

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00892/FP	Erection of 4 bedroom dwelling and associated external works to land North East of Toyldfor (as amended by plans rec'd 10 June 2025).	Toyldfor Heathfield Road Hitchin Hertfordshire SG5 1SY

Submitted Plan Nos

A010 Rev 2 A105 REV 1 A106 REV 1 A107

1.0 Policies

D1	Sustainable design
D2	House exts, replcmnt dwellings outbuild
D3	Protecting living conditions
T1	Assessment of transport matters
T2	Parking
SP2	Settlement Hierarchy and Spatial Distrib
NE4	Biodiversity and geological sites
SECN12	Achieving well-designed places
SECN14	Meeting climate change,coastal,flooding

2.0 **Site History**

2.1 22/03253/FP - Erection of one detached 3-bed dwelling – Conditional Permission

3.0 **Representations**

3.1 **Neighbour Consultation –**

3x Objections:

- Questions possible amenity impacts.

- Development is too constrained by the plot size and scale of the dwelling.
- Loss of light and overshadowing.
- Dominance.
- Insufficient on-site parking. Loss of on-street parking.
- Raises previous objections to applications.
- Possible amenity impacts for No. 2 Heathfield Road not considered sufficiently.
- Loss of outlook.

3x Representations:

- Request for inclusion of swift bricks and details of their location.

Consultees -

3.2 Environmental Health

Contaminated Land:

- Recommends condition. No Objections otherwise.

Noise:

- No Objections, but queries inclusion of a construction management plan condition.

Air Quality:

- Recommends inclusion of EV charger condition and associated informative.

3.3 Ecology – No objection. Advises that off-site BNG must be sought. Recommends condition for on-site enhancements.

3.4 Highways – Does not wish to restrict grant of permission subject to implementation of recommended conditions.

“Heathfield Road is an unclassified local access road and provides a local access function in the road hierarchy. Heathfield Road is highway maintainable at public expense. A 20mph speed limit applies. on HCC’s Place and Movement network Heathfield Road is classed as P2/M1 (e.g. Residential Street). No reportable highway accidents recorded within the immediate vicinity of the application site (5-year rolling). No Public Right of Way (as shown on the PRoW map) directly affects the site or would be affected by the proposal. The county council considers Heathfield Road not to be a traffic sensitive road.”

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The application site comprises a plot of land between Toyldfor and No. 2 Heathfield Road, residential dwellings off Heathfield Road, Hitchin.

4.2 Proposal

- 4.2.1 Planning Permission is sought for the erection of a two storey, four bed dwelling including landscaping and associated works.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:

- The principle of the development.
- The sustainability of the development.
- 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.

Principle of Development:

- 4.3.2 The site is within the defined settlement boundary of Hitchin, wherein Policy SP2 permits housing, along with 'General Development'. The proposed dwelling is considered to fall within the scope of this policy, and therefore the principle of development is supported.

Sustainability:

- 4.3.3 The application site is within Hitchin, wherein various amenities and facilities are present. Public transport links are in proximity to the site, allowing for sustainable means of transport to access the surrounding area. Social benefits would arise by the provision of a single dwelling on a windfall site, contributing to the district housing land supply. Economic benefits would arise by the use of local contractors and suppliers during the build out phase, and when occupied to provide maintenance. Occupants are likely to use local businesses. In the round, it is considered that the site would be suitably sustainable.

Design and Appearance:

- 4.3.4 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 building 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.

Appearance

- 4.3.5 The proposed dwelling departs from the approved scheme, whereby it seeks to introduce a two-storey dwelling similar in appearance to dwellings along Heathfield Road and Strathmore Road, rather than seeking to replicate/mirror the existing dwelling at

Toyldfor. The proposed street scene plan shows that its height would be similar to other dwellings along Heathfield Road but would comprise a detached dwelling rather than a semi-detached or detached dwelling. Broadly, the scale and appearance of the dwelling is therefore considered to be acceptable. Materials of construction are proposed to be consistent with dwellings along Heathfield Road, away from Toyldfor.

Layout and Access

- 4.3.6 Access would be provided by a dropped kerb adjacent to the dropped kerb and crossover serving Toyldfor. The layout of the parking, to meet this access is considered to be acceptable. The dwelling would be situated between Toyldfor and No. 2 Heathfield Road, to the side. I do not consider that the layout and scale of the dwelling would result in the overdevelopment of the plot and would not harm or detract from the grain of development to this part of Hitchin.

