

DELEGATED FILE NOTE

CASE OFFICER: ...Vicki Wood.....

**APPLICATION
REFERENCE**

**BRIEF DESCRIPTION OF
DEVELOPMENT**

APPLICATION SITE

26/01800/FP

Change of use of land to the west of
property from amenity land to domestic
curtilage. Erection of 2m timber
boundary fence and gate.

42 Hampshire Road
Royston
Hertfordshire
SG8 9FU

Submitted Plan Nos

Location plan Existing Site Plan Proposed Site Plan Proposed elevations

1.0 Policies

1.0 **Local and National Policy**

1.1 **National Planning Policy Framework (NPPF) (2026)**

Chapter 4 Achieving sustainable development

Policy S3: Presumption in favour of sustainable development

Policy S4: Principle of development within settlements

Chapter 5 Meeting the need of climate change

Chapter 14 Achieving well-designed places

Policy DP3: Key principles for well-designed places

Chapter 17: Pollution, public protection and security

Policy P3: Living conditions and pollution

1.2 **North Hertfordshire Local Plan (2011-2031)**

Strategic Policies

Policy SP1 Sustainable Development in North Hertfordshire

Policy SP2 Settlement Hierarchy and Spatial Distribution

Policy SP9 Design and Sustainability

Development Management Policies

Policy D1 Sustainable design

Policy D2 House extensions, replacement dwellings and outbuildings

Policy D3 Protecting living conditions

1.3 **Supplementary Planning Design (SPD)**

NHC Sustainability (2024)

2.0 **Relevant Site History**

2.1 Planning permission was granted under 19/00386/RM Approval for the reserved matters (appearance, landscaping, layout and scale) for 279 dwellings and associated works (permission in outline granted under 16/00378/1).

3.0 **Representations**

3.1 **Site and Neighbour Consultation** – One submission has been received from No.40 Hampshire Road and raises the following issues:

- ☐ Land ownership where the fence would be constructed and loss of light to front garden.
- ☐ Concern around highway safety matters.
- ☐ Out of character with the character of the general estate.

3.2 **Royston Town Council** – Object to the development due to highway safety concerns and being out of keeping with the street scene.

3.3 **Highway Authority** – Advise that Hampshire Road is a privately maintained road and provide no further comment.

4.0 **Planning Considerations**

4.1 Site and Surroundings

- 4.1.1 The application site comprises an area of amenity land located immediately to the west of No. 42 Hampshire Road. The land is currently open in character and is enclosed by soft landscaping along its boundaries.
- 4.1.2 The site is located within the settlement boundary for Royston, where development is generally supported in principle, subject to compliance with other relevant local and national planning policies.

4.2 Proposal

- 4.2.1 Planning permission is sought for change of use of land to the west of the property from amenity land to domestic curtilage and erection of a 2m timber boundary fence and gate.

4.3 Key Issues

- 4.3.1 The key issues for consideration are as follows:
- The impact of the development upon the character and appearance of the estate.
 - The impact the proposed development would have on the living conditions of neighbouring occupiers.
 - The impact that the proposed development would have on car parking provision in the area.
 - The impact that the development would have on the environment.

Design & Appearance

- 4.3.2 Chapter 4 of the NPPF sets out the Government's approach to achieving sustainable development through the planning system. It establishes the economic, social and environmental objectives of sustainable development and confirms that these objectives should be pursued in a mutually supportive way. This chapter also reinforces the presumption in favour of sustainable development, requiring planning decisions to support development proposals that accord with an up-to-date development plan and contribute positively to sustainable development.
- 4.3.3 Chapter 14 of the NPPF promotes high-quality, sustainable and attractive development, recognising that good design is a fundamental aspect of sustainable development. Planning decisions should ensure development is visually attractive, responds positively to local character and creates places that function well for existing and future users.
- 4.3.4 The application proposes a new 2.0 metre-high fence along the northern, western and southern boundaries of the site to enclose the land associated with the proposed change of use to domestic curtilage, thereby extending the existing rear garden of No. 42 Hampshire Road westwards. Whilst the principle of a change of use may be considered acceptable, the extent of the proposed enclosure, fencing and lack of soft landscaping is contrary to the planned character of the development and would result in visual harm to the street scene.
- 4.3.5 I am of the view that the development fails to comply with Policy D1 of the Local Plan and Chapters 4 and 14 of the NPPF.

Impact on Neighbouring Properties:

- 4.3.6 A core planning principle set out in Chapter 17 of the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy D3 of the Local Plan.
- 4.3.7 The proposed fencing would be positioned to the west of, and in line with the front elevation of No. 42 Hampshire Road. The southern boundary treatment would adjoin the shared boundary with No. 40 Hampshire Road. Whilst the proposed fencing would have some impact on the outlook from No. 40, having regard to the orientation of the neighbouring dwelling and the nature of the development, the impact would not be significant. As such, the proposal is not considered to result in unacceptable harm to the residential amenities of neighbouring occupiers and is therefore in accordance with Policy D3 of the Local Plan and Chapter 17 Policy P3 of the NPPF.

Highways and Parking:

- 4.3.8 The proposed development would not impact existing off-street parking arrangements and is not considered to impact highway safety.

Biodiversity Net Gain (BNG)

- 4.3.9 The development is not subject to the statutory biodiversity gain condition because it falls within an exemption provided by Schedule 7A to the Town and Country Planning Act 1990 and/or the Biodiversity Gain Requirements (Exemptions) Regulations 2024 (as amended).

Environmental Implications:

- 4.3.10 The Council's Sustainability Supplementary Planning Document (2024) seeks to ensure that new developments are future proofed against the challenge of climate change.
- 4.3.11 Chapter 5 of the NPPF sets out how the planning system should support the transition to a low carbon future. The principles set out in Chapter 5 are reflected in Policy D1 of the Local Plan, which sets out that development proposals should take all reasonable opportunities to reduce energy consumption and waste, retain existing vegetation and propose new appropriate planting, and future proof for changes in technology and lifestyle.
- 4.3.12 Based on the details submitted, the proposed development, is unlikely to have any significant implications for the local environment in terms of carbon emissions and therefore would be generally in accordance with Policy D1 of the Local Plan and Chapter 5 of the NPPF.

4.4 Conclusion

- 4.4.1 The proposed development is contrary to Policies SP1, SP9 and D1 of the Local Plan 2011-2031 and Chapters 4 Policy S4(1) and 14 Policy DP3(1) & (2)(g) of the NPPF 2026.

4.5 Alternative Options

- 4.5.1 N/A

4.6 Pre-Commencement Conditions

4.6.1 N/A

5.0 **Recommendation**

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

1. The development would result in the loss of a planned landscaped strip that enhances the character and appearance of the area. The change of use of the land and enclosure by fencing is detrimental to the character and appearance of the street scene and locality and conflicts with Policy D1 of the North Hertfordshire Local Plan 2011-2031, Chapter 4 Policy S4(1) and Chapter 14 Policy DP3(1) and DP3(2)(g) of the National Planning Policy Framework 2026, which seeks to ensure that development responds positively to the context of the site and integrates and enhances its surroundings.

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  Sam Dicocco Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 7 October 2026	