

DELEGATED FILE NOTE

CASE OFFICER: ...Saffron Loasby.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01203/S73	Variation of Conditions 2, 4, 6, 7 and 9 of planning permission reference 23/01752/FP granted on 11.03.2024 for Erection of two detached 5-bed dwellings together with associated access drive, car parking, private gardens, hard and soft landscaping following the demolition of all existing detached structures.	Bramble Bank Bedford Road Holwell Hitchin Hertfordshire SG5 3RX

Submitted Plan Nos

25355_PL01 25355_PL02 25355_PL04A 25355_PL05A 25355_PL13_Plot 1 25355_PL14_Plot 2
25355_PL15_Plot 1 25355_PL16_A Plot 2

2.0 **Site History**

- 23/01752/FP - Erection of two detached five-bedroom dwellings together with associated access drive, car parking, private gardens, hard and soft landscaping following demolition of all existing detached structures. Refused. Appeal allowed under APP/X1925/W/24/3348198 and planning permission granted subject to nine conditions.
- 24/00717/FP - Erection of a single dwelling on the application site. Approved. The permission was afforded significant weight by the appeal inspector.

3.0 **Representations**

3.1 Publicity and neighbours

Site Notice erected – 26-05-2026 – 18-06-2026.

3.1.1 **Two neighbour representations** have been received regarding this application. Concerns raised include the following:

- Highway safety
- Intensification of use
- Drainage and wastewater management

3.1.2 **HCC – Ecology** - Application can be determined. The proposed amendments are unlikely to have significant ecological impacts. No objection is raised. In relation to Condition 2, the revised plans do not alter the proposed site footprint and would not affect the Biodiversity Net Gain calculation or other ecological considerations. In relation to Condition 7, PL05 identifies retained trees and hedgerows, grassed and wildflower areas, proposed trees and hard landscaping. It generally responds to Section 6 of the Biological Impact Assessment and shows 21 new trees. However, it does not specify protection measures for retained trees and hedgerows or the wildflower species mix. Four Yucca gloriosa are proposed; native tree species are recommended, although the Biological Impact Assessment required only 12 trees. The variations to the other conditions are not considered relevant to ecology and are unlikely to have significant ecological impacts.

3.1.3 **HCC Highway Authority** – No objections

3.1.4 **NHDC Environmental Health** – No objections

3.1.5 **Holwell Parish Council** – No comments received

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site comprises the majority of the long rear garden of Bramble Bank, a detached chalet bungalow on Bedford Road. It previously contained detached outbuildings and is

accessed by an existing drive shared with the retained dwelling. The boundaries comprise a mix of fencing, trees, hedges and other vegetation. Ground levels are generally flat.

- 4.1.2 The site is in the Rural Area beyond the Green Belt. Greenwood and Sun Vale lie to the north and Little Arundel lies to the south. Open countryside surrounds the wider group of buildings. Residential development in depth has been approved both to the north and south of the application site.

4.2 **Proposal**

- 4.2.1 Planning permission 23/01752/FP was granted on appeal for two detached five-bedroom dwellings with associated access, parking, gardens and landscaping following demolition of existing detached structures.
- 4.2.2 This Section 73 application proposes to vary Conditions 2, 4, 6 and 7 and to remove Condition 9. The principal change is the substitution of the appeal-approved drawings with PL04 Rev A, PL05 Rev A and PL13 to PL16 Rev A, which provide a new design for both dwellings. The number of dwellings and their five-bedroom capacity would remain unchanged.
- 4.2.3 The existing access from Bedford Road would be retained. It would lead to a central turning head positioned between the two dwellings. The dwellings would face towards one another across the turning area. Plot 1 would be reoriented to face east rather than west as under the appeal-approved scheme. The plot shapes and the setting of the dwellings would also be revised, although the general siting of two dwellings along the established access would remain.
- 4.2.4 Each dwelling would be one-and-a-half storeys in height and would have a varied pitched-roof form incorporating gables and dormer windows. Each would include an integral garage. The elevations comprise a traditional domestic dwelling with a mixture of facing brickwork and light-coloured render beneath natural slate roofs.
- 4.2.5 At ground-floor level, both dwellings would provide a living room, open-plan kitchen and dining area, home office, guest bedroom with en-suite facilities, WC, pantry, utility/boot room and integral garage. At first-floor level, each dwelling would provide five principal bedrooms in addition to the ground-floor guest room as labelled on the drawings, together with a family bathroom, en-suite facilities, and storage. Plot 2 would additionally include a balcony serving Bedroom 1. A permanent side privacy screen is proposed to the balcony to prevent overlooking arising from the relationship with development to the north.
- 4.2.6 The external materials schedule specifies Kassandra Multi Red facing brickwork by Wienerberger in stretcher bond with light mortar, together with Chalk through-colour render by Weber. The roofs would be finished in natural blue/black slate tiles with matching ridge tiles. Windows would be aluminium framed in RAL 7016. Rainwater goods would comprise black uPVC half-round gutters and circular downpipes; fascias and soffits would be uPVC finished to RAL 7016; and dormers would have lead-lined cheeks.
- 4.2.7 Condition 4 is proposed to be varied from a requirement to submit and obtain approval of a Construction Method Statement to a compliance condition requiring the development to be completed in accordance with the submitted Construction Method Statement. The submitted arrangements identify access and working areas, contractor

