

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01606/FP	Change of use and conversion of existing garage to provide one self-contained dwelling to include single storey rear extension; insertion of rear box dormer and front rooflights and alterations to fenestration including erection of detached garden store; landscaping and parking.	2 Kingsoak Hitchin Hertfordshire SG4 7BF

Submitted Plan Nos

2432SK501A 2432SK500B

1.0 Policies

SP2 Settlement Hierarchy and Spatial Distrib

SP5	Countryside and Green Belt
D1	Sustainable design
D2	House exts, replcmnt dwellings outbuild
D3	Protecting living conditions
T1	Assessment of transport matters
T2	Parking
SECN12	Achieving well-designed places
SECN13	Protecting Green Belt Land
SECN14	Meeting climate change,coastal,flooding

2.0 **Site History**

- 2.1 24/02818/FPH - Insertion of windows and doors to existing garage to facilitate conversion of garage into habitable accommodation, (as per planning approval 20/02113/FPH approved 19th November 2020) and erection of detached garden store. – Conditional Permission
- 2.2 22/00677/FPH - Single storey side extension and single storey rear extension (as amended by plans received 14 July 2022).
- 2.3 20/02113/FPH - Insertion of windows and doors to existing detached garage to facilitate conversion of garage into habitable accommodation – Conditional Permission

3.0 **Representations**

3.1 Neighbour Consultation – 1x Objection:

- Inconsistent approach with wider Kings Oak development.
- Erodes agricultural nature of setting.
- Previous permission was for ancillary accommodation, whilst this is for a new dwelling.
- At odds with conditions attached to previous permission.
- Harm from overdevelopment of the building.
- Appearance would be tantamount to a 'Hovel'
- Concern regarding potential impacts to neighbouring amenity.
- Potential conflict between vehicles parked to side of No. 2 Kingsoak and visitor parking court.
- Detrimental impact to pedestrian access.
- Potential surface water management issues.

3.2 Parish Council – No representation.

3.2 Parish Council – *"It was agreed by St Ippolyts Parish Council to object to over development and if approved a condition considered that the additional development remains as part of the property."*

3.3 Ecology – The application is subject to mandatory BNG requirements. Proposal is unlikely to have a significant ecological impact. Advised of inclusion of informative should permission be granted.

3.4 Highways – Does not wish to restrict grant of permission. Provides following comments:

"The proposals are for a change of use and conversion of existing garage to provide one self-contained dwelling to include single storey rear extension; insertion of rear box dormer and front rooflights and alterations to fenestration including erection of detached garden store; landscaping and parking.

Context:

The site is within the grounds and surrounding area of Kingshott School. The Highway Authority are limited in the extent to which it is able to comment, noting that the access road of approx. 300m from the A602 Stevenage Road is a privately maintained road, and therefore beyond the authority of the Highway Authority who are responsible for all roads / footways / verges etc. that are considered maintainable at public expense (the public highway).

The proposed car parking provision and layout is the responsibility of the Local Planning Authority to determine the level and suitability of the car parking proposals; however, it is essential that it is operated in efficient and safe manner to minimise the impact on the local highway network which is the responsibility of Hertfordshire County Council."

3.5 Environmental Health:

Noise - No Objections.

Contaminated Land – No Objections, but advises the developer to ensure that there is no contamination in the land, and to notify the LPA should contamination be found and a suitable remediation strategy be submitted to the LPA.

Air Quality – Advises use of EV charger condition and informative.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site comprises the garage units serving No. 2 Kingsoak. The site is brushed over by the Green Belt. At present, the surrounding area comprises a green field site, the parking area, the garden serving No. 2 and other garages and dwellings as part of the development.

4.2 **Proposal**

- 4.2.1 The proposed Planning Permission can be split into two elements:

- Change of use of the existing garage to convert it into a self-contained dwelling to include a single storey rear extension, the insertion of a rear box dormer, front rooflights and the alteration of fenestration.
- Other works including the erection of a garden store, landscaping and parking are also proposed to No. 2 Kingsoak.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:

- Principle of the development - whether development is inappropriate within the Green Belt and effect upon the openness of the Green Belt.
- 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.

Principle of the Development – Green Belt:

- 4.3.2 The site is washed over by the Green Belt, and is outside of the defined settlement boundary of Hitchin. Therefore, the provisions of Section 13 of the NPPF, and Policies SP5 of the Local Plan 2011-2031 would be triggered.

