

DELEGATED FILE NOTE

CASE OFFICER: ...Melissa Tyler.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00774/FP	Erection of two 2-bedroom bungalows including garage/cycle store and bin storage to serve plots 1 and 2, parking and creation of pedestrian access within curtilage of 23 Conquest Close.	Land To The Rear Of 23 Conquest Close Hitchin Hertfordshire

Submitted Plan Nos

1181_PL01a 1181_PL02 1181_PL03 1181_PL04 1181_PL05 1181_PL06 1181_PL07 1181_PL08
1181_PL09 1181 - PL10

1.0 Policies

1.0 Site history

1.1 21/00354/FP Erection of one 3-bed and one 2-bed bungalows including associated car parking. REFUSED at committee and APPEAL DISMISSED

1. *The proposal by reason of the design, and siting of the dwellings and ancillary development on this cramped and poorly accessed site would be harmful to the character and appearance of the locality. Moreover, the inadequate access*

arrangements do not appear to enable the safe access of delivery, service and emergency vehicle to the site, to the detriment of highway safety and amenity. The proposal therefore fails to accord with Policy 57 of the North Hertfordshire District Local Plan and Policy SP1, SP3, D1 and D3 of the North Hertfordshire Emerging Local Plan (2011-2031) and Section 12 of the National Planning Policy Framework (NPPF).

- 1.2 19/02050/FP - Erection of one 3-bed and two 3-bed chalet bungalows including associated car parking – Refused 23/01/20 for the following reasons:

- 1. The proposal by reason of the size, design and siting of the dwellings and ancillary development would result in a cramped appearance within the site that would be harmful to its character and appearance and of the wider locality. The proposal does not comply with Policy 57 of the 1996 Adopted Local Plan; Policies SP1, SP9, D1 of the Emerging Local Plan; and Section 12 of the National Planning Policy Framework.*
- 2. The proposed dwellings by reason of their size, bulk, siting and design would result in detrimental loss of amenity to nearby dwellings. The proposal does not comply with Policy 57 of the 1996 Adopted Local Plan; Policies SP1, SP9, D1 and D3 of the Emerging Local Plan; and Section 12 of the National Planning Policy Framework.*
- 3. Insufficient parking provision will be provided for the Plot 2 dwelling, which is contrary to Policy 55 of the saved Local Plan, Policy T2 and Appendix 4 of the emerging Local Plan, the Vehicle Parking at New Developments SPD.*
- 4. It has not been demonstrated that biodiversity loss would be compensated for and that protected species will not be harmed by the proposed development. The proposal does not comply with Policy 14 of the 1996 Adopted Local Plan; Policies SP12 and NE6 of the Emerging Local Plan; and Section 15 of the National Planning Policy Framework.*

- 1.3 14/02688/1 - Two x 2 bedroom detached bungalows, bin store and associated landscaping and parking – Approved 12/12/14.

- 1.4 14/01118/1 - Two x 2 bedroom detached bungalows, detached shed and associated landscaping and parking – Withdrawn 28/07/14.

2.0 **Policies**

2.1 **National Planning Policy Framework**

Chapter 5 – Delivering a sufficient supply of homes
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment

2.3 **North Hertfordshire Draft Local Plan 2011-2031**

Policy SP1 - Sustainable development in North Hertfordshire
Policy SP2 - Settlement hierarchy and Spatial Distribution
Policy SP6 - Sustainable transport
Policy SP8 - Housing
Policy SP9 - Design and sustainability
Policy SP11 - Natural resources and sustainability
Policy SP12 - Green infrastructure, landscape and biodiversity

Policy T1 - Assessment of transport matters
Policy T2 - Parking
Policy HS3 - Housing mix
Policy D1 - Sustainable design
Policy D3 - Protecting living conditions
Policy D4 - Air quality
Policy NE1 - Landscape
Policy NE6 - Designated biodiversity and geological sites
Policy NE8 - Sustainable drainage systems

2.4 **Supplementary Planning Document**

Vehicle Parking at New Developments SPD - November 2011
Design SPD - July 2011
Sustainability SPD 2024

3.0 **Representations**

3.1 **Local Residents** – The following summary of objections were received from 26 nearby residents:

1. Highway safety and access

- ☐ The access track off Conquest Close is described as too narrow, substandard, and difficult to navigate.
- ☐ no safe two-way movement
- ☐ poor visibility at the entrance and along the lane
- ☐ blind bends / dog-leg geometry
- ☐ lack of passing places
- ☐ conflict between vehicles and pedestrians
- ☐ risk of blocked access and excessive manoeuvring
- ☐ Many objections state that **emergency vehicles, refuse vehicles, delivery vans, and construction traffic cannot safely access or exit the site.**

