

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02298/FPH	Single storey front; side and rear extensions following demolition of existing garage/store and hard landscaping works	25 Harkness Way Hitchin Hertfordshire SG4 0QJ

Submitted Plan Nos

Location Plan Site Plan 12324-01 12324-02 12324-03A 12324-04 12324-05A

1.0 Policies

D1 Sustainable design

D2	House exts, replcmnt dwellings outbuild
D3	Protecting living conditions
T2	Parking
SP9	Design and Sustainability

2.0 Site History

- 2.1 24/02299/LDCP for “*Insertion of rear box dormer window with Juliet balcony including first and second floor side windows to facilitate conversion of loft space into habitable accommodation.*” Approved 09/12/2024.

3.0 Representations

- 3.1 Neighbour notifications were carried out. One objection received raising the following concerns:

- ❑ Visual Appearance - the extension is unsympathetic to the adjoining properties in respect of form, massing, and overall height causing it to adversely dominate.
- ❑ Enclose of Adjoining Land - the natural slope of the road means that the difference in height is notable and would create a sense of enclosure.
- ❑ Access to Daylight and Sunlight - the extension would adversely affect access to daylight and sunlight due to the bulk and height of the structure.
- ❑ Operation of commercial activities from the premises.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The application property is a semi detached dwelling located on the west side of Harkness Way. There is a single flat roofed garage sited on the shared boundary with no 23, set back from the front elevation of the property. This is mirrored by a similar structure at no 23. Due to a change in levels as Harkness Way rises from south to north, the application property and garage sit at a higher level than no 23.

- 4.1.2 The garden slopes away from the house to the rear of the property. There is a patio area at the rear of the dwelling, with steps down to the lawned area and the sloping rear garden. The garage extends beyond the patio area rearwards.
- 4.1.3 The wider area is mainly residential. There is a degree of uniformity in the streetscene on the west side of Harkness Way with similar style semi detached dwellings. Several of the properties in the wider area have been extended at the front, side and rear at single and two storey.

4.2 Proposal

- 4.2.1 Consent is sought for *“Single storey front; side and rear extensions following demolition of existing garage/store and hard landscaping works.”*
- 4.2.2 Proposed materials - brick to match existing, roof tiles at front to match existing, flat roof and white upvc windows and doors to match existing.

4.3 Key Issues

- 4.3.1 The key issues for consideration are:
- The acceptability of the design of the proposed development and its impact on the character and appearance of the area.
 - The impact of the proposed development on the living conditions of neighbouring properties.
 - Access and parking matters.
 - The impact of the proposed development on the environment.

Design and Appearance

Policy Context

- 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.
- 4.3.3 Policy D2 of the Local Plan requires extensions to houses 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.

Description of the Proposed Works

- 4.3.4 Consent is sought for single storey additions to the front, side and rear of the existing dwelling. The front addition would have a lean to style roof, with a small pitched roof element over the front door. The side and rear extensions would be flat roofed with raised rooflights. The proposal would result in the rear garage being removed and the footprint included in the rear extension.

- 4.3.5 The proposal would result in a substantial increase in the overall floorspace of the ground floor of the existing dwelling, almost doubling the existing ground floor area of the house.
- 4.3.6 The rear extension would extend across the entire width of the plot, ranging from approximately 3.8m in depth along the boundary with no 27, stepping out to approximately 7m in depth along the boundary with no 23. The rear element closest to no 27 would remain in line with the rear building line of no 27 and sit at the same level and height.
- 4.3.7 The deeper rear extension along the boundary with no 23 would extend close to the rear of the existing garage. It would be stepped back approximately 0.45m from the rear elevation line of the existing garages. The extension would be approximately 0.7m taller in height than the existing garage structure at no 25.
- 4.3.8 The proposed side extension would bring the side elevation of the host dwelling up to the shared boundary with no 23. This would result in the side elevation of no 25 running along the shared boundary with no 23 for approximately 15m although 5.5m would be screened by the garage at no 23.

