

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01533/S73	Variation of condition 2 (amended plans) of planning permission 23/00564/FP granted 31/05/2023 for erection of one detached 4-bed dwelling including parking, landscaping and associated works.	Land Between 5 And 9 Pirton Road Hitchin Hertfordshire SG5 2BD

Submitted Plan Nos

Plans - Sheet 1 of 2 Plans - Sheet 2 of 2

1.0 Policies

D1 Sustainable design

D2	House exts, replcmnt dwellings outbuild
D3	Protecting living conditions
T1	Assessment of transport matters
NE4	Biodiversity and geological sites
SECN12	Achieving well-designed places
SECN14	Meeting climate change,coastal,flooding
SP2	Settlement Hierarchy and Spatial Distrib

2.0 **Site History**

2.1 23/00564/FP - Erection of one detached 4-bed dwelling including parking, landscaping and associated works – Conditional Permission

2.2 Discharge of Conditions applications approved:

- 24/00826/DOC - Details reserved by condition 6 (landscaping) of planning permission reference no. 23/00564/FP granted 31.05.2023
- 24/00824/DOC - Details reserved by condition 5 (Materials) of planning permission reference no. 23/00564/FP granted 31.05.2023
- 24/00823/DOC - Details reserved by condition 4 (Contamination) of planning permission reference no. 23/00564/FP granted 31.05.2023
- 24/00731/DOC - Details reserved by condition 3 (Construction Method Statement) of planning permission reference no. 23/00564/FP granted 31.05.2023

3.0 **Representations**

3.1 **Neighbour Consultation** – None received.

3.2 Environmental Health:

- Contamination - No Objection

- Noise – No Objection
- Air Quality – No Objection

3.3 Hertfordshire Highways:

- 15 August 2024 – *“None of the amended plans have any impact on the Highway Authorities previous comments in relation to the highway network, therefore the Highway Authority would not wish to restrict the grant of planning permission.”*

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is presently vacant and formerly comprised part of a residential garden space. It is accessed off Pirton Road by a gated access way.

4.2 **Proposal**

- 4.2.1 This application seeks to vary Condition 2 of the previous planning permission 23/00564/FP granted 31/05/2023. An amended plan was also received to correct the levels outside of the garage door.

- 4.2.2 Condition 2 relates to the approved plans of the development. This application form indicates that the following amendments are proposed:

1. Correcting of land levels.
2. Squaring off of the front porch and omission of front hip.
3. Provision of two solar panels and 2 Velux windows to roof.
4. Introduction of crown roof.
5. Changes to landscaping scheme.

4.3 **Key Issues**

- 4.3.1 The principle of the development has been established given the extant planning permission. Relevant material considerations relating to the current application are design and impact to neighbour amenity.

Design and Appearance:

- 4.3.2 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings to incorporate design that is sympathetic to the main dwelling in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. These policies are broadly consistent with Section 12 of the National Planning Policy Framework.

- 4.3.3 In terms of the built form, the proposed amendments predominantly preserve the character of the dwelling when compared to the approved scheme. Details of materials have previously been approved, and this plan indicates their implementation. The omission of the front hip is acknowledged, and the introduction of the crown would alter the character of the property, however, given the land levels surrounding the site, together with the siting of the property within the plot in relation to neighbouring dwellings, I consider that these changes would not unacceptably harm the character of

the dwelling or the street scene that it would be set within. Changes to land levels are modest, and would not result in the development appearing unduly prominent in the street scene. It is noted that the chimney would be omitted, however, the two neighbouring dwellings to the east do not benefit from a chimney, and therefore I consider that its omission is not harmful.

- 4.3.4 The proposed development is therefore considered to be in compliance with Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

Impact on Neighbouring Properties:

- 4.3.5 Policy D3 of the Local Plan permits development that does not result in unacceptable to harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.
- 4.3.6 This application seeks to correct/alter land levels for the dwelling. These changes, as indicated on the site plan, are very modest and are unlikely to give rise to an unacceptable sense of dominance or a sense of overlooking for neighbouring occupiers when compared to the approved scheme. Generally, the changes to the appearance of the dwelling would reduce the bulk, and would therefore provide some mitigation of prospective amenity concerns for neighbouring properties. Window layouts would predominantly remain the same, and are therefore not considered to allow for unacceptable overlooking or a loss of privacy for neighbours. Correct land levels outside of the garage door would not allow for a new, unacceptable vantage point to look into neighbouring curtilages. No neighbour objections were received.
- 4.3.7 Given the above, it is considered that the proposed development would result in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Parking and Highways:

- 4.3.8 Hertfordshire Highways have made representation and have not objected to the proposed alterations to the approved scheme and its relationship with the safe operation of the highway. Parking levels would remain above the minimum requirement as set out by the Parking at New Developments SPD, and therefore the development is unlikely to detract from the level of parking in this part of Hitchin. The construction methods statement that was previously requested was submitted and approved as part of a discharge of condition application, and shall be implemented as part of this development.

Biodiversity Net Gain:

- 4.3.9 This application relates to an original permission granted prior to 12 February 2024, and therefore, 10% biodiversity net gain is not required. Policy NE4 requires measurable biodiversity net gain as part of the development. A pre-commencement condition related to landscaping details was approved, with this providing some enhancements across the site. This policy is therefore complied with.

4.4 **Conclusion**

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

4.5 **Alternative Options**

- 4.5.1 None applicable.

5.0 **Recommendation**

- 5.1 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 grant of planning application 23/00564/FP.

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 development shall be carried out in accordance with the details submitted and approved under LPA ref 24/00731/DOC and shall be implemented on site unless otherwise approved in writing by the Local Planning Authority.

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).

4. The development shall proceed in accordance with details approved by Discharge of Condition applications 24/00823/DOC.

Reason: Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

5. The development shall proceed in accordance with details approved by Discharge of Condition applications 24/00824/DOC.

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

6. The development shall proceed in accordance with details approved by Discharge of Condition applications 24/00826/DOC.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

7. Prior to occupation, the new dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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.

8. Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.0 x 2.0 metres shall be provided to each side of the access where it meets the highway, and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

9. The windows at first floor level on the western elevation of the development hereby permitted shall be permanently glazed with obscure glass.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

10. 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 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.

11. Before the first occupation of the dwelling hereby approved, a bin store is to be provided in the rear garden of the dwelling hereby approved.

Reason: In the interest of design and amenity.

Biodiversity Net Gain

This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

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  Sam Dicocco Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 27 August 2024	