

DELEGATED FILE NOTE

CASE OFFICER: ...Harriet Sanders.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02957/FP	Change of use for existing detached annexe to self-contained dwelling.	Annexe At Mill Corner 22 Charlton Road Hitchin Hertfordshire SG5 2AE

Submitted Plan Nos

25-1004-01 25-1002-01 25-1003-02

1.0 Policies

SP1	Sustainable development in North Herts
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SP5	Countryside and Green Belt
SP9	Design and Sustainability
HE1	Designated heritage assets
HS6	Relatives and dependents accommodation
D1	Sustainable design
D3	Protecting living conditions
HE1	Designated heritage assets
T1	Assessment of transport matters
T2	Parking

2.0 **Relevant Site History**

- 2.1 21/00167/FPH - Erection of detached outbuilding/annexe rear of main dwelling with detached carport. CP 11/03/2021.
- 2.2 21/01274/NMA - Alterations to annexe and car port (as non-material amendment to planning permission 21/00167/FPH granted on 12.03.2021) (amended by plan received 11.05.21). Approved 17/05/2021.

- 2.3 21/01759/DOC - Discharge of Condition 3 (Materials) as attached to Planning Application 21/00167/FPH granted on 15/07/2021.
- 2.4 21/01831/DOC - Discharge of Condition 5 (Archaeological WSI 1) as attached to Planning Application 21/00167/FPH granted on 12.03.2021. Approved 17/08/2021.
- 2.5 22/00644/NMA - Reduce the overall height of carport and plant room from 4.10 metres to 3.55 metres- reduce the volume of car port and plant room by replacing the pitched roof with a hipped roof with flat top- reduce the overall footprint of carport and plant room- add a conservation roof light to plant room- reposition the plant room access door and replace the two sets of French doors in both the lounge and kitchen with a single set of French doors with side panels in both rooms (as a non-material amendment to planning permission 21/00167/FPH granted 12.03.2021). Approved 28/03/2022.

3.0 **Representations**

- 3.1 Press and site notice posted and neighbour notification carried out. One comment of support received.
- 3.2 Consultees:
- Environmental Health Officer (air quality, noise and other nuisances, contaminated land) – No objections.
 - Hertfordshire County Council highways – Does not wish to restrict permission.
 - Waste And Recycling Services Manager – no response at the time of writing this report.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is an existing, 1.5 storey detached annexe to the rear of no 22 Charlton Road. The annexe has an existing access and parking and is self-contained from no 22.
- 4.1.2 The wider area is rural in character with agricultural buildings and a small number of dwellings are nearby. A public footpath is adjacent to the west of the site.
- 4.1.3 Constraints - The site is in the Green Belt and a Conservation Area. No 25 Charlton Road to the west is a Grade II listed building. Part of the site in an archaeological area.

4.2 **Proposal**

- 4.2.1 Consent is sought for:

“Change of use for existing detached annexe to self-contained dwelling.”

4.3 **Key Issues**

- 4.3.1 The key material considerations are:

- Principle of the development.
- Impact on heritage assets.
- Amenity for neighbouring occupiers.
- Amenity for future occupiers.
- Parking and access.
- Other matters.

Principle of the development

- 4.3.2 The existing annex building and car port were permitted under ref: 21/00167/FPH. Condition 4 was attached to that consent to ensure that the development was retained as an annexe to no 22.
- 4.3.3 Change of use is considered to be ‘development’ under section 55 of the Town and Country Planning Act 1990. Both the existing use as an annexe and the proposed use as a separate dwelling fall within the same use class Class C3 (dwellinghouses). The use is therefore established and acceptable.
- 4.3.4 The proposal would result in a new planning unit and the creation of a separate dwelling.
- 4.3.5 The site is within the Green Belt. The NPPF states at para 154 that all development in the Green Belt is inappropriate unless one of a list of exceptions applies. Exceptions c and h iv state:
- “c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;”*
- “h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
- iv) the re-use of buildings provided that the buildings are of permanent and substantial construction*
- 4.3.6 The proposed change of use of the annexe to a separate dwelling will not involve alterations or additions to the existing building. The change of use relates to the re use of a building of permanent and substantial construction. The exception criteria listed in the NPPF are therefore met and the proposal would not cause unacceptable harm to the openness of the Green Belt.
- 4.3.7 The proposal is therefore in accordance with Section 13 of the NPPF, and Policy SP5 of the Local Plan and is acceptable in principle.