Assessment of Proposed Works against Policy Context

- 4.3.9 Local Plan policies D1 and D2 require that proposals respond positively to the site's local context (Policy D1) and that they are sympathetic to the existing house in height, form, proportion, roof type, window details, materials and the orientation of the main dwelling and that the extensions do not dominate adjoining properties (policy D2).
- 4.3.10 Overall the proposal responds neutrally to the site's local context. There is a degree of uniformity in the streetscene. There are examples of side and rear extensions in the locality although none appear to be as substantial as the proposals at no 25.
- 4.3.11 The proposals would be sympathetic to the host dwelling in part. The lean-to style front roof feature and porch roof detail would be adequately sympathetic to the host dwelling and streetscene. Matching materials would help to link the new extensions to the host dwelling and maintain the brick, tile roof and white windows that are characteristic of this part of Harkness Way.
- 4.3.12 The side extension would partially dominate the neighbouring property along the shared boundary line due to being built up to the boundary and the changes in levels, but is unobjectionable.
- 4.3.13 The single storey structure would maintain some degree of spacing and a sky view would be maintained from the street.
- 4.3.14 However, the overall size of the extensions would not be in proportion with the host dwelling and would not therefore meet the requirement of Policy D2 for extensions to be sympathetic to the existing house in terms of proportion. The flat roof form is also extensive and would not sit entirely sympathetically with the host dwelling. There would be a degree of overdevelopment of the original dwelling given the substantial increase in size of the ground floor of the property.

- 4.3.15 Where a proposal does not meet the requirements of the policies set out in the Local Plan or the NPPF, an assessment of the degree of harm caused by the failure of the proposal to meet the policy requirements needs to be carried out.
- 4.3.16 In this application, it is considered that whilst harm would be caused by the overall size and flat roof form of the side and rear extensions, the harm would not be sufficient to warrant refusal of the proposal on this basis. Most of the harm caused would be at the rear of the property and not particularly visible from the streetscene. It would incorporate the existing flat roof form of the garage. There would be glimpses of the expanse of side elevation from the street but the rear element would be screened from view from the public realm. The side element is single storey and would maintain the 'sky view' gap between the semi detached properties. The plot is substantial to the rear and adequate garden space would remain. There are examples of similar, though not so substantial, extensions in the locality including building up to the side boundary.
- 4.3.17 In view of the above, it is considered that on balance, although some harm would be caused due to the size and form of the extensions in terms of the design and appearance, this harm would not be sufficient to warrant a refusal on this basis. The proposal is therefore unobjectionable in terms of design and appearance.

Impact on Neighbouring Properties

- 4.3.18 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.

Potential Impact on No 23

- 4.3.19 No 23 sits at a lower level than no 25. The height of the side and rear extensions would therefore appear more pronounced at no 23 due to the change in levels. There is also a change in gradient as the garden of no 25 extends rearwards, resulting in the rear projection along the boundary with no 23 increasing in height above ground level as the garden slopes away to the rear.
- 4.3.20 Due to the depth of the rear projection and its height above the ground level of no 23, potential overlooking could occur from the rear facing bifold doors and particularly from the raised steps down to the garden. This would cause unacceptable harm to the amenity of the neighbouring occupiers and fails to meet the requirements of Local Plan policy D3 and the provisions of the NPPF. The harm could not be mitigated through appropriate boundary treatment due to the change in levels between the properties and the drop in gradient rearwards at the application property. It is noted that there is an existing window in the garage/store. However, the proposed bifold doors would be at a higher level and be larger, with raised steps down into the garden, significantly increasing the degree of potential overlooking from the existing situation. It is also noted that the rear elevation is stepped back from the existing rear elevation of the garage of no 23. However, the degree of overlooking would remain unacceptable and be particularly pronounced on the steps down to the garden.

