

DELEGATED FILE NOTE

CASE OFFICER: ...Vicki Wood.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01686/S73	Variation of Condition 2 (wording and amended drawings) and Condition 3 (wording) of planning permission reference 20/02656/FPH granted on 29.03.2021 for Extension and renovation of existing dwelling.	15 Garden Lane Royston Hertfordshire SG8 9EH

Submitted Plan Nos

Location Plan 2020-15 GL-A105 4 2020-15 GL-A106 4 2020-15 GL-A107 4

1.0 Policies

1.0 **Local and National Policy**

1.1 **National Planning Policy Framework 2023 (NPPF)**

Section 2 – Achieving sustainable development

Section 12 – Achieving well-designed and beautiful places

Section 14 - Meeting the challenges of climate change, flooding and coastal change

1.2 **North Hertfordshire Local Plan 2011-2031 (NHLP)**

Strategic Policies

Policy SP1 – Sustainable Development in North Hertfordshire

Policy SP9 – Design and Sustainability

Development Management Policies

Policy D1 – Sustainable design

Policy D2 – House extensions, replacement dwellings and outbuildings

Policy D3 – Protecting living conditions

1.4 **Supplementary Planning Document**

North Hertfordshire Design Guide 2011

2.0 **Relevant Site History**

- 2.1 Planning application referenced 20/02656/FPH was granted conditional permission for extension and renovation of existing dwelling involving excavations under existing footprint to provide two additional storeys - a ground and upper ground floor; two storey side extension; raised garden to south elevation with covered car parking area and bike store below; new retaining wall to south boundary; addition of solar panels to front and rear roof slopes; replacement roof incorporating rear and front roof lights; external render to all elevations; alterations to fenestration, levelling of rear garden and ancillary works following demolition of existing rear extensions. At the time of assessing the application, the case officer was mindful of the objections received in respect of loss of privacy and made reference to this in the officer report which reads as follows: *'I note the neighbour's concern with regards to the loss of privacy to the side windows. With the exception of kitchen and study window on the south elevation which will look out on the front driveway area of no.17, and the snug room window on the north elevation which will outlook on the retaining wall and rear garage wall of the neighbour no.24 The Warren, I have recommended a condition requiring all other side flank windows to be obscure glazed to protect privacy to the neighbours.'* The condition subsequently added to the approval reads as follows:

'With the exception of the kitchen and study windows on the south elevation and the snug window on the north elevation, all other windows on the two side flanks walls must be installed as obscure glazed and thereafter retained as such.

Reason: To protect privacy to the neighbours.'

A later planning application was submitted and refused under 24/02146/S73 to remove Condition 3 (Obscure Glazing) of planning permission 20/02656/FPH. The decision was based on no evidence having been submitted to support the need to remove the obscure glazing requirement.

3.0 **Representations**

3.1 **Site and Neighbour Consultation** – Objections have been received from nos.17, 48 Garden Lane, 24 The Warren, 50 Garden Lane which raise the following concerns:

- ☐ Loss of privacy due to the larger window openings and overlooking of neighbouring properties.
- ☐ Larger window openings than originally approved contributing to an overbearing impact on neighbouring properties.
- ☐ The appearance of the windows gives the impression of perceived overlooking.
- ☐ Window openings are unattractive, unneighbourly and not in keeping with the street scene.
- ☐ Should existing floor levels be raised this would further increase loss of privacy in terms of overlooking.
- ☐ To allow the scheme would support abuse of the planning system by allowing the applicant to build what they want and in breach of existing approval.

3.2 **Royston Town Council** – None received.

3.3 **Ward Councillors Brown and May** – Subject to conditions, the call-in by Councillor Brown is no longer requested.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 At the time of the original planning submission granted under 20/02656/FPH, No.15 could be described as being a detached, pink brick, 1960s era split bungalow built into the hillside on the western side of the road. To date, building works have commenced and are on-going with unauthorised changes having taken place involving some changes to window positions, opening sizes and some windows having clear glazing installed in place of obscure glazing.

4.2 **Proposal**

4.2.1 Variation of Condition 2 (wording and amended drawings) and Condition 3 (wording) of planning permission reference 20/02656/FPH granted on 29.03.2021 for Extension and renovation of existing dwelling.

4.2.2 The position and size of window openings is retrospective.

4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact the proposed development would have on the character and appearance of the streetscene.

