

DELEGATED FILE NOTE

CASE OFFICER: ...Andrew Hunter.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01517/FP	Erection of two 3-bed semi-detached dwellings including cycle stores and parking (amended by plan received 14/08/25)	83 Whitehill Road Hitchin Hertfordshire SG4 9HP

Submitted Plan Nos

P1 - Location and Site Plan P3 - Proposed Floor Plans P4 - Proposed Elevations P5 - Roof and Section Plans P2A

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions

NE11	Contaminated land
NE4	Biodiversity and geological sites
SECN11	Making effective use of land
SECN12	Achieving well-designed places
SECN5	Delivering sufficient supply of homes
SECN9	Promoting sustainable transport
SP12	Green infrastructure, landscape and biod
SP2	Settlement Hierarchy and Spatial Distrib
SP6	Sustainable transport
SP8	Housing
SP9	Design and Sustainability
T2	Parking
T1	Assessment of transport matters

2.0 **Relevant site history**

2.1 24/02627/FP - Erection of one detached 4-bed self-build dwelling – Refused 26/02/25 for:

1. The proposed dwelling by reason of its size, design and siting is not considered in keeping with the locality and would be harmful to its character and appearance. The proposal does not comply with Policy D1 of the Local Plan and Section 12 of the NPPF.
2. The proposed dwelling by reason of its size, design and siting would be harmful to the amenity of nearby dwellings. The proposal does not comply with Policy D3 of the Local Plan.

2.2 23/01272/FP - Partial change of use land to residential curtilage. Part single storey, part two storey side and rear extensions to link existing single storey side annex/garage to main dwelling house following demolition of existing rear conservatory, first floor side extension, new first floor rear openings – Approved 30/08/23.

2.3 19/00687/FP - Erection of two detached 4-bed dwellings including parking, amenity space and landscaping with access from Whitehill Road. Erection of detached garage and boundary wall for existing dwelling – Approved 04/07/19.

2.4 89/00988/1 - Erection of 2 four bed detached dwellings with garages to the rear of the existing house, together with the reversion of the existing house into two dwellings and the erection of first floor extensions to both properties – Refused 21/09/89 for:
1. The proposal would result in an increase in use of an existing access where visibility from the access on to the adjoining highway is severely restricted. The proposal would therefore exacerbate conditions which are already prejudicial to the free and safe flow of traffic on the adjoining public highway.

3.0 **Representations**

3.1 **Environmental Health** – No objections.

3.2 **HCC highways officer** – Does not wish to restrict permission.

3.3 **Interested Parties** – Two comments were received requesting integrated Swift bricks into the dwellings, from interested parties.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is land to the rear of a two storey detached dwelling No. 83, which includes a vehicular access from Whitehill Road. The site is fenced and gated off from the curtilage of No. 83, which occupies the front half of the site. The SW half of the site is undeveloped but in a poor state, used for storage of building materials, and also contains a shipping container and shed.

4.1.2 Ground levels slope down gradually from Whitehill Road, with the SW half being on a lower level than No. 83. Site boundaries are comprised of 1.8-2m high fences, and some higher vegetation and trees. The site is in a residential area comprised of detached and terraced dwellings.

4.2 **Proposal**

- 4.2.1 The erection of 2 two storey dwellings with pitched roofs and the associated change of use. The dwellings would each have 3 bedrooms. The site would be re-landscaped with new hard and soft landscaping, parking, and enclosed cycle storage. Access to the public highway would be shared with No. 83 Whitehill Road.

4.3 **Key Issues**

- 4.3.1 The key material considerations are whether the development is acceptable in principle, character and appearance, impacts on residential amenity, future living conditions, highways and parking, and trees and landscaping and ecology.

Principle

- 4.3.2 The site is within Hitchin, a town under Policy SP2 of the adopted Local Plan, where the substantial majority of new development will be allowed. New residential development on the site is therefore acceptable in principle and complies with Policy SP2 of the Local Plan.