- 4.3.21 The proposal would bring the side elevation of no 25 up to the boundary with no 23, resulting in a potentially increased feeling of bulk and overbearing. This could be exacerbated by the change in levels at the property. However, the extensions would be single storey and the area of no 23 affected by the potential increased feeling of enclosure and bulk would be the side access area leading to the rear of the property. This area is not significant to the enjoyment of the amenity of the property. The potential increase in feeling of enclosure by building up to the boundary would therefore be unobjectionable.
- 4.3.22 Whilst there could be some degree of light lost to the ground floor side facing windows at no 23, these windows are understood to serve the hall and a WC which are non-habitable rooms. Potential harm caused to non-habitable is generally awarded less weight in the balance of the assessment of impact and harm caused. Any harm arising to the loss of light to these rooms would be unobjectionable.
- 4.3.23 The orientation of the properties means that there would be no unacceptable overshadowing as a result of the proposal.
- 4.3.24 As a result of the depth of the rear extension along the boundary with no 23, the overall increase in height above the height of the existing store and the proposed steps down into the garden, combined with the difference in ground levels at the properties, an unacceptable degree of overlooking would occur, causing unacceptable harm to the amenity of the occupiers of no 23. The proposal therefore fails to meet the provisions of Local Plan policy D3 and the requirements of the NPPF.

Potential Impact on No 27

- 4.3.25 The rear extension closest to no 27 would not project beyond the rear extension of that property and would be single storey. The deeper extension would be set sufficiently far off the boundary with no 27 that no harm would be caused. The side facing bifold doors and any potential overlooking as a result of the hard landscaping works of the proposed patio would be screened from no 27 by the 1.8m boundary fence.
- 4.3.26 The single storey front extension is modest in depth and would not cause any unacceptable harm.
- 4.3.27 Overall the proposal would not result in any unacceptable harm to the occupiers of no 27.

Highways and Parking

- 4.3.28 The proposed development would result in the loss of the existing garage. However, there is adequate on site parking on the driveway. No alteration to access is proposed. The development would therefore be acceptable in terms of highways and parking.

Environmental Implications

- 4.3.29 The proposed development would be relatively small in scale and 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.

Biodiversity Net Gain

- 4.3.30 This development would not subject to the statutory Biodiversity Gain Plan condition because householder applications are exempt in respect of the biodiversity gain condition, under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exemptdevelopments>).

Concerns Raised in Objection Submitted

- 4.3.31 Visual Appearance, enclosure of adjoining land and access to daylight and sunlight – considered to be addressed in the report above.
- 4.3.32 Operation of commercial activities from the premises. This is not planning considered unless the scale of the operation increased to a level that a change of use from residential to commercial use was required. The applicant has advised that the current operation from the existing garage would not continue if the proposal was implemented.

4.4 Conclusion

- 4.4.1 As a result of the depth of the rear extension along the boundary with no 23, the overall height and the proposed steps down into the garden, combined with the difference in ground levels between the application site and no 23, an unacceptable degree of overlooking would occur. This would cause unacceptable harm to the amenity of the occupiers of no 23. The proposal therefore fails to meet the provisions of Local Plan policy D3 and the requirements of the National Planning Policy Framework (2024). Recommend refusal.

4.5 Alternative Options

- 4.5.1 None applicable.

4.6 Pre-Commencement Conditions

- 4.6.1 None applicable.

5.0 Recommendation

- 5.1 That planning permission be REFUSED for the following reason:

1. As a result of the depth of the rear extension along the boundary with no 23, the overall height and the proposed steps down into the garden, combined with the difference in ground levels between the application site and no 23, an unacceptable degree of overlooking would occur. This would cause unacceptable harm to the amenity of the occupiers of no 23. The proposal therefore fails to meet the provisions of Local Plan policy D3 and the requirements of the National Planning Policy Framework (2024).

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 6 January 2025	