

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02085/FP	Erection of 3 bedroom dwelling house, attached to existing dwelling following demolition of detached outbuilding (development already carried out).	15 The Crescent St Ippolyts Hitchin Hertfordshire SG4 7RE

Submitted Plan Nos

15/TC/04 Existing roof plan TC15 01 B TC15 03 TC15 04 TC15 10 - As built 01 02A

1.0 Policies

D1 Sustainable design

D3	Protecting living conditions
SECN12	Achieving well-designed places
SP9	Design and Sustainability

2.0 Site History

2.1 15/00230/1: Detached 3 bedroom dwelling with two associated parking spaces, refused 4/9/15. **Dismissed on appeal 6/4/16.**

2.2 18/01169/FPH: Two storey side extension to create 3-bed annex together with two storey front extension. Granted 6/7/18. Implemented but not in accordance with the approved plans.

2.3 19/01038/FP: Erection of one 3-bed attached dwelling and garden shed in rear garden. Refused permission 19.6.19 for the following reasons:

1. By reason of its restricted plot size and cramped appearance the proposed development would be at odds with the established character of the area and contrary to Policy 57 of the North Hertfordshire Saved Local Plan, Policy D1 of the Emerging Local Plan and the advice in Sections 11 and 12 of the NPPF in that the development would fail to add to the overall quality of the area. In addition the development would fail to provide suitable living accommodation standards including a lack of adequate outdoor amenity space for the size of dwelling proposed. All of these matters combine to result in an overdevelopment of the site and a generally poor standard of environment for existing and future occupiers.

2. The development would fail to provide sufficient off-street car parking facilities to meet the needs of the existing and future occupiers and is therefore likely to lead to congestion on the adjacent highway and conditions detrimental to the visual amenities of the locality. The development would be contrary to Policies 55 and 57 of the Saved Local Plan.

2.4 19/02791/FP: Erection of one 3-bed attached dwelling and garden shed in rear garden.

2.5 Refused permission on 20th January 2020 for the following reasons:

1. By reason of its restricted plot size and cramped appearance the proposed development would be at odds with the established character of the area and contrary to Policy 57 of the North Hertfordshire Saved Local Plan, Policy D1 of the Emerging Local Plan and the advice in Sections 11 and 12 of the NPPF in that the development would fail to add to the overall quality of the area. In addition the development would fail to provide suitable living accommodation standards including a lack of adequate outdoor amenity space for the size of dwelling proposed. All of these matters combine to result in an overdevelopment of the site and a generally poor standard of environment for existing and future occupiers.

2. The development would fail to provide sufficient off-street car parking facilities to meet the needs of the existing and future occupiers and is therefore likely to lead to congestion on the adjacent highway and conditions detrimental to the visual amenities of the locality. The development would be contrary to Policies 55 and 57 of the Saved Local Plan.

The application was dismissed on appeal on 10th September 2020. The Inspector considered that there would be negative impacts on highway safety and a lack of appropriate living conditions for the occupiers of the development.

A partial award of costs was awarded against the Council for not fully substantiating the first reason for refusal (character and appearance) .

3.0 Representations

3.1 **St. Ippolyts Parish Council:** No response

3.2 **Neighbours:**

Letter from Mr Moore :

'Whilst it's a shame the original approved plans weren't adhered to by the "first" builder, it is hoped the differences (identified by these plans for which permission is now being sought), are not so significant as to justify any refusal.

This application/building site has endured for a significant length of time, to the point where further disruption to the families living there, and their friends & neighbours would very unwelcome.

I am also sympathetic to the matters raised in the submitted letter with reference TC15'.

3.3 **Highways:** No objections

3.4 **NHDC Ecologist:** 'No comments to make'

3.5 **NHDC Environmental Health:** 'No objections'

4.0 Planning Considerations

4.1 Site and Surroundings

Semi-detached property located on the east side of The Crescent, St. Ippolyts. A footpath runs along the eastern boundary which links The Crescent to London Road (not a definitive right of way). The site contains an existing detached single storey outbuilding previously used as a shop.

4.2 Development Proposal

4.2.1 The development seeks retrospective permission for a two storey, three bedroom dwelling attached to No. 15 The Crescent. The dwelling has its own rear garden (containing a shed) following the sub-division of the garden to No. 15.

The existing two access points off The Crescent remain.

The new dwelling is two stories with the first floor accommodation comprising three bedrooms. The new dwelling has a gabled roof to the front and rear and the side (north) elevation facing towards No. 13 would consist of a catslide roof incorporating a side dormer.

The site is also within the category A village of Gosmore and St. Ippolyts.