2. Previous appeal / refusal remains applicable

- ☐ Objectors argue that the Inspector's earlier reasons for refusal still apply, especially:
 - o highway safety
 - o cramped / contrived form of development

3. Character, appearance and overdevelopment

- ☐ shoehorned
- ☐ cramped
- ☐ contrived backland development
- ☐ out of keeping with the surrounding terraced pattern
- ☐ insufficient garden / amenity space
- ☐ poor spacing
- ☐ inadequate landscaping and screening opportunities
- ☐ harm to the character and appearance of the area

4. Residential amenity: privacy, overlooking and overbearing impact

- ☐ overlooking into gardens and habitable rooms
- ☐ loss of privacy
- ☐ overbearing impact due to the elevated land levels
- ☐ reduced outlook and enjoyment of private amenity space

5. Rights of access / ownership / application validity

- ☐ incorrect ownership certificate
- ☐ failure to notify affected landowners
- ☐ unresolved rights of way
- ☐ inability to lawfully alter shared/private access land

6. Construction impacts

- ☐ inability for construction vehicles to access safely
- ☐ likely obstruction of Conquest Close / Stevenage Road
- ☐ damage to neighbouring garages / boundaries
- ☐ noise, dust and disturbance
- ☐ lack of a robust **Construction Management Plan**

7. Emergency access and fire safety

- ☐ Repeated statements that fire appliances and ambulances cannot safely reach the site or leave in a forward gear.
- ☐ Some objections say reliance on:
 - sprinklers
 - hydrants
 - hose distance does not overcome the fundamental lack of vehicular access.

8. Loss of biodiversity / green space / environmental harm

- ☐ loss of trees and vegetation
- ☐ habitat loss
- ☐ reduced biodiversity
- ☐ poorer air quality
- ☐ loss of natural drainage / increased runoff

9. Drainage, land stability and ground conditions

- ☐ drainage across third-party land
- ☐ increased flood / runoff risk
- ☐ uncertain ground conditions
- ☐ possible contamination / dumping history
- ☐ subsidence or instability risks on sloping land

10. Unauthorised works / planning control concerns

A number of comments object to works already carried out before permission.

- the new pedestrian access / alleyway
- site clearance

- demolition / scaffolding

11. Waste, servicing and parking pressure

- ☐ inadequate bin storage / collection arrangements
- ☐ bins obstructing Conquest Close
- ☐ additional on-street parking pressure
- ☐ visitor parking not properly accounted for

Statutory Consultees:

- 3.2 Waste Officer – No detail has been provided to the size of the bin store, and/or how many bins can be stored in there. Nor has detail been provided as to how/if an RCV is to collect from inside the site boundary.

I would suggest that there is no need for a bin store and bins should be presented on conquest close by the residents on collection day.

- 3.3 Environmental Health – No objection – conditions proposed

- 3.4 Hertfordshire County Council highways officer – Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused

- 3.5 Hertfordshire Ecology – Conditions and informatives proposed

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The site is an overgrown area located to the rear of two residential streets, Stevenage Road and Conquest Close. A single-width track leading off Conquest Close provides vehicular access to the site and currently serves as access to several garages and other outbuildings. The track would be utilised as the vehicular access for the construction of two bungalows.

4.2 Proposal

- 4.2.1 The proposed development seeks planning permission comprising the following elements: -
- ☐ Removal of existing sheds on the site.
 - ☐ Erection of a two, 2-bedroom, one-storey dwellings with roof PVs.
 - ☐ Provision of two car parking spaces per a dwelling, with vehicular access via the existing access road extended into the site, with a turning head.
 - ☐ Provision of bin store and cycle parking for each dwelling.
 - ☐ New dedicated pedestrian access from the new dwellings to Conquest Close created within curtilage of no 23 Conquest Close (development already in place).

4.3 Key Issues

- 4.3.1 The key material considerations are whether the development is acceptable in principle, character and appearance, impacts on neighbour amenity, future living conditions, highways and parking, trees and landscape, and ecology.

Principle

- 4.3.2 The site is located within the Settlement of Hitchin where Local Plan Policy SP2 supports the development of housing within the settlement boundary. Development of the site for housing would therefore be supported in principle under Policy SP2. National and local planning policies seek to increase housing densities in urban areas as far as this is consistent with the principles of good design and place making. As such, the site is considered sustainable and appropriate in principle for development to meet the majority of the development needs of the District in accordance with Policy SP2 of the Local Plan. As such, there are no objections to the broad principle of development in this location.

