

11 Norton Way North 25/03049/FPH

Increase in Height

- First application (22/00022/FPH) 2.72m proposed height (withdrawn)
- Second application (22/02913/FPH) 3.16m approved height
- Third application (25/03049/FPH) 3.67m retrospective

This is a **total increase of 0.95m in height** from the first application to the unauthorised finished build.

Oversight of the Rear Garden Slope

In our comments 02/2/22 (22/00022/FPH) we stated:

“The ground level continues to slope at the rear of both 9/11 properties and the architect has not taken this into consideration of the final perceived height of this building”.

Despite being made aware of this, it appears the slope was not reflected in the applicants' submitted plans.

Why was a topographical survey or a cross-section drawing not required by the Authorities (NHDC and LGCHF) at this stage?

Consistency with Case Officer's Decisions (22/02913/FPH)

The Case Officer stated:

“Due to the drop in the rear garden away from the house, new hard landscaping could result in potential overlooking of neighbouring gardens and loss of privacy if it was elevated. It is therefore considered **reasonable and necessary to impose a condition that any new hard landscaping in excess of 0.3m above ground level** requires details to be submitted to and agreed by the Local Planning Authority. **This is to ensure that the amenity of neighbouring occupiers is not harmed**”.

The 0.3m restriction was also repeated by the **Service Director in the Decision Notice (a legally binding document)**.

He stated in his report:

“Details of any new hard landscaping in excess of 0.3m above ground level **must be submitted to and agreed in writing by the Local Planning Authority**”.

Given that both Authorities (NHDC and LGCHF) and the applicants, were aware of the gradient, why was the 3.16m height approved without a fixed datum point (a permanent ground level marker) to ensure the build did not exceed the approved height?

Impact of the 0.51m Breach

Was the 0.51m increase a result of the applicant building to a level roofline without adjusting for the drop in ground level?

Request for Action

Before this retrospective application is determined, we request that the Planning Department confirms: How the “approved height” was measured versus how the “as-built height” was measured.

Whether the Authorities (NHDC and LGCHF) accept that the failure to account for the slope has resulted in the 0.51m increase.

LGCHF Design Principles and Leasehold Obligations under the Scheme of Management

1. The Letchworth Garden City Heritage Foundation explicitly requires that the area and volume of any extension be **subservient and in proportion** to the existing house and plot.
2. **Scale and Massing:** An extension should not dominate the original building.
3. Does the increase in height impact the architectural character and Garden City **ethos**.
4. **LGCHF Scheme of Management:** We would like the Planning Officer to confirm if the LGCHF has issued a **Plan Approval Notice (PAN)** for this retrospective work, and if so when.
5. **Request for Transparency:** We would request the Planning Officer confirm whether the **LGCHF Scheme of Management** is in approval of the combined height of the patio, planters, and fence as they appear to exceed **Garden City Design Principles**.

The following comments should be acknowledged with the fact that 11's patio finished floor level is significantly higher compared to 9' FFL. Approximately 0.42metres.

Side Window Screened by Existing Hedge

We object to this retrospective application due to the **unacceptable impact on residential amenity**, specifically regarding **privacy and overlooking**.

In the Case Officer's Report (22/02913/FPH) she stated:

Impact on 9:

"The proposed works are set away from the boundary with no.9. A new side facing window is proposed but this is at ground level and would be screened by the existing hedge between the properties. The proposal would not have an unacceptable detrimental impact on no.9".

Reference photograph below; side window is not screened by hedge.

This window provides a direct line of sight into our primary living areas that did not exist before.

The mitigation relied upon by the Council has failed.

This represents a clear breach of the NPPF's requirement to ensure a high standard of amenity for existing residents.





Photographs of the build 26.01.2024, taken from our patio showing the side window during construction.

Please reference all architectural drawings which also show the side window clearly above the hedge.

Photograph 23.03.2026, taken from our kitchen, family area.

Proposed Fencing and Hard Landscaping

We strongly object to the proposal for a 1.7m (approximately 5ft6in) fence to be erected in decorative planters on the patio.

Our objections are based on the following grounds:

1. Lack of Privacy Mitigation

The applicant claims this fence is intended to provide privacy; however, it is reported to be lower than the established hedge already in situ. I would like to ask the Planning Department: “How does a fence lower than the existing screening mitigate the loss of privacy in any way, shape, or form?”

Because the fence is to be constructed on the patio, the “vantage point” for anyone on that patio remains unchanged. An average-sized person standing on the patio will still have a clear line of sight over the barrier into our primary living areas, outdoor eating area and garden. This proposal is a redundant addition that fails to solve the overlooking issue caused by the unauthorised patio height.

