where many homes co-exist alongside the busy road. I have not been provided with a noise assessment showing the expected noise levels inside the proposed property. However, given that insulation and other noise mitigation measures could be secured through condition, the evidence does not lead me to conclude that traffic noise levels inside the property would be harmful to the living conditions of future occupiers.
15. I have not been directed to any development plan policy or guidance that sets out the minimum standards for external amenity space. However, the proposed garden area would not be significantly smaller than other gardens in the locality, and the site is within a short walking distance of the public open space at St John's Park. Moreover, whilst the external amenity space would be located predominantly to the front and side of the proposed dwelling, it could be screened from public views by fencing and landscaping and would provide a modest yet useable, private space for future occupants. The proposal would, therefore, accord with the Framework insofar as it seeks to secure a high standard of amenity for future users.
16. No harm has been identified in respect of the size of the internal living space, or the outlook from the property. Based on the evidence before me, and the lack of objection from the Council on these issues, I see no reason to consider these matters further.
17. Overall, I conclude that the development would provide an adequate standard of accommodation for future occupiers, with particular regard to outdoor amenity space and traffic noise. Therefore, in consideration of this main issue, there would be no conflict with Policies SP9, D1 and D3 of the LP which, collectively, seek to ensure developments provide acceptable living conditions that meet or exceed nationally described space standards.

Planning Balance

18. The proposal conflicts with the aforementioned development plan policies, and with the development plan when read as a whole. Proposals that conflict with the development plan should normally be refused unless material considerations indicate otherwise.
19. At the time the application was determined, the Council stated that it was able to demonstrate a five-year supply of deliverable housing sites, and it has not provided an updated position as part of the appeal. However, the appellant

has stated that there is a shortfall against the Framework's housing land supply requirement. In the absence of substantive evidence before me, I cannot be certain as to the current housing land supply position. If I were to accept the appellant's contention that there is a shortfall in the housing land supply, paragraph 11d) of the Framework would be engaged, and the appeal would fall to be considered against the test set out in paragraph 11d)ii. of the Framework.

20. I have identified harm would arise in relation to the character and appearance of the area, and the living conditions of the occupants of No 137. These harms lead to conflict with the Framework, which expects development to provide well-designed places that ensure a high standard of amenity for existing users.
21. Benefits would arise in terms of the contribution of an additional dwelling to local housing supply, which accords with the Framework's objective to significantly boost the supply of housing for different groups in the community. The proposal would improve the efficiency of the land by increasing the residential output of the site, in a well-established residential area, with good accessibility to the services and facilities in Hitchin. The Framework also recognises that small sites can make an important contribution to meeting the housing requirements of an area and are often built-out relatively quickly.
22. Additional benefits would arise through the creation of construction jobs, and there would be increased local spending and taxation in the longer term. Environmentally, the dwelling could feasibly achieve high sustainability standards and the development could deliver a net gain in biodiversity. These benefits weigh in favour of the proposal. However, the contribution that would be made by a single dwelling would be modest, therefore I ascribe the benefits moderate cumulative weight.
23. Taking all of the above into account, and even if there is a significant shortfall in the housing land supply position, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole and having particular regard to the policies referenced in footnote 9. Consequently, the presumption in favour of sustainable development would not apply.

Conclusion

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

E Catcheside

INSPECTOR