Five-Year Housing Land supply

- 4.3.3 Though the Local Plan is still within its date range of 2011 – 2031, the Council does not have a 5-year supply of deliverable housing land (5YHL). The current published position is 3.9 years supply. The tilted balance set out at paragraph 11 (d) of the NPPF would be engaged. Therefore, a there is a presumption in favour in terms of harm and benefits should be applied, whereby planning permission should be granted unless the application of policies in the NPPF that protect areas of assets of particular importance provides a strong reason for refusing the proposal ; or the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF take as a whole.

Previous approval

- 4.3.4 The previous planning permission granted in 2014 for two dwellings ref: 14/02688/1. This planning permission lapsed without being implemented and it was granted under a development plan that has now been superseded. Therefore, I cannot attribute any significant weight to this decision.

Character and appearance

- 4.3.5 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. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.6 The proposed development would introduce two dwellings in a backland location that is uncharacteristic of the prevailing pattern of development within the surrounding area, which is predominantly defined by terraced properties addressing the public highway. The siting of the dwellings to the rear of existing properties would represent a contrived form of development that would fail to respect the established pattern of the locality. Furthermore, the constrained nature of the site and its relationship with surrounding neighbouring dwellings would result in a cramped appearance, giving rise to an overdeveloped form of development that would appear visually conflicting within its context. Whilst it is acknowledged that the proposed single-storey bungalow design would lessen the visual impact of the development when compared to two-storey dwellings, this does not overcome the fundamental concerns

regarding the inappropriate backland form of development, its cramped character and the harm caused to the character and appearance of the area.

- 4.3.7 The proposal would harm the character and appearance of the area. It would therefore, conflict with Policies D1 and SP9 of the Local Plan and the design guidance contained within Section 12 of the Framework which taken together seek to ensure good design and that new development does not harm the character and appearance of an area.

Neighbour amenity

- 4.3.8 I take note of the objections raised from 24 neighbouring properties both on Stevenage Road and Conquest Close that have been summaries above. To note objections relating to rights of access to the site and boundary ownership are civil matters that fall outside of being material planning considerations.
- 4.3.9 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.
- 4.3.10 The distance between the rear of Nos. 27 and 29 Conquest Close and the flank wall of plot 1 (with eaves of 2.3 metres and a ridge height of 5.2 metres) would be approximately 16 metres. The distance from the flank wall of plot 2 (with eaves of 2.3 metres and a ridge height of 5.2 metres) to the rear of the terraces along Stevenage Road would be some 19 metres.
- 4.3.11 The proposed development, by reason of its siting on the rear boundary and the orientation of its side elevation towards neighbouring residential garden areas, has been assessed in relation to its potential impact on residential amenity in accordance with Policy D3 of the North Hertfordshire Local Plan. The scheme comprises two single-storey bungalows with no first-floor windows, and the side elevation facing adjoining properties is proposed to be largely blank, thereby removing any direct overlooking from upper levels. Whilst the development would be in close proximity to the boundary, the single-storey scale and absence of upper-floor fenestration would significantly limit opportunities for overlooking or loss of privacy. Having regard to the Design SPD and the requirements of Policy D3, it is considered that the proposal would not result in an unacceptable degree of overlooking, overbearing impact, or loss of outlook to neighbouring occupiers. Any perception of enclosure arising from the proximity of the built form is considered to be mitigated by its modest height and domestic scale, and therefore the development is not considered to result in demonstrable harm to the living conditions of adjoining residents.

Future living conditions

- 4.3.12 It is considered that the main habitable rooms of the dwellings proposed would be of a sufficient size to provide an acceptable standard of accommodation, and would receive adequate outlook and light. The dwellings would not overlook each other, and would not experience harmful overlooking and overshadowing from nearby properties. The private gardens are considered to be of an acceptable size and quality for the size of the dwellings proposed. I therefore consider future living conditions acceptable.

Parking and highways

- 4.3.13 As part of the previously dismissed appeal on application 21/00354/FP the Inspector attributed great weight to the means of access to the site:

“However, even though the officer’s report to the planning committee states fire safety is not a material planning consideration, in this context, it demonstrates the narrowness of the access, which comprises an existing single-width track. I was able to experience for myself during my site visit that the narrowness and geometry of the road make it difficult to negotiate in a car. This is exacerbated by the considerable length of the track and the fact the existing garages and outbuildings are in regular use. All these factors would combine to create day-to-day difficulties for the future occupants of the proposed bungalows and the residents of surrounding properties as it would likely lead to the blocking of accesses and vehicles waiting on the highway and excessive manoeuvring. This would increase the risk of pedestrian and vehicles collisions compromising highway safety.