parking, an office, welfare facilities, storage, loading and unloading space, visitor parking, temporary security gates and tree-protection fencing.

- 4.2.8 Condition 6 is proposed to be varied so that the development is completed in accordance with the external materials schedule submitted with the revised elevation drawings.
- 4.2.9 Condition 7 is proposed to be varied so that the landscaping works are completed in accordance with PL05 Rev A. The initial PL05 showed retained vegetation, new trees, grassed and wildflower areas, fencing and hard surfacing. It included tree planting at the western end of the site, around the parking and turning areas and adjacent to the eastern turning head. PL05 Rev A amends that scheme by adding a linear group of trees along the southern side of the access between Plots 1 and 2. This strengthens the landscaped edge toward Little Arundel and provides additional visual separation between the access and the southern boundary. The revised plan retains the other principal planting groups and the proposed grass, wildflower, hard-surfacing and boundary treatments. It also includes written specifications for the establishment and management of the wildflower-meadow areas and for the protection of retained trees in accordance with BS 5837:2012. Tree-protection fencing is identified on the drawing, including at the western end of the site and around retained vegetation adjoining Bramble Bank. These provisions respond to the matters omitted from the first version of PL05.
- 4.2.11 The particular first-floor window in the north elevation of Plot 2 controlled by the appeal condition has been removed from the redesigned dwelling. However, because of the revised orientation of the two plots and their relationship with existing and proposed dwellings to the north and south, privacy controls remain necessary. Condition 9 should therefore be varied rather than removed so that it applies to the relevant first-floor side-facing windows in both plots (both en suite and bathroom openings) and secures the proposed side privacy screen to the Plot 2 balcony.

4.3 **Key Issues**

- 4.3.1 The main material considerations relating to the proposed changes are the scope of the Section 73 application, the design and orientation of the dwellings, character and appearance, neighbour amenity, highways and construction impacts, external materials, landscaping and ecology.

Principle

- 4.3.2 A permission granted under Section 73 is a fresh planning permission. The assessment focusses on the effects of the proposed condition variations and should not reopen matters unaffected by them. The principle, amount, scale and broad design of the two dwellings were resolved by the appeal decision.
- 4.3.3 In allowing the appeal, the Inspector assessed the development against Policies SP2, SP5, CGB1 and CGB4 of the North Hertfordshire Local Plan 2011–2031. The Inspector concluded that the development would not cause unacceptable harm to the character and appearance of the surrounding area and would accord with the relevant development-plan policies. The Inspector also found that the proposed access could operate safely, subject to a condition securing its final design and implementation. These findings are an important material consideration and establish the planning baseline against which the amendments proposed by this Section 73 application should be assessed.

Condition 2 - Approved plans

- 4.3.4 PL04 Rev A retains two detached dwellings served from the existing access, but introduces a central turning head and revises the orientation and setting of the plots. Plot 1 would face east rather than west and the two dwellings would face one another. PL13 to PL16 substitute new floor plans and elevations for both dwellings.
- 4.3.5 The redesigned dwellings retain a domestic one-and-a-half-storey form, integral garages and pitched roofs with gables and dormers. The mixed brick-and-render elevations and natural slate roofs are compatible with the traditional character of nearby dwellings. The reorientation of Plot 1 and revised facing relationship between the plots would not make the development materially more conspicuous in wider views or increase its effect on rural openness when compared with the appeal scheme.
- 4.3.6 The new plans retain substantial separation from existing neighbouring dwellings and gardens. Nevertheless, the reorientation of Plot 1, the facing arrangement between the two plots and the relationship with existing and proposed dwellings to the north and south create potential for overlooking from first-floor side-facing windows and the Plot 2 balcony. This can be addressed by obscure glazing to the relevant first-floor windows in both plots and a permanent side privacy screen to the balcony. Subject to these controls, the revised orientation and fenestration would not result in unacceptable overlooking, loss of light or overbearing effects and would comply with Policies D1 and D3 of the Local Plan and the NPPF.