1. Wind loading

A solid fence of 1.7m acts as a “sail”. Fixing it into a relatively shallow 0.245m (approx. 10inch) decorative planter creates a massive amount of leverage. Even if the planter is heavy, a strong gust of wind could tip the entire unit off the patio.

1. Patio Integrity

The raised patio must be structurally capable of withstanding the “toppling” force of the fence without the edge crumbling or the patio slabs lifting.



Photograph of our primary outdoor eating area. The fence is proposed to be opposite our kitchen, family area, (3 sliding doors). Start from our bay window, primary living area next to our 3 bifold doors, a continuation of our living area.

The length of the fence will be approximately 4.3m.

Red area indicates new build at roof height of 2.72M



PHOTO @ 15:36 on 6TH DEC. 2021



This photograph (red area) illustrates the 2.72m height of the first proposed extension (application withdrawn) on 9/11 boundary, which we submitted in our comments for Rev.C, Monday 14th March 2022.

This clearly shows how high the proposed fence will look from our bay living room window, just 0.27m lower than this illustration (approx. 10 inches).

Since this photograph was taken, we have grown our hedge as a consequence, (for privacy albeit slowly, box is a slow growing hedge) because of the overlooking issues caused by the side window and patio.

However, the photograph of the side window, taken last week, shows this will be impossible to screen completely with our hedge or the proposed fence because of the height of the window.

Conservation Area Standards

As we are situated within a Conservation Area, (11 is Leasehold, 9/11 Houses of Special Interest) all developments must “preserve or enhance” the local character. A 2.45m wall of fencing and planters atop a 0.73m patio is a bulky, modern addition completely at odds with the heritage of these properties. It is an eyesore that undermines the open, green character of our garden layouts. Our primary outside eating area will feel more like a “prison yard” than an entertaining area.

Ecological Damage and ‘Box Blight’

We are deeply concerned about the health of our established box hedging. A solid 8ft barrier will block essential sunlight and restrict airflow. This will create a damp, stagnant micro-climate that directly aids Box Blight and provides a sheltered breeding ground for Box Tret Caterpillars, which will ultimately destroy our private screening.

We will then be left looking at the side elevation of a **1.7m fence in a 0.245m planter atop a 0.73m patio. An 8ft+ oppressive eyesore visible from all of our rear garden windows, outdoor eating area and garden.**

Over the last 4 years we have had to replace 50+metres of our privet along our boundary with 7a. We still have 10+m of diseased privet to replace. **Hedges Die.**

Uniquely and Unfairly Disadvantaged

Approving a structure of this height would be a clear departure from conservation standards, resulting in a significant loss of amenity that would leave us and future residents of number 9, uniquely and unfairly disadvantaged.

Flagrant and Systematic Disregard

The applicant has shown a flagrant and systematic disregard for both the **Planning Authority's Decision Notice and the Established Letchworth Garden City Design Principles**. By constructing a patio (exceeding the 0.3m limit) and a building that exceeds the 3.16m approved limit, the applicant has significantly altered the planned scale of the development. This application for a 1.7m fence is a failed attempt to mitigate the resulting privacy issues. In a Conservation Area such 'engineering' of privacy through excessive boundary heights is visually intrusive and contrary to the requirement to 'preserve or enhance' the area's character. The total 2.43m structure is an overbearing addition that harms the setting of this Home of Special Interest and sets a dangerous precedent for the unauthorised circumvention of Garden City controls.

This proposal offers no functional advantage for privacy; it only increases the overbearing nature of the build while introducing a significant safety hazard and ecological threat.

Discrepancies

There are significant **factual discrepancies** between the applicant's Planning Statement and the architectural drawings regarding the extension's height. While the applicant claims a modest 0.25m increase, (in the Planning Statement) the actual height at the rear of the extension is said to be **3.67m above natural ground level**-not the 3.4m stated-representing a much more substantial increase. All the architect's plans also show the height of the build as 3.4m.

For transparency we would like the Planning Department to confirm the actual height of the rear of the extension?

Conclusion

In summary, this retrospective application is not merely seeking to regularise a single, minor oversight. Instead it reveals a **consistent and cumulative disregard for the approved plans (22/02913/FPH) and the specific constraints of the original Decision Notice**. The applicant has deviated from the approved plan in at least 5 distinct areas.

The cumulative impact of these changes, specifically the increased height, side window, elevated patio and fence results in overbearing structures that cause unacceptable overlooking and loss of privacy to number 9.

Mr & Mrs Duncan

9 NWN

31.03.2026