Exceptions c) within Paragraph 154 is triggered by the proposed development, because the application seeks to extend and alter an existing building. I consider that because the proposal would result in the creation of two curtilages, that these curtilages should be considered in isolation when considering whether they are disproportionately being enlarged. The proposed garage conversion to create the dwelling and the addition of a storage shed would result in approximately a 146% increase in floor area over the original building. I consider that this would be disproportionate and would fail to comply with exception c). The proposed addition of an outbuilding to No. 2 Kingsoak would add approximately 14% of floor space and would therefore not be disproportionate.

I consider that there is an exception for development in the Green Belt that would potentially be relevant to this proposal, whereby exception h) iv. within Paragraph 154 would not be inappropriate development unless it comprises “the re-use of buildings

provided that the buildings are of permanent and substantial construction;”, would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

Given the brick-built nature of the structure, I consider that it is permanent and of substantial construction. Due to the disproportionate nature of the proposal, I consider that the openness of the Green Belt would be harmed and do not consider that this exception is relevant to the proposal.

Therefore, the proposed development would be inappropriate within the Green Belt under paragraph 154.

- 4.3.3 However, amendments to the NPPF in December 2024 introduced the concept of Grey Belt and exceptions set out at Paragraph 155 advises:

“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”*

The NPPF Definition for Grey Belt is:

“For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”

The five purposes of the Green Belt are set out below:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 4.3.4 The North Herts Green Belt Review 2016 identifies the site as being within sector 10c of the Green Belt, identified as making a strong contribution to purposes A and B and a low contribution to purpose D. Turning to the purposes of the Green Belt, the proposed development would be set within a group of dwellings separated from Hitchin, and between the south-eastern edge of Hitchin and adjacent to the A602 road. The site can be considered as being between Hitchin and Little Wymondley/Stevenage. The

proposal would not enlarge this conurbation, intensifying its residential use but not resulting in an extension to this group. Therefore, for these reasons, I do not consider that the proposal would result in the unrestricted sprawl of Hitchin and Stevenage, and would not allow for their merging into one another. The existing residential backdrop of the proposal is not considered to allow for the encroachment of the countryside. I do not consider that the setting of Hitchin would be harmed by the proposed development, and do not consider that purpose e) would be conflicted with.

Therefore, the proposal would utilise grey belt.

- 4.3.5 In terms of the provisions of NPPF 155, the [proposal would utilise grey belt land. There would be no assets described by footnote 7 being detrimentally impacted by the proposed development. The LPA cannot presently demonstrate a 5-year housing land supply. Therefore, there is a demonstrable unmet need for the type of development proposed. The site is on the periphery of Hitchin, with a school nearby as well as a bus stop along either side of the A505 at the end of the private access track. I consider that the site would be in a sustainable location. Therefore, the proposal would not be inappropriate development within the Green Belt and under the provisions of NPPF footnote 55 there is no need to consider harm to openness.

Sustainability:

- 4.3.6 The three pillars of sustainable development are the economic, social and environmental pillars. The proposal would provide economic benefits by the use of local contractors and businesses for construction, maintenance and other servicing when occupied. Social benefits would arise from the provision of a dwelling to contribute to the district housing land supply, which the LPA cannot presently demonstrate a 5-year housing land supply. The site is considered to be in a sustainable location due to its proximity to Hitchin, a large town with various amenities, and due to public transport nodes being in proximity to the site. Therefore, the sustainability of the development is acceptable.

Design and Appearance:

- 4.3.7 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings to incorporate design that is sympathetic to the main building in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. These policies are broadly consistent with Section 12 of the National Planning Policy Framework. Paragraph 131 confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process should achieve, and stipulates that good design is a key aspect of sustainable development. Paragraph 135 asserts that planning decisions should ensure that developments add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate effective landscaping as well as sympathetic to local character amongst other things.
- 4.3.8 The proposal seeks to introduce a new dwelling in a building that is presently used for garaging to serve No. 2 Kingsoak. A dormer window and single storey extension would be introduced to the rear roof slope and elevation respectively, and rooflights and solar

panels would be introduced to the principal roof slope. The garage doors would be removed and replaced with brickwork, windows and a door to the principal elevation. Parking would be sited outside of what is presently the garage doors, and a new garden area would be created by subdividing the plot of No. 2, by introducing a fence to section of the rear garden. A new shed would be introduced to the rear corner of the gardens, and landscaping would be introduced to create a patio.

