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NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990

DECISION NOTICE

Correspondence Address:

Keenan Project Designs Ltd
11A Dormer Place
Lemington Spa
CV32 5AA
United Kingdom

Applicant:

Simon Johnson

PARTICULARS OF DEVELOPMENT

Application:	25/00639/FPH
Proposal:	Erection of detached annexe with dual pitched roof to rear garden.
Location:	Swan Cottage, High Street, Whitwell, Hitchin, Hertfordshire, SG4 8AJ
Plan Nos:	2366-1B, 2366-2B, 2366-3B, 2366-4B, 2366-5B ,2366-6B

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 10 March 2025.

1. The proposed development, by reason of its siting, scale, and design, would fail to remain sympathetic to the host dwelling and would fail to respond positively to the site's local context and character. The development would also fail to add to the overall quality of the area. Furthermore, the development could set a precedent for similar development within the locality in which currently there are no structures of this type. The proposal would therefore fail to comply with Policy HS6, D1. and D2 of the North Hertfordshire Local Plan 2011-2031 and the National Planning Policy Framework (2024).

2. By reason of the building's elevated position, excessive length and poor roof materials, the proposed annexe would fail to preserve or enhance the character or appearance of the Whitwell conservation area and will adversely impact on the wider setting of Swan Cottage (Grade II). The degree of less than substantial harm is considered to be low on the continuum and there is a lack of convincing justification for this proposal. The proposal would not bring public benefit or optimum viable use. The development runs contrary to the provisions of Policy HE1 of the Local Plan 2011-2031 and Section 16 of the NPPF. The development is considered to be contrary with Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) act 1990.
3. The proposed annexe, by reason of its design, height and depth, would result in an unacceptable overbearing impact upon the occupiers of the neighbouring properties and possibly create a vantage point for overlooking and would therefore, fail to comply with Policy D3 of the North Hertfordshire Local Plan 2011-2031 and the core principles set out within the National Planning Policy Framework (2021).

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:



Shaun Greaves
Development and Conservation Manager

Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Date: 3 March 2026

The Council's Privacy Notice is available on our website: <https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr>.

NOTES

- 1 If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

However, if an enforcement notice has been served for the same or very similar development the time limit is 28 days from the date of the LPA decision or 28 days from the date the enforcement notice was served.

Appeals must be made using a form which you can get from the Planning Inspectorate at Suite C, 4th Floor, Spectrum Building, Bond Street, Bristol, BS1 3LG or online at <https://www.gov.uk/appeal-householder-planning-decision>

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Cadent Gas Informative:

Cadent Gas own and operate the gas infrastructure within the area of your development. Contact our Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com. Alternatively you can register on www.beforeyoudig.cadentgas.com This service is free of charge.