

DELEGATED FILE NOTE

CASE OFFICER: ...Andrew Hunter.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02627/FP	Erection of one detached 4-bed self-build dwelling.	83 Whitehill Road Hitchin Hertfordshire SG4 9HP

Submitted Plan Nos

MN 13A MN 00 MN 01 MN 02 MN 09 MN 10 MN 11 MN 12

1.0 Policies

D1 Sustainable design

D2 House exts, replcmnt dwellings outbuild

D3 Protecting living conditions

D4 Air quality

NE2 Landscape

SECN11 Making effective use of land

SECN12 Achieving well-designed places

SECN9 Promoting sustainable transport

SP12 Green infrastructure, landscape and biod

SP6 Sustainable transport

SP9 Design and Sustainability

T2 Parking

T1 Assessment of transport matters

2.0 **Relevant site history**

- 2.1 23/01272/FP - Partial change of use land to residential curtilage. Part single storey, part two storey side and rear extensions to link existing single storey side annex/garage to main dwelling house following demolition of existing rear conservatory, first floor side extension, new first floor rear openings – Approved 30/08/23.
- 2.2 19/00687/FP - Erection of two detached 4-bed dwellings including parking, amenity space and landscaping with access from Whitehill Road. Erection of detached garage and boundary wall for existing dwelling – Approved 04/07/19.
- 2.3 89/00988/1 - Erection of 2 four bed detached dwellings with garages to the rear of the existing house, together with the reversion of the existing house into two dwellings and the erection of first floor extensions to both properties – Refused 21/09/89 for:
1. The proposal would result in an increase in use of an existing access where visibility from the access on to the adjoining highway is severely restricted. The proposal would therefore exacerbate conditions which are already prejudicial to the free and safe flow of traffic on the adjoining public highway.

3.0 **Representations**

- 3.1 **Ecologist** – No ecological information has been provided to comment upon. BNG does not apply as it is a self build application, the site is heavily disturbed and surrounded by developed area as such there is no objection to the proposal.
- 3.2 **Environmental Health** – No objections.
- 3.3 **Waste Officer** - Waste collection service provision is not outlined in this planning application. Without sufficient information I am not able to determine that the proposal can meet the requirements.
- 3.4 **HCC highways officer** – Does not wish to restrict permission.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is land to the rear of a two storey detached dwelling No. 83, which includes a vehicular access from Whitehill Road. The site is fenced and gated off from the curtilage of No. 83, which occupies the front half of the site. The SW half of the site is undeveloped but in a poor state, used for storage of building materials, and also contains a shipping container and shed.
- 4.1.2 Ground levels slope down gradually from Whitehill Road, with the SW half being on a lower level than No. 83. Site boundaries are comprised of 1.8-2m high fences, and some higher vegetation and trees. The site is in a residential area comprised of detached and terraced dwellings.

4.2 **Proposal**

- 4.2.1 The erection of a two storey dwelling with a flat roof in the SW half of the site and the associated change of use. The dwelling would have 4 bedrooms and a basement. Part of the roof of the dwelling would be Sedum. The site would be re-landscaped with new hard and soft landscaping, parking, and enclosed cycle and bin storage. Access to the public highway would be shared with No. 83 Whitehill Road.

4.3 **Key Issues**

- 4.3.1 The key material considerations are whether the development is acceptable in principle, character and appearance, impacts on residential amenity, future living conditions, highways and parking, and trees and landscaping and ecology.

Principle

- 4.3.2 The site is within Hitchin, a town under Policy SP2 of the adopted Local Plan, where the substantial majority of new development will be allowed. New residential development on the site is therefore acceptable in principle and complies with Policy SP2 of the Local Plan.

