

**ITEM NO:**

Location:               **6 Cubitt Close  
Hitchin  
Hertfordshire  
SG4 0EL**

Applicant:               **Mr K Haer**

Proposal:               **First floor rear extension, and erection of additional rear conservatory following demolition of existing detached rear garden conservatory (amended by plans received 03.10.20)**

Ref. No:                   20/01692/FPH

Officer:                   **Andrew Hunter**

**Date of expiry of statutory period:**

28 September 2020

**Submitted Plan Nos.:**

Location Plan, Site Plan Rev A, 24720/01, 24720/02, 24720/03, 24720/04, 24720/05, 24720/06 A, 24720/07 A, 24720/08 A.

**Extension of statutory period:**

Not agreed at the time of writing.

**Reason for referral to Committee:**

The application is to be determined by Planning Control Committee by reason of a call-in request by Councillor Elizabeth Dennis-Harburg if the recommendation was to grant. The reasons given for the call-in are:

*I'm minded to call this application in. I believe this property has been extended multiple times in recent years. This has caused some distress to neighbours in Stirling Close whose garden has been overlooked by some of these works, and claim they've lost natural light as a result. I'm therefore very worried about the impact a further extension could have and query whether this is a necessary and appropriate addition to the property.*

**1.0 Site History**

- 1.1 19/03065/NMA - Reduction of ground floor side elevation windows, insertion of two velux roof windows in single storey pitched roof and two additional high level windows in side elevation at first floor (as Non-Material Amendment of Planning Permission 18/00219/FPH granted 13.04.2018) – Agreed 24/01/20.
- 1.2 19/01866/NMA - Relocation of flank windows and adjustment to garage and roof line (as non material amendment to planning permission reference 18/00219/FPH granted 13/04/2018) – Not Agreed 27/08/19.

1.3 19/00666/FPH - First floor front extension and part first floor, part single storey side extension (variation to previously approved Planning permission 18/00219/FPH granted 13/04/2018) – Refused 24/04/19 for

1. *The proposed first floor side extension by reason of its size, siting, and design would fail to be subordinate to the host dwelling and would be harmful to its character and appearance and that of the street scene. The proposal would be contrary to the provision of Saved Policies 28 and 57 of the North Herts District Local Plan 1996, Policies D1 and D2 of the Emerging Local Plan and Section 12 of the National Planning Policy Framework.*
2. *The proposed side extensions by reason of their size, siting and design will result in overbearing impacts and loss of light which will be detrimental to the amenity of No. 7 Stirling Close. The proposal would be contrary to the provision of Saved Policies 28 and 57 of the North Herts District Local Plan 1996, Policies D1, D2 and D3 of the Emerging Local Plan and Section 12 of the National Planning Policy Framework.*

Appeal dismissed 27/08/19.

1.4 18/00219/FPH - First floor front extension and part first floor, part single storey side extension (as amended by drawings HAE/17/03A, 04A, 05A received 09/03/2018) – Approved 13/04/18.

1.5 12/02146/1HH - First floor side and rear extension – Withdrawn 15/11/12.

1.6 09/00588/1PUD - Greenhouse in rear garden – Approved 02/06/09.

1.7 08/01762/1HH - Retention of greenhouse (as amended by plans received 2nd October 2008) – Approved 02/10/08.

1.8 07/02530/1HH - Front entrance porch – Approved 21/12/07.

1.9 05/00812/1HH - First floor front extension to existing bay window, rear conservatory and side conservatory and store to existing residential annex (as amended by drawing PDP-1096/4B received 2 September 2005) – Approved 28/10/05.

1.10 03/01712/1HH - First floor rear extension – Refused 22/12/03 for:

1. *The proposed extensions at first floor level by reason of their close proximity to adjoining dwellings to the south (rear) and east (side) would be likely to detract from the privacy and enjoyment by the occupants and would have a detrimental impact upon the amenities they currently enjoy.*

Appeal dismissed 10/08/04.