Character and appearance

- 4.3.3 The SW half of the site is of a poor condition and appearance and includes an unattractive shipping container and metal shed, therefore clearing the site and redeveloping it will bring some benefits to its character and appearance.
- 4.3.4 The site is in a residential area, therefore new dwellings as new buildings and uses are not considered out of character. The proposal would be new backland residential development, albeit of a small scale. Such backland development is rare in the locality, however Nos. 1 and 2 Kingfisher Court a short distance to the south are examples. There were no objections in this respect to previous planning permission 19/00687/FP, therefore it's considered that the principle of two new dwellings on the site is acceptable.
- 4.3.5 The new dwellings would each be 8.2m in height to their ridges. This would be comparable to numerous other nearby dwellings, and is not considered out of character with other dwellings in the locality. The dwellings would not be considered to adversely affect the wider locality as they will be set back from public highways, on lower ground than Whitehill Road, and will be obscured by buildings and trees.
- 4.3.6 The dwellings would be of a more 'conventional' design and appearance with some small contemporary elements, and would not be unlike some others nearby that adjoin the site and in this section of Whitehill Road. The proposed design approach, external materials (including both front elevation options), and detailing, are considered acceptable.
- 4.3.7 The dwellings would be a minimum of 2m from the closest boundary to the SE, and further from other boundaries and dwelling No. 83 in the blue-edged plan. Taking this and the more modest size of the dwellings, it's not considered that they would appear cramped within the site.
- 4.3.8 The detailed designs of the dwellings are considered acceptable. Further details of external materials will be required by condition. There are no objections to the size, siting and design of the sheds. It's considered that Class A, Class B and Class E

permitted development rights should be removed by condition to allow the LPA to control potential enlargements that could affect the character and appearance of the site and locality and potentially affect nearby dwellings. The design is considered to be acceptable. The proposal complies with Policy D1 of the Local Plan and Section 12 of the NPPF.

Neighbour amenity

- 4.3.9 The proposed dwellings are considered to be sufficiently far from the main habitable rooms of dwellings that adjoin the site to not cause overbearing impacts and loss of light to them. The use of the site would be two more modest dwellings that are not considered to generate harmful amounts of noise, traffic or other disturbance.
- 4.3.10 The main potential impacts from the proposed dwellings concern whether there would be harmful loss of privacy to nearby dwellings and their private gardens. Starting with No. 89 Whitehill Road to the SE, the southern proposed dwelling would have three first floor side windows facing it. These windows are however proposed to serve bathrooms and a dressing room, which are non-habitable rooms and can be required to be obscure glazed by condition. The northern proposed dwelling would not affect No. 89.
- 4.3.11 The southern proposed dwelling would have one first floor rear window serving a bedroom which would be approx. 9.1m from the rear boundary of the site. The rear elevations of No. 22 Wedmore Road behind the site would be at least 35m from the first floor rear window of the southern proposed dwelling, which is sufficiently far to not cause loss of privacy to habitable rooms of that dwelling.
- 4.3.12 The distance to the rear garden of No. 22 would be slightly shorter than the typical 10m minimum distance to such boundaries where new development is proposed, albeit the Local Plan does not state that there should be a minimum distance, therefore design and site-specific considerations need to be assessed.
- 4.3.13 In this respect, the boundary with the end of the rear garden of No. 22, and the end area of its rear garden, are substantially vegetated, which is considered would effectively obscure the area of rear garden closest to No. 22 from the first floor rear window of the southern dwelling. It's not considered that No. 22 and its rear garden would suffer from harmful loss of privacy and amenity.
- 4.3.14 The northern proposed dwelling would be approx. 7.6m from the rear boundary of the site, and this proposed dwelling would also have one first floor rear window serving a bedroom. The rear boundary opposite the proposed first floor rear window of the northern dwelling serves No. 23 Wedmore Road. The rear windows of No. 23 would be approx. 35m from the first floor rear window of the proposed dwelling, which is a sufficient distance to avoid causing loss of privacy and amenity to them.
- 4.3.15 The rear garden of No. 23 has some small trees near the boundary which will provide some screening from the first floor rear window of the northern dwelling. As that window is also proposed to be obscure glazed to a height of 1.8m, it's not considered that harmful loss of privacy would be caused to No. 23.
- 4.3.16 There are 3 dwellings NW of the site, Nos. 13, 14 and 15 South Hill Close. The facing side elevation of the northern dwelling would include two first floor windows. One of these windows would serve a bathroom and can be required by condition to be obscure glazed, given the relatively short 4.2m to the boundary.

