

DELEGATED FILE NOTE

CASE OFFICER: ...Henry Thomas.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00639/FPH	Erection of detached annexe with dual pitched roof to rear garden.	Swan Cottage High Street Whitwell Hitchin Hertfordshire SG4 8AJ

Submitted Plan Nos

2366-1B 2366-2B 2366-3B 2366-4B 2366-5B 2366-6B

1.0 Policies

D1	Sustainable design
D2	House exts, replcmnt dwellings outbuild

D3	Protecting living conditions
SP1	Sustainable development in North Herts
SP9	Design and Sustainability
HS6	Relatives and dependents accommodation
T2	Parking
SECN12	Achieving well-designed places
HE1	Designated heritage assets
SECN14	Meeting climate change,coastal,flooding
SECN16	Conserve + enhance historic environment

2.0 **Relevant site history**

- 2.1 17/02000/1HH - Single storey rear extension. (as amended by plans P01A and P02A received 24/10/2017 & plan 03C received 07/11/2017).
- 2.2 17/02001/1LB - Single storey rear extension, insertion of two velux rooflights on the side (south east) roofslope and one velux roof light on the single storey element roofslope. Bricking up of doors on rear and front elevations of WC and insertion of double timber doors and window on

rear elevation. Internal alterations. (as amended by plans P01A and P02A received 24/10/2017 & plan 03C received 07/11/2017)

3.0 **Representations**

3.1 **Site Notice & Neighbour Notification** – One objection received raising the following concerns:

- ❑ Sited too far away from the host dwelling
- ❑ Overbearing
- ❑ Too large
- ❑ Limited access to the site (narrow footpath)
- ❑ In essence a separate dwelling.

3.2 **St Pauls Walden Parish Council** – None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 Swan Cottage is a Grade II Listed, detached two storey dwelling on the south side of the Whitwell High Street. The site is located within the settlement boundary and within the Whitwell Conservation Area. The neighbouring dwelling at 45 High Street and the Bull Public House opposite are both Grade II Listed Buildings. The site backs onto a hill and has some significant elevation increases with the garden being split into a number of terraces. The listing for Swan Cottage is as follows:

House. C16, altered in C18, C20 low rear wing. Timber frame on low brick sill with plastered infill panels generally. Painted brick panels between bay-posts to ground floor at front. Painted brick rear wing. Dark weatherboarding to upper part of W gable end and to jettied gable triangle to front dormer. Steep old red tile roof, dormer slated. A wide-span 3-bays structure facing N with 1st floor windows under eaves in E bay but floor at higher level and 1st floor lit by a wide gabled dormer raised above the wallplate in the 2 other bays. Small swept dormer at eaves above door at E end of middle bay which also has an internal chimney built against its W end. Small later chimney at W side of E bay. Irregular N front with 3 small panes casement windows to 1st floor, 2-light casement to left of plank door with flat moulded hood on shaped brackets. Sash window with 3/3 panes to right of door and rectangular flat-topped oriel casement window to right of that. E gable shows clasped-purlin roof on cambered collar and cambered tie-beam truss. May have continued to W.

4.2 **Proposal**

- 4.2.1 Erection of detached annexe with dual pitched roof to rear garden.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:

- Principle of an annexe
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the locality.
- The impact on the designated heritage asset
- The impact that the proposed development would have on the living conditions of neighbouring occupiers.
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the development would have on the environment.

Principle of annexe and design

- 4.3.2 The Council has Policy HS6 in its Local Plan that sets out when new annexes will be acceptable. The Policy is:

“Planning permission for relatives’ and dependents’ accommodation formed by the adaptation or extension of the main dwelling will be permitted provided that:

- a) a genuine need for the accommodation is demonstrated;*
 - b) the annex is subordinate to the main dwelling and designed in such a way that it can be easily (re-)incorporated into the main house if use as an annex ceases;*
 - c) any development would not exceed the size of extensions that would otherwise normally be acceptable; and*
 - d) the occupation of the accommodation is restricted by condition.*
- Free standing annexes will be allowed where the above criteria are met and it can be demonstrated that adaptation or extension of the main house is not possible.”*