4.3.9 The surrounding area comprises dwellings resembling converted barns or new dwellings erected with courtyards of parking areas in front, or driveways providing on-plot parking. I consider that the proposed development would appear incongruous within this context. Furthermore, I consider that the partial conversion of the garage block, whereby half would remain as garaging and half would be residential would appear contrived and does not demonstrate a positive form of proposed development. The introduction of the dormer, and the subdivision of the garden serving No. 2 is considered to demonstrate this contrived nature and would not comprise a development that would enhance the area or fit into this local context. The dwelling would appear as a residential annex or a converted garage. The proposed changes to the layout of No. 2 Kingsoak would fail to enhance the setting of these buildings, and I would consider the landscaping of the side garden to be contrived and would appear out of place, failing to enhance and fit into the grain of development locally whereby parking courts form the primary swathe of parking to this part of the development.

4.3.10 The proposed development is therefore considered to be run contrary with Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework at paragraphs 131 and 135. The design and appearance of the proposal would be unacceptable and this weighs significantly against the proposal in the planning balance.

Impact on Neighbouring Properties:

4.3.11 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.

4.3.12 The application garage is adjacent to the south-eastern boundary of the site. The nearest neighbouring dwelling are No. 2 Kingsoak, to the rear/side, No. 1 Kingsoak adjacent to No. 2. I do not consider that the proposed enlargements to the garage block would overbear or dominate the occupants at No. 1 owing the separation distance of approximately 23m to their boundary, or approximately 35m to the nearest elevation and due to the physical separation created by the remainder of the garage block and the rear projection of No. 2 Kingsoak. I do not consider that significant dominance or loss of light would arise for the present or future occupants of No. 2 Kingsoak due to the siting of these enlargements in relation to the remaining garden space, and existing dwelling. Outlook from the converted garage would be at ground floor level, or would comprise an obscure glazed window at first floor level to the rear elevation. Therefore, impacts to privacy are not considered to be harmful.

4.3.13 Given the above, it is considered that the proposed development would not result in unacceptable detrimental impact upon the living conditions of neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Standard of Amenity for Future Occupiers:

- 4.3.14 The proposed internal floor space for the dwelling would exceed the minimum space required for a two-bed, two storey dwelling as required by the Nationally Described Space Standards. Garden space is provided to the rear. Overlooking is not considered to arise from the existing dwelling into this plot, and I therefore consider that the amenities of future occupiers would be suitably served by the building and garden area. Built in storage would be provided within the eaves, and therefore, the development would comply with space standard requirements.

Highways and Parking:

- 4.3.15 The proposed development would be served by a minimum of two parking spaces that are off-street, therefore impacts to parking provision locally would not be harmful. It appears that the dwelling would be accessed via a private road through the site, and therefore, this is outside of the control of the Highways Authority. Their comments highlight that it is the responsibility of the local planning authority to consider the provision and layout of parking provision within the site, emphasising that it is operated in an efficient and safe manner to minimise the impact on the local highway network.

Environmental Implications:

- 4.3.16 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.
- 4.3.17 Ecology have made representation and are not concerned with the potential impacts to existing ecological impacts. They advise that the application is subject to Mandatory Biodiversity Net Gain, should permission be granted.

4.4 Planning Balance and Conclusion

- 4.4.1 At present, the Local Planning Authority cannot demonstrate a 5-year housing land supply. Therefore, the delivery of a new dwelling on a windfall site is afforded positive weight, though this is a modest benefit given that this is a single dwelling. The design would be unacceptable and significant weight is attributed to this harm in the planning balance.
- 4.4.2 As set out in Paragraph 11d, permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 4.4.3 I consider that the harm to the character and appearance of the area would be significant through the erosion of the carefully planned nature of this development. The conflict with NPPF paragraphs 131 and 135 provides a strong reason for refusing the development proposed. Therefore, the modest benefit of delivering as single additional dwelling to the local housing stock would be outweighed by the identified harm. In addition, the proposal would run contrary to the provisions of Policy D1 and D2 of the Local Plan 2011-2031 and planning permission should be refused.

4.5 Alternative Options

4.5.1 None applicable.

5.0 **Recommendation**

5.1 That planning permission be **REFUSED** for the following reasons:

1. The proposed development, by reason of its design, siting and layout would comprise an incongruous and unacceptable form of development that would harm the character and appearance of the locality, and would fail to enhance the site. The conversion of part of the garage block into a dwelling is considered to comprise a poor form of development that should not be supported.

The proposal does not comply with Policy D1 and D2 of the Local Plan, and paragraphs 131 and 135 and the overall aims of Section 12 of the NPPF to achieve well-designed places.

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 Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 13 August 2025	