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NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990

DECISION NOTICE

Correspondence Address:

Michael Collins Architect
12 Purwell Lane
Hitchin
SG4 0NE

Applicant:

Mr and Mrs Christian and Emilia Kingham

PARTICULARS OF DEVELOPMENT

Application: 24/01521/FPH

Proposal: Two storey side and single storey rear extension and alterations to existing fenestration following demolition of existing two storey side and single storey rear extensions.

Location: 195 Whitehill Road, Hitchin, Hertfordshire, SG4 9HY

Refused Plan Nos: 184 -001, 184 -002, 184-004, 184-005, 184-019
184-019 (Downtakings), 184-020, 184-021
184-022, 184-030, 184-030 (Copy)
184-031, 184-031 (Copy)

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 25 July 2024.

1. The proposal design would not be sympathetic to the main dwelling in terms of height, form, proportions, roof type, window details and materials contrary to the provisions of Policy D2 of the North Herts Local Plan 2011 - 2031.
2. By reason of the close proximity of the proposed rear balcony area and its height and proximity to the common boundary there would be overlooking and consequent loss of privacy to the occupiers of No. 193 Whitehill Road contrary to the provisions of Policy D3 of the North Herts Local Plan.
3. The proposal does not fit in with the form and layout of the surroundings and does not complement or enhance the character of the street scene. The proposals therefore fail to meet the requirements of Policy D1 of the North Herts Local Plan and paragraph 139 of Section 12 of the National Planning Policy Framework.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied 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
Development and Conservation Manager

Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Date: 10 September 2024

The Council's Privacy Notice is available on our website: <https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr>.

NOTES

- 1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeals must be made using a form which you can get from the Planning Inspectorate at Suite C, 4th Floor, Spectrum Building, Bond Street, Bristol, BS1 3LG or online at <https://www.gov.uk/appeal-householder-planning-decision>

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Cadent Gas Informative:

Cadent Gas own and operate the gas infrastructure within the area of your development. Contact our Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com. Alternatively you can register on www.beforeyoudig.cadentgas.com This service is free of charge.