- 4.3.3 No Design and Access Statement or details have been submitted to demonstrate the need for an annexe. The applicant has not submitted any on request. It is therefore considered that the proposal would not comply with paragraph a) of the Policy HS6.
- 4.3.4 Regarding b) of HS6, the annexe would not be small, and the amount of living space appears excessive for one couple (particularly due to two bedrooms being proposed), it’s not considered to be subordinate, and it’s siting is such that it would be too distant from the main dwelling to be able to be easily incorporated into it. It’s however acknowledged that annexes as separate outbuildings will be less likely to be able to be physically incorporated into the main dwelling, therefore limited weight is given to this.
- 4.3.5 Regarding part c) of HS6, the annexe is sited too far from the dwelling to be considered an extension to it, it is also not known what size of extensions would be acceptable to the main dwelling, or if any would be given its Listed status. In terms of outbuildings, I consider the proposed annexe to be larger than in scale than outbuildings generally permitted within the

locality. As such, it would be a departure from the local context and would not appear as an ancillary outbuilding.

- 4.3.6 HS6 also states that free standing annexes will be allowed where the above criteria are met and it can be demonstrated that adaptation or extension of the main house is not possible. Part b) would not be complied with, however as above this is more difficult where an annexe would be detached. No information or justification has been submitted to demonstrate that adaptation or extension of the main house is not possible.
- 4.3.7 A further consideration is whether the proposed annexe would be an annexe, and not tantamount to a new dwelling. In this case, the annexe would rely on the main dwelling Swan Cottage for parking and amenity space.
- 4.3.8 The annexe would however have a degree of independence from the main dwelling as there is a footpath to the rear of the site, which would mean occupants could go to and from the annexe without needing to go via the main dwelling. However given the limited amenity space around the annexe, I find it unlikely that the annexe would be considered completely self-contained from the main dwelling.
- 4.3.9 The height, size and design of the annexe are not considered acceptable, the proposed annexe is not considered to comply with Local Plan Policies HS6 and D1.

Design and Appearance and Heritage:

- 4.3.7 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 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 Herts Local Plan are consistent with the objectives set out within the NPPF.
- 4.3.8 Policy D1 of the North Herts Local Plan sets out that planning permission will be granted for development proposals that respond positively to the site’s local context, create or enhance the public realm, and reduce energy consumption and waste.
- 4.3.11 The proposed annexe would not be visible from the highway but would have some visibility from the footpath to the rear of the site.
- 4.3.12 This item was raised during an internal item surgery with North Hert’s Senior Conservation Officer. It was considered that the 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.

4.3.13 Given the scale of the development proposed, it is considered that the extension would fail to remain subservient to the host dwelling and would also result in harm to the surrounding locality. The development could also set a precedent for similar developments.

4.3.14 The extension would therefore fail to comply with both local and national planning policies.

Neighbour amenity

4.3.15 The objectives of the NPPF seek to ensure that developments secure a high standard of amenity for existing and future occupiers (Section 12 – Achieving well-designed places). This principle is reflected in the provisions set out in Policy D2 and D3 of the North Herts Local Plan.

4.3.16 Policy D3 of the North Herts Local Plan sets out that planning permission will be granted for developments proposals which do not cause unacceptable harm to living conditions.

4.3.17 The neighbouring properties of 37 and 45 High Street sit further back from the highway than Swan Cottage. As such, the elevated position of the proposed annexe would appear more prominent within the rear windows and gardens of these neighbours. I consider that the excessive length, height and bulk of the annexe within this elevated position in close proximity to the boundary line would give rise to some degree of harm in terms of dominance and overbearing. Some overlooking and loss of privacy would be possible due to the change in ground levels. The proposal therefore would not comply with Policy D3 of the Local Plan.

Parking

4.3.29 There are no specific parking standards for nursing homes in the Local Plan or Parking SPD. The annexe will have two bedrooms. The site as whole has 2 parking spaces. In my view, this would be insufficient to serve the host dwelling and the proposed annexe. As such, it would fail to comply with Policy T2 of the Local Plan.

4.4 **Balance and Conclusion**

4.4.1 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 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  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
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Date: 3 March 2026	
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