

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01178/FPH	Single storey rear extension and insertion of side door.	38 Briary Lane Royston Hertfordshire SG8 9BU

Submitted Plan Nos

1438-P01 1438-P02 1438-P03

1.0 Policies

1.0 **Local and National Policy**

1.1 **National Planning Policy Framework 2024 (NPPF)**

Section 2 – Achieving sustainable development

Section 12 – Achieving well-designed 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 SP2 – Settlement Hierarchy and Spatial Distribution

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

2.0 **Relevant Site History**

2.1 17/02682/1PUD - Insertion of rear dormer window to facilitate loft conversion. Granted.

3.0 **Representations**

3.1 **Site and Neighbour Consultation** – None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is located on the east side of Briary Lane where there is a gradual fall in land levels to the north.

4.1.2 The application site comprises of a two-storey, semi-detached residential dwellinghouse with detached garage sited to the rear of the dwelling alongside the party boundary with the neighbouring property to the south no.36 Briary Lane with gardens to front and rear.

4.1.3 The application site is within the settlement boundary for Royston where development is generally acceptable subject to policy requirements.

- 4.1.4 The agent has referred to various sites within the vicinity where permission has been granted. I have viewed these and do not consider they set a precedent.

10 Briary Lane – (19/02257/FPH) – Two-storey dwelling. Report says a 4m rear extension. Proposed is on a corner plot so amenity different. Attached neighbour has existing conservatory and rear extension would be 1m beyond this.

19 Briary Lane – (21/02695/FPH) – Bungalow. Report says existing conservatory with extension projecting 1.3m beyond this.

25 Briary Lane – (24/02055/FPH) – Bungalow. Attached neighbour already has extension. Proposed would project minimal distance beyond this.

4 Earls Hill Gardens – (25/01186/NCS) – Amenity is not considered under a NCS.

None of the above mention any difference in ground levels which is applicable to the application site at 38 Briary Lane.

4.2 **Proposal**

- 4.2.1 Single storey rear extension and insertion of side door.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:

- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.

Design and Appearance

- 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 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 to communities”*. In this regard, Policy D1 and D2 of the Local Plan are consistent with the objectives set out within the NPPF.
- 4.3.3 The development would see the erection of a 5.0 metre deep single storey rear extension to the dwelling which would link up with part of the existing detached garage. The external wall of the proposed extension would be set an approximate 0.10 metres off the boundary with the attached neighbour to the north no.40 Briary Lane with the roof of the extension existing up to the boundary. The height of the proposed extension would be approximately 2.8 metres, an approximate 0.3 metres above the height of the

existing garage at its highest point. Materials would comprise of a brick external finish to match that of the existing dwelling with the roof being a single ply membrane. Openings would comprise of the insertion of a doorway to the side flank elevation of the existing dwelling together with a high-level window and a set of sliding doors to the rear garden space and velux rooflight. The colour of the proposed fenestration would be grey. Beyond the proposed extension would be a block paved patio area having a depth of approximately 3.5 metres extending for the width of the proposed extension. The plans would mean access to the rear garden would either be through the extended dwelling or garage nor do they specify if the block paving is of a permeable construction and no sunlight/daylight assessment has been provided to support the application.

- 4.3.4 The attached neighbour does not benefit from a rear extension and is set at a lower ground level than the application site. There is an existing timber boundary fence to the party boundary with the attached neighbour, this ranges in height from approximately 1.6 metres at the point where it meets with the dwelling and extends for a short distance before it drops to an approximate height of 1.2 metres for the remainder of the party boundary fencing. The proposal would result in the need for the erection of a boundary fence for the length of the proposed patio.
- 4.3.5 In terms of planning policy, Policy D1 of the Local Plan seeks to support development which achieves a high-quality design that responds to and enhances its surroundings, and that development should respond positively to the site and the local context taking into consideration position, orientation, scale, height, layout, massing, detailing and use of materials. Policy D2 of the Local Plan seeks to support extensions that do not dominate adjoining properties and are well related to the floor levels of adjoining properties.
- 4.3.6 Based on the scale and design of the proposed development, I am not convinced the scheme meets with the requirements of Policies D1 and D2 of the Local Plan and the Sections 2 and 12 of the NPPF.

Impact on Neighbouring Properties:

- 4.3.7 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 Local Plan.
- 4.3.8 No objections have been received.
- 4.3.9 Policy D3 of the Local Plan seeks to support development that would not have an adverse impact on its neighbours by way of loss of daylight and sunlight, overlooking and dominance amongst others.
- 4.3.10 As a result of the significant impact on the attached neighbouring property from adverse bulk and dominance, the proposal is considered to fail to comply with Policy D3 of the Local Plan and Section 12 of the NPPF.

Highways and Parking:

- 4.3.11 The dwelling is served by sufficient off-street parking spaces which would not be affected by the proposed development and is therefore considered to be in accordance with Policy T2 of the Local Plan.

Biodiversity Net Gain (BNG)

- 4.3.12 This is a householder application which is exempt from BNG legislation defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Environmental Implications

- 4.3.13 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 Local Plan, which sets out that development proposals 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.
- 4.3.14 In my view, the proposed development would be unlikely to have any significant implications for the local environment in terms of carbon emissions and therefore would be generally in accordance with Policy D1 of the Local Plan and Section 14 of the NPPF.

4.4 **Conclusion**

- 4.4.1 Due to the scale, design and impact of the proposed development on the attached neighbour the proposed development is considered contrary to Policies SP1, SP9, D1, D2 and D3 of the Local Plan 2011-2031 and Sections 2 and 12 of the NPPF 2024.

4.5 **Alternative Options**

- 4.5.1 N/A

4.6 **Pre-Commencement Conditions**

- 4.6.1 N/A

5.0 **Recommendation**

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

1. By reason of its design, scale, bulk including its excessive depth and location close to the boundary with the adjoining property at no.40 Briary Lane, the proposed single storey rear extension would have a dominant and overbearing impact on the occupiers of the adjoining property to the significant detriment of their existing residential amenity. As such the proposed development would be contrary to the provisions of Policies D1, D2 and D3 of the North Hertfordshire Local Plan 2011-2031 and Sections 2 and 12 of the NPPF 2024.

2. Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively by seeking an amendment to the scheme which the applicant declined. 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.

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: 9 July 2025	