“Policy T1 of the Local Plan states that development should not lead to highway safety problems or cause unacceptable impacts upon the highway network. For the reasons set out above, I conclude the appeal proposal would conflict with Policy T1 as a safe and suitable vehicular access cannot be provided. For the same reasons the scheme would also conflict with paragraph 110 of the National Planning Policy Framework because a safe and suitable access would not be achieved. The difficulties that would be created for existing and future residents would also conflict with Policy D3 which safeguards against unacceptable harm to living conditions, which the appeal proposal would fail to achieve because of the poor vehicular access.”

- 4.3.14 The County Council highways were consulted, and have recommended that permission be refused for the following reason:

The Highway Authority under the current submission cannot support the application due to the application has failed to demonstrate a satisfactory policy and design-led approach to the vehicle access contrary to Hertfordshire’s Local Transport Plan (LTP4) policies 5 and 6 and also contrary to the principles found in Hertfordshire County Council’s Place & Movement Planning Design Guidance (adopted in March 2024) and of sustainable development contained in the NPPF, therefore the proposals represent a risk to highway safety for all road users.

Following a site visit, it is evident that the existing access track is wholly unsuitable to accommodate additional vehicle movements associated with the proposed new dwellings. This includes not only cars and vans of varying sizes, but also larger vehicles such as fire engines and other emergency services. While it is acknowledged that the proposed dwellings may incorporate sprinkler systems and/or a nearby fire hydrant, this does not remove the need for reliable and safe emergency access under all circumstances.

The track itself is in poor condition, with an uneven surface comprising rough grass, broken concrete, and pieces of tarmac and similar materials. Some of the boundary walls adjoining the existing parking area are in a dilapidated state and present a risk of collapse. In certain sections, the available width between these walls and the opposing fence line narrows to approximately 2.6 metres, creating a constrained and hazardous route.

Overall, the track does not provide a safe or suitable environment for shared use by both vehicles and pedestrians. Although a separate pedestrian access is proposed, this cannot reasonably account for all potential pedestrian movements to and from the site.

When leaving the site in a forward gear, a driver would need to pull out far enough for the front of their vehicle to extend onto the footway before they could see pedestrians approaching from the southwest along Conquest Close (i.e. from the direction of No. 1). This means that a pedestrian—such as a child, or a parent pushing a buggy—could be directly in front of the vehicle before they become visible to the driver. Hertfordshire County Council as Highway Authority has concerns with the operational safety of the narrow road layout and access from Conquest Close. The applicant has failed to demonstrate that the proposal is in accordance with the County Council's LTP4; Hertfordshire County Council's Place & Movement Planning Design Guidance (adopted in March 2024) or Manual for Streets and would conflict with NPPF policies and such would result in an unsatisfactory form of development.

- 4.3.15 For the above reasons, it is considered that the suitability of the track, its width and visibility of the access road would not be sufficient for the dwellings proposed.
- 4.3.16 The Council's parking standards in its 2011 Parking SPD document state that dwellings with two or more bedrooms should have a minimum of two parking spaces. The proposed dwellings would have two bedrooms, and two parking spaces are proposed for each, therefore parking provision is acceptable. Each site is of sufficient size to accommodate any required cycle parking.

Landscape and trees

- 4.3.17 I do not object to the proposed hard and soft landscaping proposed and the mix of planting and hard surfaces, as the development would not be dominated by hard surfaces and would be softened sufficiently by the planting proposed. The landscaping details proposed would be required to be implemented prior to occupation of the development if permission was to be granted.
- 4.3.18 The majority of trees within the site, and probably all smaller vegetation, would be removed. Some larger trees close to the site boundaries would be retained. The trees to be removed are not protected by individual or group Tree Preservation Orders, and are not within a Conservation Area giving similar protection. The majority of the trees to be removed are small and not of significance. The larger trees to be removed were considered acceptable as part of the 2019 and 2014 applications, and it is not considered that material considerations have changed to the extent that a different view should be taken. There would in addition be new tree and other planting that would help compensate for these losses. Proposed landscaping and impacts on trees are considered acceptable.

