

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01684/FPH	Erection of detached rear garden room and store with log burner/flue and solar roof panels.	15 Grays Lane Hitchin Hertfordshire SG5 2HG

Submitted Plan Nos

Location Plan HM-24652-01

1.0 Policies

SP9 Design and Sustainability

D1	Sustainable design
D2	House exts, replcmnt dwellings outbuild
D3	Protecting living conditions
SECN12	Achieving well-designed places
SECN14	Meeting climate change,coastal,flooding

2.0 Site History

2.1 Various – non relevant to current application.

3.0 Representations

3.1 Site Notice displayed and neighbour notifications sent out.

3.2 One objection received – concerns raised about height blocking light to solar panels and rooflights of adjacent shed.

3.3 Env Health (air quality) consulted – response below:

“Installations of log burning stoves particularly ones in single storey buildings can be problematic in terms of smoke dispersal. I raise no objections to the proposals but the log burning stove should be installed in accordance with Building Regulations Approved Document J ‘Combustion appliances and fuel storage systems’. A condition/informative outlining this would be a prudent measure.”

4.0 Planning Considerations

4.1 **Site and Surroundings**

- 4.1.1 No 15 is a two storey dwelling located on the south side of Gray's Lane. The garden is generous in size. The site is bounded to the east by no 13, the west by no 17 and the rear by the garden of no 9. The property and garden sit at a higher level than the adjacent property at no 13.
- 4.1.2 There are a number of outbuilding/shed structures in the locality including a reasonably substantial structure at the neighbouring property of no 17 with solar panels on the roof.
- 4.1.3 The surrounding area is mainly residential in character with generous gardens.

4.2 Proposal

- 4.2.1 Consent is sought for *“Erection of detached rear garden room and store with log burner/flue and solar roof panels.”*
- 4.2.2 Materials proposed include dark green or dark blue or similar cedar fibre cement weatherboarding with cedar shingles and solar roof panels.
- 4.2.3 The proposal would result in the removal of a plum tree and relocation of a sapling.

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

- 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. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings 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.
- 4.3.3 The proposal would result in a relatively substantial structure at the rear of the generous garden of no 15. The proposed outbuilding would be L-shaped, measuring 7.8m wide at its widest point and would extend almost the full width of the plot at the rear of the garden. It would measure between 4.6m and 7.7m in depth and between 3.2m and 4m high. It would have a dual pitched roof with gable ends facing nos 13 and 17 with the full height of 4m.
- 4.3.4 The outbuilding would be located a reasonable distance away from the main dwelling, which has been substantially extended.
- 4.3.5 Local Plan policies D1 and D2 require that development meets the following criteria:

- ☐ appropriately and positively responds to the site's local context;
- ☐ is a positive and sustainable form of development;
- ☐ incorporates design that is sympathetic to the main dwelling in terms of its scale, form and orientation;
- ☐ does not harm the character and appearance of the locality around the site.

4.3.6 The site's local context at the rear of the garden is characterised by green, private garden space, similar to the surroundings gardens. There are examples of outbuildings in the immediate locality but mostly of a modest scale and height.

4.3.7 Whilst the scale of the footprint of the proposal is unobjectionable, the overall height fails to relate sympathetically or positively to the site's local context. The proposed structure would span the entire width of the garden and its height would create a bulky development that dominates the rear of the garden and adjacent gardens. It would be sited a reasonable distance from the main dwelling and would fail to relate sympathetically to the main house.

4.3.8 The proposed materials and solar panels would be acceptable.

4.3.9 Due to the height and bulk of the proposal, it would not respond appropriately or positively to the site's local context and would be out of keeping with the garden characteristics of the plot in this location, causing harm to the character and appearance of the wider area. The proposed wood burner flue would also be out of keeping with the garden context of the site.

4.3.10 The proposed development is therefore contrary to Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework.

Impact on Neighbouring Properties

4.3.11 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.

4.3.12 The proposed outbuilding would be sited close to the boundaries of the neighbouring properties nos 13, 17 and 9 at the rear. The overall height of the outbuilding would be 4m at the highest point, with the gable ends facing towards the gardens of nos 13 and 17. This height would be exacerbated in the garden of no 13 due to the difference in levels between the application site and no 13 which sits at a lower level.

3.3.13 The structure would be visible from surrounding gardens due to its bulk, height and proximity to the boundaries giving rise to the potential feeling of dominance of the structure and overdevelopment of the gardens.

4.3.14 The amenity of no 13 would be particularly harmed due to the difference in height between the properties and the gable end with the full height of the outbuilding sited so close to the boundary. This would create a sense of dominance and overbearing in a garden context.

- 4.3.15 The proposed wood burner could result in potential disturbance to neighbouring amenity through poor smoke dispersal. However, this would not be sufficient to warrant a refusal. If consent were granted, it would be reasonable to attach a condition ensuring any installation was in accordance with the necessary building regulations as set out in the consultation response from Environmental Health (air quality) as set out above.
- 4.3.16 The proposal therefore fails to comply with Policy D3 of the Local Plan and the aims of the National Planning Policy Framework.

Trees

- 4.3.17 The proposal would result in the loss of a plum tree. During the site visit it was noted that the tree appears to be in poor health. Its loss would therefore be acceptable.

Highways and Parking

- 4.3.18 The proposed development would not result in the generation of an additional bedroom or the loss of parking on site. No alteration to access is proposed. The development is therefore acceptable in terms of highways and parking.

Environmental Implications

- 4.3.19 The proposed development is 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

- 4.3.20 This development would not be 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>).

4.4 Conclusion

- 4.4.1 The proposal does not respond appropriately or positively to the site's local context. It is not sympathetic to the main dwelling in terms of its scale, form or siting. It would cause harm to the character and appearance of the locality around the site due to its overall height and size, dominating the rear of the garden. The proposal is therefore contrary to Local Plan policies D1 and D2 and the provisions of the National Planning Policy Framework.
- 4.4.2 Due to the scale, design and siting of the proposal, it would result in a feeling of dominance and overdevelopment in the neighbouring gardens, causing harm to the enjoyment and amenity of neighbouring occupiers, particularly no 13, contrary to Local Plan policy D3 and the provisions of the National Planning Policy Framework.
- 4.4.3 Refuse permission.

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 reasons:

1. The proposal does not respond appropriately or positively to the site's local context. It is not sympathetic to the main dwelling in terms of its scale, form or siting. It would cause harm to the character and appearance of the locality around the site due to its overall height and size, dominating the rear of the garden. The proposal is therefore contrary to Local Plan policies D1 and D2 and the provisions of the National Planning Policy Framework.
2. Due to the scale, design and siting of the proposal, it would result in a feeling of dominance and overdevelopment in the neighbouring gardens, causing harm to the enjoyment and amenity of neighbouring occupiers, particularly no 13, contrary to Local Plan policy D3 and the provisions of the National Planning Policy Framework.

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  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 24 September 2024	