Design

4.3.2 The objectives of the National Planning Policy Framework (NPPF) include those seeking to secure the creation of high quality, beautiful and sustainable buildings and places (Section 12 – Achieving well-designed and beautiful places). Paragraph 131 of the NPPF states that “*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable communities*”. In this regard, Policy D1 and D2 of the North Hertfordshire Local Plan are consistent with the objectives set out within the NPPF.

4.3.3 The application is submitted in respect of the variation of planning conditions 2 and 3 attached to 20/02656/FPH. Condition 2 reads as follows and relates to the specifics of the development. Changes proposed to the openings are covered by this condition. Details of Condition 3 is provided at para. 2.1 ‘*Relevant Planning History*’.

‘The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.’

4.3.4 However, Policy D1 makes reference to achieving high quality design for all development and that ‘*...good quality design is essential for health and well-being.*’ Policy D2 ‘*requires that consideration be given to the effect that a proposal may have on the living conditions of neighbouring occupiers...*’

4.3.5 The property is designed as a passive house which requires high levels of natural light to manage heat. The enlargement of the window openings would allow for the amount of natural light entering the property to be maximised and the installation of clear glazing would aid such a contribution.

4.3.6 In design terms, the position and size of window openings would not, in my view, impact the character and appearance of the streetscene in that this is a modern construction designed to be climate friendly in terms of energy usage and built on the site of a former bungalow which benefitted from openings which differed to existing dwellings in Garden Lane. Whilst it can be beneficial for new properties to reflect the character and appearance of the streetscene there is, in this particular case, other matters which contribute to the need for the design and how the property operates in terms of its ability as a dwellinghouse. In this sense, I do not see any harm arising to the character and appearance of the streetscene as a result of the development.

- 4.3.7 I am satisfied that the proposed changes to the development comply with Policies D1 and D2 of the Local Plan and Section 12 of the NPPF.

Impact on Neighbouring Properties:

- 4.3.4 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy D3 of the NHLP.
- 4.3.5 Four objections have been made to the application by neighbouring properties as set out at para. 3.1 '*Representations*'. The concerns raised have been taken into account and following a visit to the property to view all windows internally and their outlook towards neighbouring properties, based on the existing finished floor levels, and fencing to the party boundary to the south, I am satisfied that providing windows 20, 21 and 22 on the north elevation facing no.24 The Warren are obscure glazed there would be no significant overlooking or loss of privacy to other neighbouring properties as a result of the increase in size or absence of obscure glazing.
- 4.3.6 For clarification purposes, views from openings to the south side flank elevation facing no.17 Garden Lane do not result in significant overlooking with views towards no.50 to the southeast limited.
- 4.3.7 As such I am satisfied that with the exception of windows 20, 21 and 22 on the north side flank elevation of the dwelling, it would be unreasonable to insist on obscure glazing to any other windows in the property. The proposal is therefore considered to be in accordance with Policy D3 of the Local Plan and Section 12 of the NPPF.

Environmental Implications:

- 4.3.8 Section 14 of the NPPF sets out how the planning system should support the transition to a low carbon future. The principles set out in Section 14 are reflected in Policy D1 of the North Herts Local Plan, which sets out that development proposal should take all reasonable opportunities to reduce energy consumption and waste, retain existing vegetation and propose new appropriate planting, and future proof for changes in technology and lifestyle.
- 4.3.9 The proposed development, would make a positive contribution for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF and Policy D1.

4.4 **Conclusion**

- 4.4.1 Overall the application is considered acceptable in design terms with no significant impact to existing residential amenity.

5.0 **Recommendation**

- 5.1 That planning permission be **GRANTED** subject to the following conditions:

1. Within 3 months of the date of this permission, Windows 20, 21 and 22 on the north side flank elevation as shown on the submitted plans, shall be replaced with Level 5 obscure glazing and thereafter retained as such.

Reason: To protect the existing residential amenity of 24 The Warren, Royston in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

2. No changes shall be made to the size of any window opening in the dwelling unless approved in writing by the Local Planning Authority.

Reason: To protect existing residential amenity and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

3. No changes shall be made to any window in the dwelling which would result in a windowsill level being lower than that shown on the submitted plans unless approved in writing by the Local Planning Authority.

Reason: In order to protect existing residential amenity and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2013.

4. No new external openings shall be formed to the dwelling unless otherwise approved in writing by the Local Planning Authority.

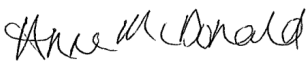
Reason: To protect existing residential amenity and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

5. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

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: 9 September 2025	