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NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990

DECISION NOTICE

Correspondence Address:

Mr Edmund Wright
The Barn
Preston Road
Gosmore
Herts
SG4 7QS

Applicant:

Ms Brid Kelly

PARTICULARS OF DEVELOPMENT

Application: 24/01603/FP

Proposal: Erection of one self-build detached 2-bed dwelling following demolition of existing garage.

Location: 204 Whitehill Road, Hitchin, Hertfordshire, SG4 9JE

Refused Plan Nos: Location Plan 23/05/01 23/05/02B 23/05/03A 23/05/04A

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 15 August 2024.

1. By reason of its restricted plot size the proposed dwelling would appear cramped and an overly urban form of development that would be at odds with the prevailing pattern of development. As such the proposed development would be an overdevelopment of the site and harmful to the character and appearance of the area contrary to Policies SP9 and D1 of the Local Plan 2011 - 2031 and Section 12 of the National Planning Policy Framework (2023).

2. The proposed development would, by reason of its close proximity to adjacent dwellings, result in an overbearing impact and the perception of overlooking to the detriment of the residential amenity enjoyed by existing residential occupiers. As a consequence the proposed development would be contrary to the provisions of Policies of D1 and D3 of the Local Plan 2011 - 2031.
3. By reason of its flat roofed design, high eaves line and 'squat' appearance the proposed dwelling would not be sympathetic to the form and appearance of surrounding dwellings and therefore the development would be harmful to the character and appearance of the area contrary to the provisions of Policy SP9 and Policy D1 of the North Herts Local Plan 2011 - 2031.

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: 8 October 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.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000

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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

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.