- 4.3.17 The other first floor side window is proposed to be clear glazed, serving as a second source of outlook to the bedroom with the rear partially obscure glazed window. This window would be approx. 18.5m from the rear windows of Nos. 13 and 14, which would be a sufficient distance to avoid harmful loss of privacy to habitable rooms of those dwellings.
- 4.3.18 The clear window would be considerably closer to the rear boundaries of Nos. 13 and 14 at an approx. 4.3m distance. However, at the end of the rear gardens of both dwellings opposite the proposed window are dense vegetation of a sufficient height that they would largely obscure views of the rear gardens of Nos. 13 and 14. On this basis it's not considered that the amenity of Nos. 13 and 14 would be harmed. No other dwellings would be affected. The proposal complies with Policy D3 of the Local Plan.

Future living conditions

- 4.3.19 The proposed dwellings would be considered to receive acceptable outlook, light and privacy. The size and quality of internal accommodation is considered acceptable. Outside private areas of amenity space are considered to be of an acceptable size and quality.
- 4.3.20 Also of relevance are the impacts on the future living conditions of No. 83, which is in the blue-edged area NE of the proposed dwelling. However, in this case the proposed dwellings are considered to be of a size, siting and design that will not harm living conditions of No. 83. The site for the proposed dwellings is not amenity space for No. 83, therefore it's development won't affect No. 83 in this respect. Future living conditions are therefore acceptable. The proposal complies with Policy D1 of the Local Plan.

Parking and highways

- 4.3.21 The proposed dwellings would each have two parking spaces, which complies with minimum standards and is acceptable. The site would provide sufficient turning space for cars. Cycles can be stored for each dwelling in proposed sheds. Bin storage and collection are shown on the proposed site plan, and are considered acceptable. Bin storage and access to the public highway are considered acceptable, with no objections from the highways officer. The proposal complies with Policies T1 and T2 of the Local Plan.

Landscape and trees and ecology

- 4.3.22 There are no trees that will be considered to be affected by the proposal. The site is heavily disturbed, in a poor state with no landscaping, therefore the new landscaping shown will be an improvement. The balance and amounts of hard and soft landscaping are considered acceptable. A condition would be imposed requiring details of new landscaping if permission was to be granted.
- 4.3.23 The proposal is not subject to biodiversity net gain requirements as the development would be subject to the *de minimis* exemption as it would impact less than 25sqm of non-priority on-site habitat and less than 5m of hedgerow, and does not impact priority habitats. Due to the urban location of the site and its heavily disturbed condition, it's not considered that protected species or their habitats would be affected. The proposal complies with Policies NE2 and NE4 of the Local Plan.

4.4 Balance and Conclusion

- 4.4.1 The LPA does not have a five year housing land supply under the 2024 NPPF, therefore in accordance with para. 11 d) ii of the NPPF, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 4.4.2 In this case, the benefits would be two new dwellings, which is considered limited. The adverse impacts are considered minor and would not be considered to outweigh these benefits.
- 4.4.3 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

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. Prior to commencement of the approved development, the following landscape details shall be submitted to include the following:

a) which, if any, of the existing vegetation is to be removed and which is to be retained

b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

c) the location and type of any new walls, fences or other means of enclosure and

any hardscaping proposed

d) details of any earthworks proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

5. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings 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 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. No development approved by this permission shall take place until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990. To comply with Policy NE11 of the Local Plan.

7. 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). To comply with Policy T1 of the Local Plan.

8. The development shall include the ecological enhancements set out in section 5.3 of the submitted Ecological Impact Assessment (reference P3252.2.0), unless otherwise agreed 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. 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 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 Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

10. The following openings shall be obscure glazed or part obscure: The first floor SE side elevation windows of the southern dwelling facing No. 89 Whitehill Road; the first floor rear window of the northern dwelling, to be obscured to a height of 1.8m above the finished floor level of the room it would serve; the first floor NW side elevation bathroom window of the northern dwelling. These openings shall be obscure glazed prior to the first occupation of the approved dwellings and retained as such thereafter.

Reason: In the interests of privacy and amenity. To comply with Policy D3 of the Local Plan.

11. Prior to the first occupation of either of the dwellings hereby approved, details of the Air Source Heat Pumps shall be submitted to the LPA and approved in writing and installed on site in accordance with the approved details. Such details shall include siting, size, appearance, manufacturer's specifications, and noise generation levels.

Reason: To ensure that there are no adverse impacts on the design of the dwellings hereby approved or adverse harm on the amenities of the neighbouring occupiers. To comply with Local Plan Policies D1 and D3.

Biodiversity Net Gain

1. 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 early engagement with the applicant at the pre-application stage 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: 19 August 2025	