

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01534/FPH	Single storey detached outbuilding in rear garden	245 Cambridge Road Hitchin Hertfordshire SG4 0JS

Submitted Plan Nos

P-101 P-102

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

2.0 Site History

- 2.1 22/01788/FPH - Part first floor and part single storey rear extension – Approved 17/08/2022.
- 2.2 14/00823/1HH - Part single, part two storey rear extension following demolition of existing conservatory – Approved 27/05/14.
- 2.3 05/01203/1HH - Extension to existing rear conservatory. Amended by Plan received 12/09/05 – Approved 10/10/05.
- 2.4 01/01952/1HH - Two storey side extension – Approved 21/01/02.
- 2.5 88/01743/1 - Two storey side and single storey front extension following demolition of existing garage – Approved 17/11/88.

3.0 Representations

- 3.1 Neighbour consultation was carried out. Comments have been received from 12, 14 and 16 Frensham Drive. Concerns have been raised about the following:
 - ☐ damage to and loss of trees from building and foundations;
 - ☐ scale, height and size;
 - ☐ not in keeping with surroundings or residential area;
 - ☐ light and noise pollution;
 - ☐ very close to boundary;
 - ☐ materials;
 - ☐ construction and maintenance;
 - ☐ bats;
 - ☐ covenants.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 No 245 is a two storey, semi-detached dwelling with a long rear garden located within Hitchin. The surrounding area is largely residential. The neighbouring properties (including those to the rear) have large, long gardens. As the properties sit back to back, separated by the large gardens, a more open, leafy and private feel to the area is created when in the garden. Due to the layout of the gardens, it is anticipated that this open, private characteristic of the garden is shared by the neighbouring properties.
- 4.1.2 During the site visit it was noted that there are two sheds at the rear of the garden which are not marked on the submitted plans. There is a substantial shed structure sited centrally to the rear of the garden, set some distance off the neighbouring boundaries. There is a second, smaller shed sited at the rear close to the rear boundary. There is no planning history on file relating to the shed structures. It maybe that the sheds are lawful under permitted development rights and/or the passage of time. This does not form part of the assessment of the proposed outbuilding in this report.

4.2 Proposal

- 4.2.1 Consent is sought for “Single storey detached outbuilding in rear garden”.
- 4.2.2 The application form states that the materials are to match existing with traditional brickwork and render finish with traditional roof tiles.

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 substantial structure at the rear of the substantial garden of no 245. The proposed outbuilding would measure 9m wide by 7.9m deep by 3.9m high. It would

have a hipped roof and be constructed of brick, render and tile. It would be set very close to the rear boundary 0.5m off the boundary with no 247, 1.5m off boundary with no 243 and 1m off boundary of the rear properties at closest point at rear. The building would be located a substantial distance away from the main dwelling.

4.3.4 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.

4.3.5 The site's local context at the rear of the garden is characterised by green, private garden space, similar to the surroundings gardens. The grain of development locally along Cambridge Road and Frensham Drive features semi-detached dwellings with long rear gardens, creating a more open space away from the main dwellings as the gardens back on to each other.

4.3.6 The scale of the proposal and its siting at the rear of the garden, a substantial distance from the main dwelling, fails to relate sympathetically to the main dwelling or respond positively to the site's local context. The proposed materials of brick, render and tile, whilst matching the main dwelling, are out of keeping with the garden context in this location and fail to relate to the main house due to the substantial separation distance.

4.3.7 Whilst other rear outbuildings are visible in the locality, the proposed structure would span the entire width of the garden, creating a bulky development that dominates the rear of the garden, with a design and materials that create an urbanisation of the open space in that location.

4.3.8 Overall, due to the scale, siting, design and materials, the proposal would not respond appropriately or positively to the site's local context. The design and scale of the proposal would not relate sympathetically to the main dwelling and is out of keeping with the garden characteristics of the plot in this location and would cause harm to the character and appearance of the wider area.

4.3.7 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

4.3.8 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.

4.3.9 The proposed outbuilding would be sited close to the boundaries of the neighbouring properties nos 243 and 247 Cambridge Road and nos 12, 14 and 16 Frensham Drive. The overall height of the outbuilding would be 3.9m with a hipped style of the roof and a height of 2.4m to the eaves.

3.4.9 The structure would be visible from surrounding gardens due to its bulk, height and proximity to the boundaries. The proposed materials of brick, render and tile finish would increase the potential feeling of dominance of the structure and urbanisation of the gardens, away from the main grain of development along Cambridge Road and Frensham Drive.

4.3.10 Due to the height, bulk and mass of the proposal and materials proposed, it is considered that the proposal would cause harm to the amenity of neighbouring occupiers with feeling of dominance and encroachment and urbanisation in the rear gardens. The proposal therefore fails to comply with Policy D3 of the Local Plan and the aims of the National Planning Policy Framework.

4.3.11 Concerns raised by neighbouring properties regarding light and noise pollution could reasonably be mitigated against by condition to control amplified noise and lighting levels if consent was granted.

Highways and Parking

4.3.12 The proposed development would not result in the addition of a bedroom and therefore no additional parking would be required. No alteration to access is proposed. The development is therefore acceptable in terms of highways and parking.

Trees

4.3.13 During the visit to site (and through neighbour objections) it was noted that the proposal would result in the loss of some trees and potentially impact neighbouring trees. No details of these have been provided as part of the application.

Environmental Implications

4.3.14 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

4.3.15 This development is 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>).

Objections Raised

4.3.16 Concerns have been raised through neighbour objections. Most of the concerns raised have been addressed in the report above. Matters concerning construction, maintenance and covenants are not planning considerations and do not form part of this planning assessment.

4.3.17 The proposal would require the removal of the existing sheds which may provide habitat for bats which are protected species. If the council was minded to grant consent, a bat survey

would be required to assess the likelihood of bats in the existing structures. As protected species, bat habitats are protected by law.

4.4 Conclusion

- 4.4.1 The proposal does not respond appropriately or positively to the site's local context, is not sympathetic to the main dwelling in terms of its scale, form or siting and would cause harm to the character and appearance of the locality around the site through urbanisation of the rear of the garden 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 urbanisation of the gardens in this location, causing harm to the enjoyment and amenity of neighbouring occupiers, contrary to Local Plan policy D3 and the provisions of the National Planning Policy Framework.
- 4.4.3 Insufficient information has been provided to make an assessment on the potential impact on the trees and potential bat habitat of the existing shed structures, not identified on the existing plans.
- 4.4.4 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, is not sympathetic to the main dwelling in terms of its scale, form or siting and would cause harm to the character and appearance of the locality around the site through urbanisation of the rear of the garden 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 urbanisation of the gardens in this location, causing harm to the enjoyment and amenity of neighbouring occupiers, 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: 23 September 2024	