

Location: **The Orchard
William Road
Hitchin
Hertfordshire
SG4 0LX**

Applicant: **Mr & Mrs H Hundal**

Proposal: **Installation of Tennis court with fencing and
associated works.**

Ref. No: 21/03411/FPH

Officer: **Thomas Howe**

Date of expiry of statutory period:

7th February 2022.

Submitted Plan Nos:

549-17, 549-18, 549-20, 549-21

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of the site area and the floor area of the proposed development. The site area is approximately 1.46 hectares and the tennis courts would be approximately 540 sqm in area. This therefore requires the decision to be referred to the Planning Control Committee given the development exceeds 500 sqm in floorspace and is set on a site >1 hectare in area.

1.0 **Site History**

1.1 16/00016/1 – Change of Use from Class B1 (Offices) to Class C3 (Residential) and alterations to the fenestration. – Conditional Permission

1.2 04/00480/1 - Change of use of agricultural land to residential; two storey rear and single storey side extensions, following demolition of existing outbuildings - Conditional Permission

2.0 **Policies**

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

Policy 2 – Green Belt

Policy 55 – Car Parking Standards

Policy 57 – Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

Chapter 12 – Achieving well-designed places
Chapter 13 – Protecting Green Belt Land

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

SP5 - Countryside and Green Belt
SP9 – Design and sustainability
D1 – Sustainable Design
D2 – House extensions, replacement dwellings and outbuildings
D3 – Protecting Living Conditions
T2 – Parking

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 24/12/2021

Expiry Date: 16/01/2022

3.2 **Neighbouring Properties:**

3.2.1 No neighbour representations received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The Orchard comprises a large detached dwelling to the north of Willian Road. The site is within the Green Belt and is bordered by a golf course to the north. The residential curtilage was previously altered during a land swap with the golf course, with the trees to the northern and western boundaries indicating the extent of the residential curtilage, though this does not extend to the entirety of the 'red line' plan.

4.2 **Proposal**

4.2.1 Planning permission is sought for the erection of a tennis court, chain link fence and associated landscaping.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- The principle of the development in the Green Belt and its subsequent impacts on the openness of the Green Belt.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties
- The impact that the proposed development would have on car parking provision in the area.

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

Impact on Green Belt:

- 4.3.2 Chapter 13 of the National Planning Policy Framework (NPPF) notes that great importance should be attached to the Green Belt and that the main aim of Green Belt policy is to keep land permanently open. Paragraph 145 states that inappropriate development should not be approved. Paragraph 145 goes on to states that *“a local planning authority should regard the construction of new building as inappropriate in Green Belt. Exceptions to this are: the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building”*
- 4.3.3 Policy 2 of the District Local Plan takes the view that *“Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact.”* Policy SP5 of the Emerging District Local Plan takes the view that *“Will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated”*.
- 4.3.4 Paragraph 149, b) of the NPPF states an exception in the green belt is *“the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;”*. The location of the tennis court within the curtilage physically relates it to the residential dwelling known as The Orchard and is clearly situated within the established residential garden serving this dwelling. Extensive screening is afforded to the northern and western boundaries given the presence of large trees and planting. Given the substantial screening and the lack of substantial visual impact from a predominantly transparent fence, I do not consider that the provision of the tennis court would occasion visual harm on the openness of the green belt or result in the encroachment of the Green Belt. A condition is attached securing the colour of the fence as Dark Green to reduce visual impacts further.
- 4.3.5 Given the above, it is therefore considered that the proposed tennis court, fence and landscaping are considered to be acceptable with regards to its relationship with the Green Belt and is therefore compliant with Policy 3 of the District Local Plan, Chapter 13 of the NPPF and Policy SP5 of the Emerging District Local Plan.

Design and Appearance

- 4.3.6 The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Chapter 12 – Achieving well-designed places). In this regard, Policy 28 and Policy D2 of the Emerging Local Plan are consistent with the NPPF.
- 4.3.7 The proposed tennis court and associated ancillary works would be set substantially away from the public highway and would be surrounded by existing screening afforded by large, mature trees to all boundaries. Given the coniferous nature of these trees, even during the winter months, substantial screening would be afforded. There could be distant views of the tennis court from land in the area however it is accepted that its visual impact over such distances would be insignificant. The Orchard is unlisted and benefits from outbuildings and a swimming pool. I do not consider that the provision of the tennis court would harm the setting or visual character of the building or wider area.

- 4.3.8 The proposed development is therefore considered to be in compliance with Policy 28 of the District Local Plan, Policy D2 of the Emerging Local Plan and the core principles set out within the National Planning Policy Framework.

Impact on Neighbouring Properties

- 4.3.9 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 of the Local Plan and D3 of the Emerging Local Plan.
- 4.3.10 The site is not neighboured by any residential dwellings, but shares boundaries with a public golf course. I do not consider that the proposed tennis court or associated works would occasion harm in the form of a loss of light or privacy. There may be some noise generation arising from the operation of the tennis court, however, given that this would be during limited hours and is not so substantial that it would be a nuisance, I consider that any neighbour impacts are acceptable. No neighbour representations were received.
- 4.3.11 Due to the minor nature of the proposal and its locality on an end of terrace garage, it is considered that the proposed development will not have any material impact upon the amenities and reasonable living conditions of neighbouring properties.

Impact on Car Parking

- 4.3.12 The proposed development would not increase traffic generation to or from the site. No loss of parking would arise and therefore, for the above reasons I do not consider there to be any detrimental impacts

4.4 Conclusion

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

4.5 Alternative Options

- 4.5.1 None applicable

4.6 Pre-Commencement Conditions

- 4.6.1 No 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. No lighting shall be erected to serve the approved development unless otherwise agreed in writing by 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 or have an adverse impact on the amenities of neighbouring residential properties.

4. Notwithstanding the lack of detail of colour on the plans, the metal work for the proposed fencing shall be painted dark green unless otherwise agreed in writing by 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. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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.