The application is supported by a DAS which states:

"The applicant recognises the site's planning history and the need for a sensitive and policy_compliant design. The long-term intention of the proposal is set out below: "It has become a family decision that an extension in terms of a new build to this property is required so that more living space can be provided for a growing family. Having grown up in a village that the family children know and love, it is the family's wish to bring up their own children in the same environment, cared for by close family and friends. Due to the high cost of purchasing another local property, the decision to extend the existing family home into a new build at the side is far more financially viable .The extension will provide much-needed accommodation for a young and expanding family in an area that supports strong community ties that have been built over many years."

A supporting statement also states:

This retrospective application seeks to regularise variations to the approved annex design under planning permission 18/01169/FPH, dated: 6 July 2018. The original contractor commenced the works but left the project prematurely, and this matter remains the subject of an ongoing investigation. When construction resumed with a new contractor, the build continued from the partially completed structure. This required certain adjustments to ensure proper integration of the new works with what had already been erected, particularly in aligning the roof structure to the existing roofline and preventing any overhang beyond the site boundary. While it is our view that the completed works are as close as practicable to the intended siting and design and while we do not believe the extents of the

adjustments are as extensive as put to us, we agree that there may be dimensional differences from the original approval, but minor in nature. We would welcome the opportunity for the case officer to confirm measured positions on site and to provide comment ahead of determination, allowing us to put forward any necessary agreeable amendments to the submitted plans to ensure accuracy and compliance. We trust this application provides a suitable basis for formal consideration of the works as built, and we remain committed to resolving any outstanding matters collaboratively

4.3 Key Issues

The key issues are whether there has been any material changes since the last refusal of planning permission and appeal decision (ref: 19/02791/FP) , the effect on character and appearance of the area, living conditions , impact on neighbouring property and parking

4.3.1 Whether there has been any material changes since the last refusal of planning permission and appeal decision.

4.3.2 This application is almost identical to the previous refusal of planning permission (ref: 19/02791/FP) in terms of the submitted drawings of the proposed development. There are some relatively minor elevational and dimensional changes but essentially the development is the same scheme as that refused by the LPA on 17th January 2020 and dismissed on appeal on 10th September 2020.

4.3.3 The most significant change is that the Council has adopted its new local Plan (North Herts Local Plan 2011 – 2031) which replaced the North Herts District Council Saved Local Plan 2007. The site is no longer in the Green Belt and now part of a Category A village settlement.

4.3.4 The Government has also issued an updated version of the NPPF – now the latest version is dated December 2024. The new local plan and updated NPPF are the main changes in planning policy documents.

4.3.5 In the paragraphs below I have assessed the various aspects of this scheme identified by the Inspector as being relevant. These are discussed below:

4.3.6 The effect of the development on highway safety

4.3.7 The previous Inspector was concerned that the development site did not have sufficient space for parking to be shared by the two households. The Inspector commented as follows:

Whilst I note that the proposed development includes a driveway, the available space is limited because it would feature inward opening gates. In consequence, the amount of space to accommodate two vehicles within the confines of the development is somewhat reduced, particularly if space for two larger vehicles is required. Although there is some space on the driveway that would serve the existing house, there is no guarantee that the households would be linked throughout the life of the development. Therefore, should the development proceed there is a likelihood that some vehicles would be displaced onto the adjoining street. This causes concern as owing to the presence of dropped kerbs in the vicinity, the number of spaces within the nearby road are limited. In addition, the site is in proximity to a road junction and it is likely that should there be an increase in vehicles parked within the vicinity, visibility for users of this junction would reduce, which would not be desirable. In addition, the surrounding roads are comparatively narrow in nature. This means that should the number of parked vehicles increase, there would be a reduced amount of space for vehicles to manoeuvre, which would not encourage a satisfactory level of highway safety.

4.3.8 The submitted site location plan 02 A does not include any dimensions so as to be certain what the depth and width of the parking area is on site. To be clear, two spaces for each dwelling are required with the parking spaces needing to at least 5m in length and 2.5m in width. The application form says that 5 parking spaces are proposed but that is not clearly demonstrated on the submitted site location plan.

4.3.9 The Highway Authority does not object to the development on highway safety grounds stating as follows:

VEHICLE ACCESS & PARKING:

The property has two existing vehicle crossovers leading to a large driveway, which is to remain unaltered. These arrangements are considered acceptable to accommodate the existing and new dwelling shown on drawing TC15 02 A .