Character and appearance

- 4.3.3 The SW half of the site is of a poor condition and appearance and includes an unattractive shipping container and metal shed, therefore clearing the site and redeveloping it will bring some benefits to its character and appearance.
- 4.3.4 The site is in a residential area, therefore a new dwelling as a building and use is not considered out of character. The proposal would be new backland residential development, albeit of a small scale. Such backland development is rare in the locality, however Nos. 1 and 2 Kingfisher Court a short distance to the south are examples. There were no objections in this respect to previous planning permission 19/00687/FP, therefore it's considered that the principle of a new dwelling on the site is acceptable.
- 4.3.5 The new dwelling would vary in height from approx. 6.2m to 6.7m for its SW side wall, with most of the dwelling being 6.2m. This is a low height due to its flat roof design, and is not considered out of character with other dwellings nearby which are two storeys with pitched roofs and are higher.
- 4.3.6 The proposed dwelling would be of a more contemporary design and appearance, particularly due to its first floor design using dark grey standing seam cladding on its walls and roof, the amount and size of balconies, and the amount and design of the fenestration.
- 4.3.7 Dwellings with such a contemporary design are unusual in the locality, with other nearby dwellings being more conventional in design and materials. No. 83 has been extended in a contemporary way to its rear, although it's retained its older more original two storey bulk.
- 4.3.8 The rear extensions to No. 83 have included elements with flat roofs and dark grey metal cladding, including a single storey rear projection with roof accommodation. The

external materials of the dwelling are proposed to be bricks on the ground floor, and dark grey standing seam cladding on the first floor, both of which are stated as being similar to No. 83.

- 4.3.9 There are no objections to the proposed use of bricks similar to those of No. 83. The amount of cladding would be more extensive than the cladding used in the rear of No. 83. The appearance of the proposed dwelling in materials and colours would be similar to much of the rear of No. 83, and is not considered unacceptable in this respect.
- 4.3.10 The proposed dwelling would wholly have a flat roof. Parts of the first floor of No. 83 have flat roofs including crown roofs, however the main two storey part of No. 83 has retained its pitched roof, and most of the flat crown roofs are above sloping mansard roofs.
- 4.3.11 Other nearby dwellings visible from the site also have pitched roofs for their main roofs. The proposed dwelling due to its roof form and design is considered out of character with the prevailing main pitched roof designs of dwellings in the locality. The proposed dwelling would also have some visibility in the locality which would add to its impacts.
- 4.3.12 The proposed dwelling would be close to the SW and NW boundaries of the site, and a little further at its closest from No. 83 and the SE boundary. Due to this and being fully two storeys, it's considered that the dwelling will appear large, dominant and cramped in the site. This will also appear evident when viewing the single parking space with cycle and bin storage behind, which are considered would appear cramped between the NE side wall of the dwelling and No. 83 and its plot.
- 4.3.13 Turning to the detailed design of the dwelling, the most notable feature is the amount and size of the balconies on its SE elevation. This is uncharacteristic of dwellings in the locality, and is also considered to create a cluttered appearance of that elevation of the dwelling itself, which is considered harmful to the character and appearance of the locality. The design, size and siting of the proposed dwelling is not considered acceptable. The proposal does not comply with Policy D1 of the Local Plan and Section 12 of the NPPF.

Neighbour amenity

- 4.3.14 The proposed dwelling is considered to be sufficiently far from the main habitable rooms of dwellings that adjoin the site to not cause overbearing impacts and loss of light to them. The use of the site would be as a single dwelling that is not considered to generate harmful amounts of noise, traffic or other disturbance.
- 4.3.15 No. 73 Whitehill Road is the NW neighbour to No. 83 and is near the site boundary. The proposed dwelling is not however considered harmful to its amenity as it would be sited away from the boundary with No. 73 and at an oblique angle, on lower ground with a flat roof, and would not cause harmful loss of privacy.
- 4.3.16 Further to the SW from No. 73 are Nos. 13-15 South Hill, a terrace of three dwellings that directly face onto the site at the rear, and each of their rear gardens adjoins the boundary of the site and the location of the new dwelling. The new dwelling would be approx. 0.8m to 1.7m from the rear gardens of those dwellings, with those dwellings being a further minimum of 10.5m away.