1.11 03/01362/1HH - First floor rear and side extensions – Refused 16/10/03 for:

1. *The size, bulk, scale and design of the proposed rear extensions would be unsatisfactory and would present an incongruous appearance including a flat roof and valley feature to the main dwelling. Consequently the extensions in the view of the local Planning Authority would be contrary to Policy 28 of the North Hertfordshire District Local Plan No 2. with Alterations.*
2. *The proposed extensions at first floor level by reason of their close proximity to adjoining dwellings to the south (rear) and east (side) would be likely to detract*

*from the privacy and enjoyment by the occupants and would have a detrimental impact upon the amenities they currently enjoy.*

1.12 02/01148/1HH - First floor rear extension and single storey side extension – Refused (Split decision) 17/09/02 for:

1. *The proposed first floor extension by reason of its relationship and close proximity to the adjoining property to the south (rear) would be likely to detract from the privacy and enjoyment of that dwelling by the occupants.*

Appeal allowed 24/06/03.

1.13 01/01425/1HH - Single storey rear extension (as amended by drawing no PDP 1096/2A received 24.9.01) – Approved 16/10/01.

1.14 00/00624/1HH - Single storey side extension to provide residential annex to dwelling – Approved 04/08/00.

1.15 87/00552/1 - Change of use to retirement/nursing home for the elderly and retention of annexe for staff accommodation – Approved 21/05/87.

## 2.0 **Policies**

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

Policy 28 – House extensions

Policy 57 – Residential Guidelines and Standards

### 2.2 **National Planning Policy Framework**

Chapter 12 – Achieving well-designed places

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

SP9 – Design and sustainability

D1 – Sustainable Design

D2 – House extensions, replacement dwellings and outbuildings

D3 – Protecting Living Conditions

## 3.0 **Representations**

### 3.1 **Site Notice:**

Start Date: N/A

Expiry Date: N/A

### 3.2 **Press Notice:**

Start Date: N/A

Expiry Date: N/A

### 3.3 **Neighbouring Properties:**

The following objections were received from No. 7 Stirling Close:

- Overlooking from conservatory into dining room windows.
- Noise from conservatory
- Loss of light.

- The 'existing conservatory' to be demolished is a greenhouse, not a conservatory.
- The house has a conservatory. Why is there a need for another.
- Over-massing of original dwelling by previous extensions.
- Previous damage to our land, fence and gravel boards.
- The majority of the plot to the left of us will be built on.
- First floor extension was refused by application.
- Previous construction noise has been excessive.
- This is the 16<sup>th</sup> planning application from the owner.

The following comments were received from No. 7 Cubitt Close:

- No objection to the first floor extension.
- Conditional on no window being installed.
- Any window would be detrimental to our privacy.
- It would be appreciated if a caveat could be incorporated if permission was to be granted.

#### 4.0 **Planning Considerations**

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

4.1.1 The site is a two storey detached dwelling with pitched roofs. Rear party boundaries with neighbouring properties are comprised of 1.8m high fences. The site is an area of residential character, of detached dwellings in Cubitt Close and terraced and detached dwellings in Stirling Close.

##### 4.2 **Proposal**

4.2.1 Planning permission is sought for the erection of a rear conservatory with a pitched roof and the associated demolition of an existing garden outbuilding, and a first floor rear extension with a pitched roof. The number of bedrooms would not be increased.

##### 4.3 **Key Issues**

4.3.1 The assessment of this application was made from the documents submitted with the application, photos of the site and surroundings taken by the applicant, knowledge and photos of the site and surroundings from previous recent applications, information relating to the planning history of the site, and images from Google Maps and Street View (a site visit in person by the case officer was not permitted during the course of the application due to restrictions in movement during the Corona Virus crisis).

4.3.2 The key issues for consideration are as follows:

--The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.

--The impact that the proposed development would have on the living conditions of neighbouring properties.

##### Character and appearance:

4.3.3 There are no objections to the removal of the garden building. The proposed conservatory would be a subordinate addition to the dwelling, would appear lightweight, would be of an acceptable and typical design for a conservatory, and would have limited visibility and impacts on the character of the street scene. The conservatory is considered of an acceptable design.