4.3.10 Notwithstanding the lack of evidence that the front hardstanding can accommodate 4 cars it seems from a visual inspection that the front driveway is approximately 7.5 metres in depth and 12.5 metres in width and whilst this area could not accommodate 5 cars as claimed on the application form it could allow up to 4 cars to be parked. Therefore I consider that there is sufficient space to achieve the Council's parking requirements and therefore there would be unlikely to be vehicles parked out on The Crescent causing increased congestion and harm to highway safety. Given this fact and the view of the Highway Authority (i.e. no objection) I see no reason to sustain the highway objection raised by the Inspector in 2020.

4.3.11 Character and Appearance

4.3.12 The appeal Inspector concluded that the previous development application – similar to this current application – would not have an adverse impact on the character and appearance of the area commenting:

'The proposed dwelling would be located in line with the existing house, which would ensure that it reflects one of the predominant trends in the surrounding area, which comprises the presence of the terraces of varying lengths. This means that the development would

harmonise with its surroundings. On account of the character of developments within the area, the longer terrace that would emanate from the proposed development would not appear unduly incongruous. Furthermore, the proposed development would be viewed against a context where dwellings have a variety of designs and, in result, the dwelling would add to this varied character. In addition, views of the appeal site are limited by reason of the curvature in the road. In result, the proposed development would not be overly prominent within the surrounding area. Whilst the development would be visible from the footpath that runs to the side of the appeal site, views would be somewhat screened by the site's boundary treatment. Furthermore, any views of the proposed building would be viewed against the context of the existing dwelling and other houses within the surrounding area.'

4.3.13 I would agree with the Inspectors conclusions on this particular aspect of the scheme.

4.3.14 **Living conditions**

4.3.15 The Department for Communities and Local Government has published its 'Technical housing standards – nationally described space standard' document that sets out suitable floor areas and dimensions for new dwellings to ensure an acceptable standard of living accommodation.

4.3.16 The development provides approximately 81 sq metres of living accommodation which is below the recommended floorspace for a three bedroom 4 person / 5 person dwelling (between 84 – 93 sqm plus 2.5 sq metres of storage space).

In addition the rear garden to the new dwelling would only provide approximately 45 sqm of amenity area (even less with the 6 x 4 foot shed shown on the submitted plans. The grassed lawn area would be tiny by comparison to surrounding properties. This is not normally considered sufficient for a family sized dwelling. Furthermore the development diminishes the amount of private amenity space for the host dwelling at No. 15 The Crescent to around 50 sqm which is again below recommended standards and much lower than surrounding properties.

Notwithstanding the above issue re amenity space any prospective purchasers of the dwellings in the future will be aware of the limited amenity spaces and therefore make their decision accordingly. It is also the case that there is a large recreation ground nearby that to some extent off sets the lack of outdoor space.

The amenity space is the main deficient element of the development it is considered that this does not significantly and demonstrably outweigh the benefit of delivering an additional dwelling upon the application of the tilted balance, given that the Council cannot demonstrate a 5-year supply of housing land. A refusal would also be difficult to sustain on appeal. Therefore, refusal based on lack of amenity space does not justify refusal of planning permission in this instance.

4.3.15 **Impact on neighbouring property**

4.3.16 Two rear facing bedroom windows are proposed to the dwelling however these would face across the rear garden of No. 15 and the far end of the rear garden of No. 13 however with the distance involved and the intervening footpath I do not consider that there would be any loss of privacy to No. 13. There are side facing windows at first floor level on the side elevation of the new house however these look across the green in front of No. 13 and again there would be no loss of privacy to No. 13 arising from the siting of these windows. Given the sloping roof form of the extension and its low eaves height I do not consider that the new dwelling would have any overbearing impact on the occupiers of No. 13. The development does not directly affect any other properties.

4.3.18 **Planning Balance**

4.3.19 The planning system is there to serve the public interest. The vast majority of the points put forward by the applicants in favour of this proposal serve only their private, family interests – there is very little public benefit as a result of these proposals. Accordingly I attach limited weight to the supporting statements put forward by the applicants on the basis that they offer no wider public benefit in respect of the proposed scheme.

4.3.20 It is acknowledged that the Council cannot demonstrate a 5 year land supply and that the addition of one additional dwelling would assist in meeting the Council's housing need and housing targets. However, the benefit of one additional dwelling can only be attributed little weight. Nevertheless, the tilted balance applies and the identified harm to the living conditions of occupiers does not significantly and demonstrably outweigh the benefit of delivering an additional dwelling house.

4.3.22 Overall the scheme is largely acceptable in planning terms and therefore is recommended for approval.

4.4 **Conclusion**

4.4.1 Acceptable in planning terms.

5.0 **Recommendation**

5.1 That planning permission be **Granted**

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 25 March 2026	