Ecology and BNG

- 4.3.19 Following consultation with the Hertfordshire Ecologist they concluded that they would have no ecological objection to the proposal.
- 4.3.20 BNG - The statutory metric has been reviewed and correctly identifies the loss of medium-distinctiveness habitats, resulting in a requirement for 1.19 off-site units to achieve $\geq 10\%$ net gain. On-site enhancements are standard and fall well below the LEADS 0.2 ha threshold, meaning they do not constitute "significant on-site enhancement" under government guidance and therefore do not trigger a Section 106 agreement or a full HMMP. A

proportionate LEMP secured by condition is appropriate for on-site measures. The submitted metric identifies a requirement for 1.19 off-site biodiversity units to achieve the statutory biodiversity net gain requirement. Details confirming how the required net gain will be achieved will need to be provided at Biodiversity Gain Plan stage.

Climate change mitigation

- 4.3.21 The proposed development is not considered of a scale whereby any practical climate change measures can be secured via the grant of planning permission. Electric Vehicle domestic charging point are required through building Regs and will encourage the use of more sustainable transport, which would provide an incentive for electric vehicle use and lower carbon emissions. The Design and Access Statement also states that the development would incorporate Solar panels however the plans do not show these, If minded to grant a planning condition would be required to submit details.

4.4 Balance and Conclusion

- 4.4.1 The LPA is not able to demonstrate a five-year housing land supply. The tilted balance set out in paragraph 11 of the NPPF is engaged. The proposal would deliver two additional dwellings which will help boost the supply of housing land as encouraged by Section 5 of the NPPF. However, this provision would be a minor benefit in terms of housing supply and is afforded limited weight in the planning balance.
- 4.4.2 The benefits associated with the proposed development would include modest economic benefits of employment during construction and purchase of materials and the spending of future occupiers. Given the size of the development, limited benefits are considered to arise within the context of the location of the site within Hitchin. In terms of social benefits, the proposal would deliver two small dwellings that have social benefits, again given the size of the proposal limited weight is attributed to this benefit.
- 4.4.3 In environmental terms, whilst the dwellings would be located in a sustainable urban area, the proposal would result in significant harm to the character and appearance of the area as identified above, by reason of its cramped and contrived form of development. The proposal is of a poor design that would not respond positively to local context and would therefore be contrary to Policies SP9 and D1 of the Local Plan and Section 12 of the NPPF. It is considered that this should be awarded significant weight in the planning balance.
- 4.4.4 Moreover, as set out above, Policy T1 of the Local Plan states that development should not lead to highway safety problems or cause unacceptable impacts upon the highway network. As stated by the Highway Officer, I would concur that the proposal would conflict with Policy T1 as a safe and suitable vehicular access cannot be provided. For the same reasons the scheme would also conflict with paragraph 116 of the National Planning Policy Framework because a safe and suitable access would not be achieved. The difficulties that would be created for existing and future residents would also conflict with Policy D3 which safeguards against unacceptable harm to living conditions, which the proposal would fail to achieve because of the poor vehicular access.
- 4.4.5 It is considered that the proposed development cause harm to the character and appearance of the area and highway safety and would conflict with Policies SP9, D1, D3 and T1 of the Local Plan and paragraph 16 and the aims of Section 12 of the NPPF. These conflicts significantly and demonstrably outweigh the limited benefits associated with this proposal when assessed against the policies of the NPPF as a whole

4.4.6 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 proposal by reason of the design, and siting of the dwellings and ancillary development on this cramped and poorly accessed site would appear incongruous in this location and result in harm to the character and appearance of the locality. The proposal therefore fails to accord with Policies SP1, SP3, D1 and D3 of the North Hertfordshire Emerging Local Plan (2011-2031) and Section 12 of the National Planning Policy Framework (NPPF).
2. The proposed development fails to demonstrate a safe and policy-compliant vehicular access. The existing access track is substandard in width, condition and alignment, resulting in constrained and hazardous movement for vehicles, pedestrians and emergency services. In particular, inadequate visibility at the junction with Conquest Close would require vehicles to encroach onto the footway, posing an unacceptable risk to pedestrian safety.
The applicant has therefore failed to provide a satisfactory, design-led access solution in accordance with Policies 5 and 6 of Hertfordshire's Local Transport Plan (LTP4), the Hertfordshire County Council Place and Movement Planning Design Guidance (2024), Manual for Streets, and the safety objectives of the National Planning Policy Framework. The proposal would consequently result in an unacceptable impact on highway safety and therefore conflict with Policy T1 of the North Hertfordshire Local Plan 2011-2031.

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: 10 June 2026	