Condition 4 - Construction Method Statement

- 4.3.7 The submitted Construction Method Statement and site arrangement identify contractor parking, an office, welfare facilities, storage, loading and unloading space, visitor parking, temporary security gates and tree-protection fencing. The access would remain as approved. These measures would protect neighbouring living conditions and avoid contractor parking on Bedford Road.
- 4.3.8 Subject to the Construction Method Statement addressing each element required by the appeal condition, including highway cleanliness and the timing of construction activities, deliveries and waste removal, it is reasonable to replace the pre-commencement condition with a compliance condition.

Condition 6 - External materials

- 4.3.9 The submitted schedule specifies facing brickwork and through-colour render, natural blue/black slate roofs, dark-grey aluminium windows, black rainwater goods, coordinated fascias and soffits and lead-lined dormer cheeks. The palette is traditional and would enable the dwellings to assimilate with the surrounding group of buildings. The variation of Condition 6 to require compliance with the approved materials schedule is acceptable.

Condition 7 - Landscaping and ecology

- 4.3.10 The first version of PL05 identified retained vegetation, new trees, grassed and wildflower areas, fencing and hard surfacing. HCC Ecology considered that the amendments were unlikely to have a significant ecological impact and raised no objection but noted that the plan did not state measures for protecting retained trees and hedgerows or identify the wildflower species mix.

- 4.3.11 PL05 Rev A adds a line of trees along the southern side of the access between Plots 1 and 2, supplementing the planting at the western entrance, around both dwellings and at the eastern turning head. This additional planting would soften views of the internal access and built development from Little Arundel and reinforce the landscape structure along the southern side of the site.
- 4.3.12 The revised drawing also includes a wildflower-meadow specification dealing with establishment and management and a tree-protection specification based on BS 5837:2012. Tree-protection fencing is now shown around retained vegetation. These additions address the principal omissions identified in the ecological consultation response. Four *Yucca gloriosa* remain within the wider planting schedule; while native species would generally provide greater biodiversity value, the overall scheme provides substantially more trees than the 12 identified in the Biological Impact Assessment and the ecology officer has raised no objection.
- 4.3.13 PL05 Rev A is therefore acceptable. A condition should require the landscaping, wildflower areas and tree-protection measures to be implemented in accordance with the revised plan, while retaining the appeal condition's timing and five-year replacement requirements. On that basis, the variation would deliver the recommendations of Section 6 of the Biological Impact Assessment and comply with Policies NE2 and NE4 of the Local Plan and the NPPF.

Condition 9 - Obscure glazing and neighbour amenity

- 4.3.14 Condition 9 requires a first-floor window in the north elevation of Plot 2 to be obscure glazed and retained. Although that particular window has been removed from the redesign, the revised north-south relationship between the plots and neighbouring development gives rise to other potential overlooking. The condition should therefore be varied and extended to require the relevant first-floor windows in the south side elevations of both dwellings to be obscure glazed and non-opening below 1.7 metres above internal finished floor level. It should also secure the installation and permanent retention of the side privacy screen to the Plot 2 balcony before the balcony or dwelling is first occupied. These measures would prevent harmful overlooking while allowing the redesigned dwellings to proceed.

Other considerations

- 4.3.15 HCC Ecology confirms that the remaining variations are unlikely to have significant ecological effects. The original application preceded mandatory Biodiversity Net Gain requirements. The appeal inspector secured the recommendations of the Biological Impact Assessment through the landscaping condition and that mechanism has been preserved.
- 4.3.16 Conditions not proposed to be varied should be included on the fresh permission, adjusted only where details have since been approved, works lawfully undertaken, or their requirements formally discharged. The commencement condition must preserve the time limit running from the appeal decision dated 8 January 2025.

4.4 Conclusion

- 4.4.1 The appeal permission is lawful and the principle of development is acceptable. The proposed amendments do not alter the inspector's conclusions on the acceptability of two dwellings.

- 4.4.2 The new architectural design, central turning arrangement, revised orientation of Plot 1 and facing relationship between the dwellings would not materially increase the effects of the development on rural character or openness. The materials schedule is acceptable. Potential overlooking associated with the revised relationship to dwellings to the north and south can be controlled by extending Condition 9 to relevant first-floor windows in both plots and securing the Plot 2 balcony privacy screen.
- 4.4.3 Safeguards concerning retained vegetation, the wildflower mix and landscape implementation and replacement should be retained through the amended landscaping condition. Subject to this and a compliance condition identifying the approved Construction Method Statement, the variations would not result in material planning harm. In the absence of material planning reasons to the contrary it is my view that planning permission should be **GRANTED**.

4.5 **Alternative Options**

- 4.5.1 Discussions took place during the assessment of the application to address amendments to the drawings, landscaping and drainage.

