

DELEGATED FILE NOTE

CASE OFFICER: ...Alex Howard.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00251/FPH	Installation of raised decking area. (Development already carried out).	1 St Andrews Place Hitchin Hertfordshire SG4 9UA

Submitted Plan Nos

3911 02B 3911 03B

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions
SECN12	Achieving well-designed places

2.0 **Planning History**

2.1 N/A

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – 8 neighbour representations received, 6 in support, 1 neutral, and 1 objection, on the following matters:

- The development has been built to high standards and is unobtrusive.
- Once the hedgerow on the frontage is grown, it will not be overly visible from the close.
- The development makes good use of this available side space.
- The development is contemporary and looks good generally.
- The development does not increase overlooking to any neighbours.
- The development has not been built with appropriate structural surveys being carried out; such that noise from it travels through concrete floors to the semi-detached neighbour.
- Use of the development is unsafe as balls go onto the highway.
- The development has not received communal estate management permission given that it is attached to a communal boundary wall.
- The development is out of keeping with the rest of the close and overlooks the other semi-detached neighbour.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is a large, semi-detached property located within the St Andrews Place development, Hitchin. The site is the first property on the left as one enters the close and benefits from a single driveway. The site and wider neighbours are sited on an area of significant ground level changes.

4.2 **Proposal**

4.2.1 Planning permission is sought for the installation of a raised decking area. The development has already been carried out at the site without planning permission and comprises a number of wooden steps leading from the front of the property to a wooden raised deck area to the side of the property, sited behind a timber guard rail, which then leads to a number of steps towards the rear garden. The structure is timber and has been painted in a light grey, with additional planting on the frontage.

4.3 **Key Issues**

- 4.3.1 The key considerations are design and the impact on the amenities of neighbouring properties.

Design

- 4.3.2 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. These considerations are echoed in Section 12 of the NPPF.
- 4.3.3 The proposal is a raised decking area located to the side of the host dwelling, between it and a communal boundary wall with the main road that leads into the close. There are significant ground level changes between the site and the main road, such that the decking itself is approx. 1.4m taller than the pre-existing ground level of the property but is essentially level with the main road. The decking and guard rail itself are timber with new planting on the frontage, which is beginning to mature as of the date of the site visit.
- 4.3.4 It is acknowledged that the development is unlike anything else that exists within this estate. Photos of the pre-existing arrangement of the site have been submitted which comprised a side garden area with a raised lawn and steps leading to the rear garden, which was all low level and akin to the character of the rest of the dwellings within the close. What has been built on site now is unique in this context but following a site visit and due consideration of what there, there are several other material considerations in this respect. The development, given the significant ground level changes and the existing communal boundary wall, is hardly visible from the main road and once the enhanced planting/landscaping is mature, it will be screened even more from view from within the close itself. The development is not a poorly designed structure, it has been well finished and is not an eyesore in the street scene. It is further considered that the development is tucked into the corner and blends well with the ground level changes experienced in this area. As such, on balance, whilst the Council acknowledge that the development is unique and no other similar developments exist in this area, for the reasons set out in this section the design is considered acceptable and not harmful to the character and appearance of the host dwelling and the street scene. It is further considered that a reason for refusal on design grounds would not be maintainable in a potential future planning and enforcement appeal scenario.
- 4.3.5 The proposal is therefore deemed acceptable in design terms and in accordance with Policy D1 of the Local Plan and Section 12 of the NPPF.

Impact on Neighbours

- 4.3.6 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.
- 4.3.7 The property benefits from one immediate semi-detached neighbour, No.2 St Andrews Place, and sited opposite detached neighbours at No's 12 and 13 St Andrews Place. The remaining properties nearby are relatively close in this tight development. Whilst a number of neighbour representations have sited support for this development and raised no issues with overdominance, overlooking or loss of privacy, including No's 12 and 13 who are directly opposite the site, concerns have been raised by No.2 St Andrews Place. These concerns state that the development is not in keeping with the rest of the

close, use of the development is unsafe, the development causes overlooking to the front of their property, and that the development has been built in such a way that noise travels through the concrete foundations from the site into the neighbouring property. These matters will be addressed in turn.

4.3.8 It has already been considered that whilst the development is unique and as a result not strictly in keeping with the rest of the close/area, it is on balance acceptable in design terms for the reasons set out in paragraph 4.3.4 of this report. In terms of the use of the development being unsafe and the concern that the development has been built in such a way that sound travels through concrete foundations, this relates to the use of the decking by the applicant's family for ball play. The use of the decking in this way is not inherently continuous and the safety concerns in respect of balls going onto the road is no different to the same happening from the private rear gardens of these properties. Furthermore, the type of noise concerns raised by this neighbour is intermittent but in any case, it not a material planning consideration as we are unable to control the use of amenity areas. If this was a proposed development scheme that had not already been built on site, we would not consider the possible noise impacts associated with use of the decking through concrete foundations. In respect of overlooking concerns, following a site visit to the property in April 2025, there are no overlooking and loss of privacy concerns from this decking area to No.2 St Andrews Place, given the relative locations and the acute angle of visibility. The concern raised regarding the lack of estate management permission is not a material planning consideration.

4.3.9 Therefore, the proposal will not cause unacceptable harm to living conditions, in line with Policy D3 of the Local Plan.

Landscaping/Biodiversity Net Gain

4.3.10 The on-site development has been screened by the planting of trees in front of the decking/guard rail in an effort to screen the development from view in the street scene. Once these are mature, the development will be largely screened from most aspects and as such, it is considered reasonable to condition that the landscape screening in front of the development is retained in perpetuity.

4.3.11 This is a form of development which is exempt from BNG Legislation, defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 due to it being a retrospective application.

4.4 Conclusion

4.4.1 The proposal is considered acceptable in planning terms and in accordance with Policies D1 and D3 of the Local Plan, as well as Section 12 of the NPPF.

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 **GRANTED** subject to the following conditions:

1. Once the trees/vegetation sited in front of the development hereby permitted have been allowed to mature to a height of at least 1.5m, the trees/vegetation shall be retained at that height and shall not be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

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  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 1 May 2025	