Impact on Designated Heritage Assets

- 4.3.8 The change of use will not result in any change to the external appearance of use of the building or site. No harm will be caused to the character and appearance of the

designated heritage assets of the conservation area or nearby listed building or archaeological area. The proposal meets the policy requirements of Section 16 of the NPPF and Policy HE1 of the Local Plan.

Amenity for Neighbouring Occupiers

- 4.3.9 Consideration needs to be given any harm arising to the amenity of neighbouring occupiers (no 22) from the creation of a separate dwelling.
- 4.3.10 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 NPPF.
- 4.3.11 The annexe is sited to the rear/side of no 22. The separation distance between the two properties is not generous and the distance between the annexe's first floor windows serving bed 2 facing towards no 22 and the rear facing first floor windows of no 22 is approximately 13.5m. This proximity could result in some degree of overlooking and loss of privacy at no 22 as the annexe becomes a separate property occupied by residents unconnected with no 22. This can be mitigated by the attachment of a condition requiring obscure glazing and non-opening above 1.7m finished floor for these windows. This is reasonable and necessary.
- 4.3.12 The development of the annexe reduced the outdoor amenity space for no 22 in size and the remaining space is not generous. However, the division has already been undertaken and the amenity spaces for no 22 and the annexe are distinct and separate. The change of use of the annexe to a separate dwelling will not alter the existing situation and is acceptable in terms of amenity space for no 22.
- 4.3.13 The proposal meets the policy requirements of the NPPF and Policy D3 of the Local Plan in terms of neighbouring amenity.

Amenity for Future Occupiers

- 4.3.14 The annexe is acceptable in design and layout and provides an acceptable level of indoor and external amenity for future occupiers and would meet the space standards set out in the Nationally Described Space standards (2015).

Parking and access

- 4.3.15 The annexe already has parking for two vehicles which would meet the Council's parking standards. The highway authority have raised no objection.
- 4.3.16 The proposal meets the policy requirements of the NPPF and Policy T1 and T2 of the Local Plan in terms of neighbouring amenity.

Other matters

- 4.3.17 The existing annex building and car port were permitted under ref: 21/00167/FPH. Condition 4 was attached to that consent to ensure that the development was retained as an annexe to no 22. Condition 4 states:

Condition 4 - The residential annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse known as Mill Corner 22 Charlton Road.

Reason: To avoid the creation of a new dwelling contrary to the planning policies applicable to the area and to avoid the occupation of two separate dwellings by persons unconnected with each other as this would result in an unsatisfactory relationship and inadequate standard of amenity for both properties.

- 4.3.18 Therefore in order for the current change of use application to be acceptable, the reasons for the condition above must be addressed.
- 4.3.19 The change of use of the annexe to a separate dwelling is acceptable in principle and meets the exception criteria for development in the Green Belt.
- 4.3.20 The annexe was originally approved on the grounds of a genuine need for the accommodation as required by then Local Plan Policy 33, which is now superseded by Local Plan policy HS6. The applicant has set out that circumstances have changed and wish to achieve flexibility with a separate dwelling at the site.
- 4.3.21 The annexe is already entirely self-contained and occupied independently. It has its own access and parking, and is not dependent on the occupiers of no 22. Its use as a separate dwelling will not significantly alter this situation and is acceptable.
- 4.3.22 Some degree of harm could arise from potential overlooking from the first floor front facing windows of the annexe building. However, this harm can be mitigated through a condition controlling the glazing and opening of the windows.
- 4.3.23 The reasons for the original condition controlling the use of the annex can be removed and the development remain in compliance with the NPPF and the policies of the Local Plan.
- 4.3.24 *Waste and Recycling* - The annexe already operates as a separate unit with bin storage and collection. No change – acceptable.
- 4.3.25 *Biodiversity net gain* – n/a.
- 4.3.26 *Sustainability and climate change* - it is expected that the new dwelling is energy efficient given its recent construction. No new development will occur. Acceptable.

4.4 **Conclusion**

- 4.4.1 The proposed change of use is acceptable and considered to comply with the policy requirements of the NPPF and Local Plan policies SP5, HE1, D1, D2, D3, T1 and T2. Grant consent with conditions.

4.5 **Alternative Options**

- 4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

- 4.6.1 N/a.

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. The glazing of the two first floor windows serving bed 2 facing towards no 22 shall be changed to obscure glass and non opening below 1.7m above finished floor level within 3 months of the issue of this consent and be retained as such permanently.

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. 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.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 10 March 2026	