- 4.3.17 Due to these distances and the low height of the dwelling, it's not considered that the dwelling would appear overbearing or cause loss of light to their main habitable rooms. The rear wall of the dwelling facing towards these dwellings includes four high level windows which are larger in pane height than high level windows usually are, however if permission was to be granted they could be required to be obscured glazed as they would serve a landing and bathroom. This would also prevent potential overlooking of the rear gardens of Nos. 13-15.
- 4.3.18 The new dwelling would be more visible from the rear gardens of Nos. 13-15. Starting with No. 15, the new dwelling would be closest to this garden at approx. 0.8m, would extend across approx. half of the end of the rear boundary, and would be 4.4m above the rear fence. The dwelling would therefore be very visible from within the rear garden of No. 15, and the visual impacts would be exacerbated by the small depth and width of the rear garden which would mean the proposed dwelling would appear visually dominant.
- 4.3.19 Due to the above, it's considered that the proposed dwelling would appear harmfully visually overbearing to the rear garden of No. 15 and its occupants. As the dwelling is to the south of the garden there will also be some overshadowing and loss of light, which will add to the harm.
- 4.3.20 No. 14 is the middle dwelling. The proposed dwelling will extend across the whole rear boundary and to each side, therefore it will occupy a large field of view from within that garden. The dwelling would be approx. 4.4m to 4.2m higher than the boundary fence, although it will be obscured to some extent by vegetation at the end of the rear garden within the curtilage of No. 14 that is approx. 2-2.5m higher than the fence.
- 4.3.21 The new dwelling will be a minimum of 1.7m above the vegetation, and in some places being 2.4m higher. The dwelling will be 1.5m from the rear boundary which will mitigate the proposed height to some extent. Overall, on balance, due to the size, height and siting of the dwelling, it's considered that it will be harmfully visually overbearing to No. 14 due to the impacts on the rear garden of that dwelling.
- 4.3.22 The remaining dwelling of the terrace is No. 13. The dwelling will extend across much of the rear boundary of the garden of that dwelling, with the dwelling being 4.4m above the fence. The dwelling will be 1.7m from the rear boundary with No. 13. The end of the rear garden of No. 13 contains an outbuilding and vegetation near the boundary, and a small tree slightly further in from the outbuilding. These will provide some screening of the dwelling and also create an area of that garden between the front of the outbuilding and the rear garden boundary that is considered is a less-used secondary part of the garden. This will result in the new dwelling being further from the main part of the rear garden of No. 13 than that of Nos. 14 and 15.
- 4.3.23 The proposed dwelling will be higher than the outbuilding and vegetation and visible beyond them. The rear garden of No. 13 is longer and wider than the rear gardens of Nos. 14 and 15, therefore in this case due to this and due to the factors in 4.3.22, on balance it's not considered that the new dwelling would be harmfully overbearing to the rear garden of No. 13.