Landscaping

- 4.3.7 The proposal seeks hardstanding to the front driveway and surrounding the dwelling to provide a patio and gate access. Grass, hedging and trees would be proposed to the front and rear gardens of the dwelling. Close boarded fence is proposed to surround the site. Overall, I consider that the landscaping scheme would be acceptable.
- 4.3.8 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:

- 4.3.9 Policy D3 of the Local Plan permits development that does not result in unacceptable 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.
- 4.3.10 It is noted that neighbour objections have been received for this application. Initially, it was considered that the proposed rear gable would occasion unacceptable harm upon the occupants of Toyldfor and No. 2 Heathfield Road. The hipped roof would soften the visual impacts for the occupants of both of these properties, and would mitigate dominance concerns for the gardens and windows. The footprint of the proposed dwelling and approved/exant dwelling would be similar, but would comprise a larger footprint and bulk towards the front. The proposal would not extend significantly beyond the rear of No. 2, to the north Heathfield Road, and would therefore not significantly reduce light levels and result in dominance for these occupants. Some morning light would be lost for Toyldfor, and it is noted that the dwelling would extend for the depth of the rear garden of this neighbour, however given the open nature of the site to the south, west, and a majority of the east, I do not consider that dominance would be objectionable. First floor side windows are proposed, though these are indicated as being obscure glazed; I consider it is prudent to condition that these remain as obscure glazed to ensure that outlook from these windows does not detract from the privacy levels of neighbouring occupiers. Outlook to the principal and rear boundaries is not considered to be detrimental to the amenities of neighbouring occupiers due to the distances to these properties and the existing outlook of neighbouring properties.

- 4.3.11 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.

Highways and Parking:

- 4.3.12 The proposed development would be served by a minimum of two parking spaces that are off-street, therefore impacts to parking provision locally would not be harmful. Hertfordshire Highways have not objected to the proposal, and have recommended the inclusion of conditions. They have advised that Heathfield Road is not a traffic sensitive road, and note that an existing dropped kerb provides access to the site, and that "This level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity". Based on these comments, and the above consideration of the parking impacts, I consider that Policies T1 and T2 of the Local Plan 2011-2031 would be complied with, and subject to compliance with the conditions, the development would not cause detrimental impacts to the operation of the Highway.

Environmental Implications:

- 4.3.13 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.
- 4.3.14 The council ecologist made representation, and has advised that the development would result in a net loss of on-site habitat units, and that the applicant will utilise off-site contributions to achieve the required BNG. A condition has been recommended by the ecologist, requiring the submission of an EEP (Ecological Enhancement Plan), to create suitable ecological features. Subject to compliance with the above, the proposal would comply with NE4.

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 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. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

5. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

6. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012

'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

7. Prior to the commencement of the development hereby permitted full details of a comprehensive hard and soft landscaping scheme (including planting details) and all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

All approved hard standing and boundary treatments shall be completed prior to the first occupation of the development.

The approved soft landscaping / planting details shall be carried out before the end of the first planting season following either the occupation of the (first) dwelling 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 during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To ensure the development is comprehensively landscaped in the interests of visual amenity. Local Plan Policies D1 and N2.

8. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as the inclusion of integrated bird/bat and bee boxes in buildings/structures, has been submitted to and approved in writing by the local planning authority.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the North Herts Local Plan policy NE4.

9. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Statement shall include details of:

Access arrangements to the site.

Traffic management requirements.

Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas).

Siting and details of wheel washing facilities.

Cleaning of site entrances, site tracks and the adjacent public highway.

Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times.

Provision of sufficient on-site parking prior to commencement of construction activities.

Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding which must be kept within the site boundary, pedestrian routes and remaining road width for vehicle movements.

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).

10. Prior to the first occupation of the development hereby permitted a pedestrian visibility splay measuring 2.0 X 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).

11. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

12. The windows at first floor level on the first floor side elevations of the development hereby permitted shall be permanently glazed with obscure glass.

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.

13. The timber shed for the cycle store, and the bin store, shown on Plan ref. A010 rev 2 shall be constructed prior to the occupation of the dwelling hereby approved, and shall be retained thereafter. Unless otherwise agreed in writing by the Local Planning Authority,

Reason: In the interest of design and amenity, to comply with Policies D1 and D3.

Biodiversity Net Gain

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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.

Informative/s:

1. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible.

Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Gravel / shingle driveways: Where loose gravel or shingle is used, a suitable measure to prevent material spilling onto the road/footpath/verge must be installed. It is an offence under section 148 of the Highways Act 1980 to deposit debris onto the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Further information is available by telephoning 0300 1234047.

AN5) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

Signed  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 10 July 2025	