4.6 **Pre-Commencement Conditions**

- 4.6.1 I can confirm that any pre-commencement conditions are the same as those previously included where applicable, of which the applicant is in agreement with.

5.0 **Recommendation**

- 5.1 That planning permission be GRANTED under Section 73 of the Town and Country Planning Act 1990, subject to the re-imposition of all applicable conditions from appeal decision APP/X1925/W/24/3348198 and the following amended conditions:

Condition 2 - The development hereby permitted shall be carried out in accordance with the following approved plans: PL01, PL04 Rev A, PL05 Rev A, PL13, PL14, PL15 and PL16 Rev A.

Condition 4 - The development hereby permitted shall be carried out in accordance with the approved Construction Method Statement BY BBR Design, dated May 2026, received 11/05/2026.

Condition 6 - The development hereby permitted shall be completed in accordance with the external materials schedule shown on drawings PL14 and PL16 Rev A.

Condition 7 - The landscaping works shall be carried out in accordance with PL05 Rev A Proposed Landscaping Plan (May 2026) and a supplementary landscape and ecological specification submitted to and approved in writing by the local planning authority before above-ground construction. The specification shall include:

- a. measures to protect retained trees and hedgerows throughout construction;
- b. the species, size and planting density of proposed trees, shrubs and hedges, prioritising locally appropriate native species;
- c. the species-rich wildflower seed mix, ground preparation and management regime;
- d. details of grassed areas and other habitat creation; and
- e. confirmation of how the recommendations in Section 6 of Biological Impact Assessment J3178-0623 will be delivered.

All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following occupation of the dwellings or completion of the development, whichever is sooner. Any tree or plant which within five years of completion dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with one of similar size and species unless otherwise agreed in writing by the local planning authority.

Condition 9 - Before first occupation of either dwelling, the first-floor windows in the south side elevations of Plots 1 and 2 identified on drawings PL14 and PL16 Rev A [bathroom and en suite bathroom] shall be glazed with obscure glass to at least privacy level 3 and shall be permanently fixed closed below 1.7 metres above the internal finished floor level.

New condition - Before the first use of the balcony serving Bedroom 1 of Plot 2, the side privacy screen shown on drawing PL16 Rev A shall be installed to a minimum height of 1.8 metres above the balcony floor. The obscure glazing, restricted opening arrangements and balcony privacy screen shall thereafter be permanently retained.

Proactive Statement

The Council has acted proactively through positive engagement with the applicant and consultees. The submitted amendments have been assessed against the appeal permission and the development plan, and appropriately worded conditions are recommended to make the development acceptable in planning terms.

1. The development hereby permitted shall be carried out in accordance with the following approved plans: PL01, PL04 Rev A, PL05 Rev A, PL13, PL14, PL15 and PL16 Rev A.
2. No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - a) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - b) the site has been remediated in accordance with the approved measures and timescale; and
 - c) a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

a) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and

b) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

3. The development hereby permitted shall be carried out in accordance with the approved Construction Method Statement drafted by BBR Design, dated May 2026, received 11/05/2026 and the accompanying Proposed Site Construction Plan PL31 dated August 2026.
4. Prior to the commencement of the development hereby permitted details of the access and drive between Bedford Road and Plot 2 shall be submitted for approval in writing by the local planning authority. The dwellings hereby permitted shall not be occupied until the access and drive have been constructed in accordance with the approved details. The access and drive shall be retained thereafter
5. The development hereby permitted shall be completed in accordance with the external materials schedule shown on drawings PL14 and PL16 Rev A.
6. The landscaping works shall be carried out and completed in full accordance with the approved details shown on drawing PL05 Rev A Proposed Landscaping Plan (May 2026). The approved landscaping scheme shall thereafter be retained and maintained in accordance with the approved plan.

No dwelling shall be occupied until details of the design and external elevations of the cycle storage and bin storage for each dwelling have been submitted to and approved in writing by the local planning authority. The cycle storage and bin storage shall be provided in accordance with the approved details and shall be retained thereafter.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings 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 in the next planting season with others of similar size and species.
8. Before first occupation of either dwelling, the first-floor windows in the south side elevations of Plots 1 and 2 identified on drawings PL14 and PL16 Rev A [bathroom and en suite bathroom] shall be glazed with obscure glass to at least privacy level 3 and shall be permanently fixed closed below 1.7 metres above the internal finished floor level.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling and to comply with Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

9. Before the first use of the balcony serving Bedroom 1 of Plot 2, the side privacy screen shown on drawing PL16 Rev A shall be installed to a minimum height of 1.8 metres above the balcony floor. The obscure glazing, restricted opening arrangements and balcony privacy screen shall thereafter be permanently retained.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling and to comply with Policy D3 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.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 15 September 2026	