- 4.3.4 The first floor rear extension would also be a small and subordinate addition to the dwelling; and would have an appropriate pitched roof, design and detailing. The rear location of this extension would mean it would have limited and acceptable impacts on the character and appearance of the street scene and locality.
- 4.3.5 Cumulatively the proposed extensions would further enlarge a dwelling that has been enlarged a number of times from its original size, particularly on the ground floor. I however consider the extensions proposed for this application relatively small and they would be smaller than extensions refused previously, an existing garden building will be removed for the conservatory, and they will be at the rear of the site where they won't be prominent in or affect the street scene and character of the locality. I therefore consider the character and appearance of the proposals acceptable.

Impact on Neighbouring Properties:

- 4.3.6 The conservatory could only potentially affect No. 7 Stirling Close due to its location and size. The conservatory would be approx. 3m in depth, 2m from the boundary, and 2.3m to its eaves with a hipped roof sloping away from No. 7.
- 4.3.7 No. 7 has two dining room windows that would face the conservatory (one directly and one obliquely), however these windows are narrow, face onto a 1.8m high close-boarded fence, and have obscure glazed top halves. These characteristics reduce the amount of outlook and light they receive. Given this, and the small depth and height of the conservatory and its distance from the boundary, I do not consider that the conservatory would cause overbearing impacts and harmful loss of light. Noise generation would be considered limited and domestic in scale, and not unreasonable and harmful in this location. The impacts of the conservatory on the amenity of No. 7 and other nearby dwellings are considered acceptable.
- 4.3.8 The first floor extension could only physically affect No. 7 Cubitt Close. This extension would be set away from the boundary by a minimum of approx. 4m and further from No. 7 itself, and would taper away from No. 7 due to the siting and orientation of it and the application property. I do not therefore consider that the extension would appear harmfully overbearing or result in loss of light to No. 7.
- 4.3.9 The first floor extension would not include any side windows, and its rear window would face down the rear garden not causing loss of privacy to No. 7. Present permitted development rights can allow for new upper floor side windows being inserted without needing planning permission, on condition that they are obscure glazed, and non-opening below 1.7m. These restrictions are considered sufficient to avoid the requirement for a condition to prevent side new windows being inserted, should permission be granted.
- 4.3.10 The rear window of the first floor extension would be approx. 9m from the rear boundary of the site, and 3m closer to that boundary than the existing rear window of the bedroom that would be extended. The proposed window would be further from the rear boundary than the three other first floor rear windows of the host dwelling.
- 4.3.11 No. 7 Stirling Close referred to a first floor rear extension being refused under planning application 12/02146/1HH, however this was withdrawn rather than refused. Previous applications 03/01712/1HH and 03/01362/1HH were refused planning permission, with concerns raised over loss of privacy to the rear garden of No. 6 Stirling Close to the south-west, with the later application dismissed at appeal.

4.3.12 The depth of the extension of 03/01712/1HH dismissed at appeal and earlier application 03/01362/1HH were approx. 3.6m, with the windows of those refused extensions approx. 0.6m further towards the boundary with No. 6 Stirling Close.

4.3.13 The window of the first floor extension would be further from the boundary with No. 6 Stirling Close than the two refused 2003 applications referred to above. The 3m depth of the extension would be 3m from the original rear wall of the dwelling, which is permitted by Policy 28 of the adopted Local Plan. As the proposal is Policy compliant and clearly smaller than extensions previously refused in 2003, I consider that harmful loss of privacy will not occur to No. 6 Stirling Close. Impacts on neighbour amenity are therefore considered acceptable.

#### 4.4 **Conclusion**

4.4.1 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

#### 4.5 **Alternative Options**

4.5.1 None applicable

#### 4.6 **Pre-Commencement Conditions**

4.6.1 No pre-commencement conditions are recommended.

#### 5.0 **Legal Implications**

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

#### 6.0 **Recommendation**

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

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

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

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

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

3. The external materials of the approved development shall be of similar appearance to

those of the existing building, unless otherwise agreed in writing with the Local Planning Authority.

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

**Proactive Statement:**

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