
Appeal Decision

Site visit made on 10 August 2026

by **MG Garrard LLB (Hons), PGDip.LP, Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 3 September 2026

Appeal Ref: 6008022

11 Kingswood Avenue, Hitchin, Hertfordshire SG4 0PA

- 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 Joseph Campion & Georgia Napper against the decision of North Herts Council.
 - The application Ref is 26/00109/FP.
 - The development proposed is demolition of the existing semi-detached dwelling and erection of a replacement two-storey detached dwellinghouse with associated amenity space, landscaping, revised vehicular access/driveway and parking, and associated drainage works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing semi-detached dwelling and erection of a replacement two-storey detached dwellinghouse with associated amenity space, landscaping, revised vehicular access/driveway and parking, and associated drainage works at 11 Kingswood Avenue, Hitchin, Hertfordshire SG4 0PA in accordance with the terms of the application, Ref 26/00109/FP, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the Council's decision notice differs slightly from that in the application form. As there is no clear evidence of a formal amendment to the application, I have used the application form description in my formal decision save for removing reference to the use class as that does not describe an act of development.
3. The appeal has proceeded on the basis that the development would qualify for the self-build exemption from the Biodiversity Net Gain (BNG) statutory condition. As no mechanism before me secured the development as self-build, I invited comments from the main parties. Following those submissions, an executed unilateral undertaking under section 106 of the Town and Country Planning Act 1990 (1990 Act) has been provided, and the Council has had the opportunity to comment on it. Its effect is considered below.
4. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published on 17 August 2026. The main parties were given an opportunity to comment on the implications of the revised Framework for the appeal, and I have taken those comments into account in reaching my decision. References to the Framework in my decision are to the August 2026 version.

Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- whether the proposal would qualify for the self-build exemption from the statutory Biodiversity Net Gain condition.

Reasons

Character and Appearance

6. The appeal site lies within a street that remains predominantly characterised by semi-detached dwellings on one side facing a wide verge and open fields beyond. Many properties have been altered through extensions and remodelling, resulting in variation in their form, appearance and materials. Taken together, these changes have significantly reduced the degree of visual uniformity within the street scene.
7. The proposed replacement of the existing semi-detached dwelling with a detached dwelling would alter the form of development on the plot in contrast to the dwellings to either side. The proposal would follow the established building line and broadly reflect the height of the roofline of surrounding properties. It would retain gaps to the site boundaries on either side, and the plot has generous amenity space to the front and rear. The site would therefore accommodate the proposal without appearing cramped or contrived.
8. The appeal site occupies a position adjacent to a wider break in built development created by the electricity substation. Beyond this point, the street scene becomes more varied as it approaches a road junction, including the presence of a bungalow and properties of differing form and appearance. In this context, the detached form of the proposed dwelling would not unduly interrupt the existing rhythm of the street scene and would assimilate satisfactorily into the existing streetscape.
9. For these reasons the proposal would respect the character and appearance of the area. It would therefore accord with Policies D1, D2 and SP9 of the North Hertfordshire Local Plan 2011-2031 (Adopted November 2022) which support proposals that respond positively to the site's local context, and do not harm or have an adverse impact on the character and appearance of the site or the street scene and area.
10. It would also comply with Policy DP3 of the Framework with regard to its expectation, amongst other things, that development proposals should respond to their context so that they integrate and enhance their surroundings.

Biodiversity Net Gain (BNG)

11. Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires an application for planning permission to state whether the statutory BNG condition would apply and if not, the reasons why. Where BNG applies, further information is required to enable the statutory BNG condition to be applied and later discharged.

12. The application stated that the BNG condition would not apply because the proposal was for self-build and custom build development. That exemption can only be relied on where there is sufficient certainty that the proposal represents self-build or custom build development.
13. A unilateral undertaking dated 19 August 2026 has been submitted in relation to the appeal. The undertaking has been executed by the owner as a deed and is expressed to take effect as a planning obligation under section 106 of the 1990 Act. It secures the dwelling as a self-build dwelling and requires evidence of compliance to be provided following completion and occupation. I am satisfied that this provides sufficient certainty that the proposal would be self-build development for the purposes of the exemption relied on. Accordingly, the proposal would qualify for the self-build exemption from the statutory BNG condition, and I conclude that no conflict with the BNG statutory framework would arise.

Other Matters

14. An interested party has raised concerns regarding two trees within the open area adjoining the electricity substation. The movement of construction vehicles, plant or materials in that area could be appropriately controlled through the demolition and construction method statement condition. This matter does not therefore alter my findings on the main issues.

Conditions

15. I have reviewed the conditions suggested by the Council having regard to the tests in the Framework and the Planning Practice Guidance (PPG). I have amended some of the Council's suggested wording in the interests of clarity. Conditions addressing the statutory implementation period and listing the approved plans are necessary to provide certainty. However, I have removed reference to plans showing existing matters as compliance with those is unnecessary.
16. A demolition and construction method statement condition is necessary to ensure the orderly management of construction activities in the interests of safeguarding the living conditions of neighbouring occupiers, maintaining highway safety and to protect the adjacent open area and trees during demolition and construction. As these measures need to be agreed before any works commence, the condition is necessarily pre-commencement. A separate condition requiring the widened access to be constructed before occupation, and preventing surface water discharging onto the highway, is necessary in the interests of highway safety.
17. Notwithstanding the Council's suggested condition requiring approved landscaping details to be carried out, no landscaping details are before me, and it is not necessary or reasonable in this instance to require such details for the proposed single replacement dwelling on this existing residential site. Having regard to the advice in the Framework and the PPG regarding the removal of permitted development rights, there is no justification to remove the rights suggested by the Council in this location simply because the proposal is for a replacement detached dwelling.
18. The Council suggested a condition relating to contamination. However, as there is no substantive evidence before me that contamination is likely to be present, I am not satisfied such a condition is necessary or reasonable and I have not imposed it.

Conclusion

19. Drawing these matters together, I conclude that the proposal accords with the development plan when read as a whole. Policy S3 of the Framework indicates that proposals which accord with an up-to-date development plan and the policies of the Framework should be approved without delay. No other material considerations warrant a different conclusion.
20. Therefore, the appeal is allowed.

MG Garrard

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HD235506 D01 REV09; HD235506 D03; HD235506 D05 REV 09; HD235506 D07 REV 09; HD235506 D09.
- 3) No development shall take place, including any works of demolition, until a Demolition and Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Demolition and Construction Method Statement shall provide for:
 - i) the parking of site operatives' and visitors' vehicles;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) delivery, demolition and construction working hours;
 - viii) measures to protect trees within the adjacent open area during demolition and construction activities, including any necessary protective fencing or exclusion zones.

The approved Demolition and Construction Method Statement shall be adhered to throughout the demolition and construction period for the development.
- 4) Prior to the first occupation of the dwelling hereby permitted, the widened vehicular access shall be constructed in accordance with the approved plans. Surface water from the site shall be intercepted and disposed of separately so that it does not discharge onto the public highway. The access shall thereafter be retained in accordance with the approved details.