- 4.3.24 The rear gardens of three dwellings also adjoin the SW site boundary, being Nos. 22, 23, and 24 Wedmore Road. The new dwelling would be a minimum of approx. 21.6m from the rear elevations of those dwellings and to their north, and will not cause adverse impacts to their main habitable rooms.
- 4.3.25 The proposed dwelling is not considered harmful to the rear gardens of Nos. 22 and 24 as a smaller side wall is the part of the dwelling that would be closest, which would also be at oblique angles away from the boundaries. The dwelling would be more visible from the rear garden of No. 23, however it's not considered it would appear overbearing as it would be substantially obscured by a tree at the end of that rear garden, and the elevation facing that garden would be of a smaller width and height.
- 4.3.26 The part of the dwelling closest to No. 23 would include a first floor balcony, which is of a sufficient size to stand up in. Occupants of the dwelling using that balcony would be able to have clear views into the rear gardens of Nos. 23 and 22, particularly from its SW side. This could however be overcome by requiring a 1.8m high privacy screen on its SW side by condition, which would resolve privacy and amenity concerns to Nos. 23 and 22.
- 4.3.27 The only other neighbouring dwelling that could be affected is No. 89 Whitehill Road, which adjoins the SE boundary of the site. The dwelling would be approx. 15m from the rear and side elevations of No. 89 and will also be substantially obscured by trees and vegetation, therefore it's not considered that the new dwelling would appear overbearing or cause loss of light to main habitable rooms of No. 89.
- 4.3.28 The new dwelling would be closer to the rear garden of No. 89 at approx. 7m, however it's also considered that the visual impacts on the rear garden will not be harmful as the wall of the dwelling closest to the rear garden of No. 89 will be of a smaller width and height, it will be clearly set away from the boundary, and also obscured by trees and vegetation.
- 4.3.29 Regarding impacts on the privacy of No. 89, it's not considered that the new dwelling would harm that of rooms of that dwelling itself. The balconies on the longer west flank of the dwelling would be approx. 13.7m from the rear garden of No. 89 which would be sufficient not to cause harmful loss of privacy and amenity.
- 4.3.30 The closest elevation of the dwelling to the rear garden boundary of No. 89 includes a first floor terrace, with the distance to that boundary being approx. 7m. This boundary includes trees and vegetation, however opposite the proposed terrace is a gap between the trees with vegetation being up to 2.5m high. The terrace would be of a sufficient size for standing and seating, and is considered due to the above would allow for clear overlooking into the rear garden of No. 89. This would cause harm to the amenity of No. 89. Impacts on amenity are not acceptable, and do not comply with Policy D3 of the Local Plan.

Future living conditions

- 4.3.31 The proposed dwelling would be considered to receive acceptable outlook, light and privacy. The size and quality of internal accommodation is considered acceptable. Outside private areas of amenity space are considered to be of an acceptable size and quality.

- 4.3.32 Also of relevance are the impacts on the future living conditions of No. 83, which is in the blue-edged area NE of the proposed dwelling. However, in this case the proposed dwelling is considered to be of a size, siting and design that will not harm living conditions of No. 83. Future living conditions are therefore acceptable. The proposal complies with Policy D1 of the Local Plan.

Parking and highways

- 4.3.33 The proposed dwelling would have at least two parking spaces, which complies with minimum standards and is acceptable. The site would provide sufficient turning space for a car. Cycles can be stored internally. Bin storage is shown on the proposed site plan, and is considered acceptable. Bin storage and access to the public highway are considered acceptable, with no objections from the highways officer. The proposal complies with Policies T1 and T2 of the Local Plan.

Landscape and trees and ecology

- 4.3.34 There are no trees that will be affected by the proposal. The site is heavily disturbed, in a poor state with no landscaping, therefore the new landscaping shown will be an improvement. The balance and amounts of hard and soft landscaping are considered acceptable. A condition would be imposed requiring details of new landscaping if permission was to be granted.
- 4.3.35 The proposal is not subject to biodiversity net gain requirements as the dwelling would be self-build. Due to the urban location of the site and its heavily disturbed condition, it's not considered that protected species or their habitats would be affected. The proposal complies with Policies NE2 and NE4 of the Local Plan.

4.4 **Balance and Conclusion**

- 4.4.1 The LPA does not have a five year housing land supply under the 2024 NPPF, therefore in accordance with para. 11 d) ii of the NPPF, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 4.4.2 In this case, the benefits would be one new dwelling, which is considered limited. The adverse impacts are considered more substantial and would outweigh these benefits.
- 4.4.3 In the absence of material planning reasons to the contrary it is my view that planning permission is **REFUSED**.

5.0 **Recommendation**

- 5.1 That planning permission be **REFUSED** for the following reasons:

1. The proposed dwelling by reason of its size, design and siting is not considered in keeping with the locality and would be harmful to its character and appearance. The proposal does not comply with Policy D1 of the Local Plan and Section 12 of the NPPF.
2. The proposed dwelling by reason of its size, design and siting would be harmful to the amenity of nearby dwellings. The proposal does not comply with Policy D3 of the Local Plan.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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: 26 February 2025	