

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00689/S73	Variation of Condition Number(s): 2 (amended plan) of planning application reference 24/00885/FPH granted on 03.06.2024 for Two storey rear extension including Juliet balcony and raised rear patio area (as amended by plan no. 3868 04F received 1/05/2025).	14 High View Hitchin Hertfordshire SG5 2HL

Submitted Plan Nos

3868-04F

1.0 Policies

D1 Sustainable design

D2 House exts, replcmnt dwellings outbuild

D3 Protecting living conditions

2.0 **Site History**

2.1 24/00885/FPH: Two storey rear extension including Juliet balcony and raised rear patio area. Granted and implemented

3.0 **Representations**

3.1 Site Notice/ Adjoining residents: Responses received from two neighbours raising the following comments:

- ☐ Balcony as erected does not comply with the original permission
- ☐ Overlooking and loss of privacy
- ☐ Impact on neighbouring properties needs assessment
- ☐ Balcony could be used as a sitting or standing area
- ☐ First floor side window overlooks the adjacent property's garden
- ☐ Hinges to side window should be change so that the window opens to the front of the house

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 Detached property located on the east side of High View.

4.2 **Proposal**

4.2.1 Section 73 Application Variation of Condition Number(s): 2 (amended plan) of planning application reference 24/00885/FPH granted on 03.06.2024 for Two storey rear extension including Juliet balcony and raised rear patio area.

The application seeks the following changes to the original permission:

1. Juliette balcony is wider and deeper than original drawings indicated.
2. Obscured window added to north elevation (to provide emergency escape from first floor study)
3. Side windows to French windows on ground floor of rear elevation changed to conventional windows, rather than full height.

The proposed alterations have been carried out on site and completed in accordance with plan no. 04F.

4.3 **Key Issues**

The main issues are whether the amendments requested via this Section 73 application are acceptable in terms of design and the impact on neighbouring occupiers.

4.3.1 Design

- 4.3.2 The Juliet balcony, side window and altered ground floor glazing are considered to be sympathetic to the appearance of the host building in terms of siting, scale and materials and therefore acceptable in design terms consistent with Policy D1 and D2 of the Local Plan.

4.3.3 Impact on neighbours amenity

- 4.3.4 The main differences between the approved Juliet balcony and that constructed is as follows:

- ☐ The balcony is 2.1m wide as opposed to the approved 1.8m width
- ☐ There is an increase of depth from 200mm at the centre of the balcony to 400mm.
- ☐ The balcony steps down approximately 100mm

The balcony full height windows still open inwards as approved.

- 4.3.5 The approved Juliet balcony allowed a person to lean forwards onto the railing and this would still be the case but slightly further outwards (by 200mm). Even with the additional projection of around 200mm there would be very little scope, if any, for a person standing at the window opening to overlook further from the balcony as constructed than the approved design in my opinion. The siting of the window opening centrally on a wide gable end means that the walls either side of the window restrict any angle of view across adjacent property. Furthermore, there is no realistic possibility of sitting on the balcony given its limited depth. As such, it is considered that the Juliet balcony, as constructed, does not result in any significant increased impact on neighbours amenity than the approved scheme.

- 4.3.4 With regards to the side window the amended plan confirms that the window would have obscure glazing and a restricted opening mechanism. The agent advises that the window must face towards the rear of the property to achieve emergency access by ladder.
- 4.3.5 Although the window faces towards the side wall of No. 16 High View where there are clear glazed windows, the use of obscure glazing is a common method of maintaining privacy between neighbours and the restricted opening method provides a further level of protection from potential loss of privacy. I am therefore satisfied that the window as installed is acceptable in terms of its impact on the neighbour at No. 16 High View.
- 4.3.6 In view of the above analysis it is considered that the development has an acceptable impact on neighbours residential amenity in compliance with Policy D3 of the Local Plan.
- 4.3.7 Planning conditions
- 4.3.8 The development the subject of this S73 application has been completed therefore no further planning conditions are required.

5.0 **Recommendation**

- 5.1 That planning permission be **GRANTED**

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 positive engagement with the applicant during the determination process 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  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 19 May 2025	