

DELEGATED FILE NOTE

CASE OFFICER: ...Tabitha Kaye.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00061/FPH	Single storey rear extension, following demolition of existing rear elements. Raised decking, balustrade and associated stairs to rear garden.	56 Wilshire Crescent Hitchin Hertfordshire SG4 0PQ

Submitted Plan Nos

HET-1863/01 Rev A HET-1863/02 Rev A

1.0 Policies

SECN12	Achieving well-designed places
SECN14	Meeting climate change,coastal,flooding
D1	Sustainable design
D2	House exts, replcmnt dwellings outbuild

D3	Protecting living conditions
T2	Parking
SP1	Sustainable development in North Herts
SP9	Design and Sustainability

2.0 **Site History**

2.1 No relevant site history.

3.0 **Representations**

3.1 **Neighbour Consultation** – 1no. received in objection. Including: No. 54 Wilshire Crescent. Comments summarised below:

- Overlooking of private amenity space due to proposed side window to west elevation of extension.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site accommodates a two-storey, terraced property along Wilshire Crescent, Hitchin. The site is within the Hitchin settlement boundary. The property

benefits from a rear garden, with the east, west and south boundaries being treated by approx. 2m high fencing. The land level decreases in the southern direction.

4.2 **Proposal**

- 4.2.1 Single storey rear extension, following demolition of existing rear elements. Raised decking, balustrade and associated stairs to rear garden.

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 impact on the character and appearance of the area;
- The impact of the proposed development on the living conditions of neighbouring properties;
- Access and parking matters;
- The impact of the proposed development on the environment.

Design

- 4.3.2 Policies D1 and D2 of the NHLP require that development proposals respond positively to the site's local context. Policy D2 specifies that extensions to houses should be sympathetic to the main dwelling in terms of scale, form and orientation. These policies are broadly consistent with paragraph 135 of the NPPF.
- 4.3.3 The application proposes to demolish the existing single storey attached outbuilding and construct a single storey flat roof rear extension. The extension would be constructed to match the ground floor levels of the dwelling. The existing hardstanding would be replaced with raised composite decking on this level, measuring 6.7m in depth and would span the width of the rear garden. The decking would have a 0.7m high balustrade surround and stairs leading into the rear garden.
- 4.3.4 The extension would extend beyond the rear elevation by 5m, measuring 7.2m in width and 3m in height. The extension would feature 1no. roof light positioned to the east side of the flat roof, 1no. window to the west elevation, and aluminium sliding doors to the south elevation. The extension would be constructed of facing brick with white uPVC windows to match existing.

- 4.3.5 While the extension would only extend 0.9m further than the attached outbuilding of no.58 Wilshire Crescent, the combined width and depth of the proposal, as well as the associated raised decking, would appear bulky and obtrusive for a plot with significant land undulation. Therefore, the proposal would not be sympathetic to the existing site due to its siting and overall massing.
- 4.3.6 It is acknowledged that the use of matching materials for the extension would be sympathetic to the host dwelling. The extension and decking would not be viewable from the street and would not impact the street character.
- 4.3.7 On balance, the combined bulk and massing of the rear extension and raised decking would not befit the character of the existing plot, and that of neighbouring plots. The bulk and massing would be accentuated by the varied land levels. Therefore, the proposal is contrary to Policies D1 and D2 of the Local Plan, as well as paragraph 135 of Section 12 of the NPPF.

Impact on Neighbours

- 4.3.8 Policy D3 of the Local Plan permits development that does not result in acceptable harm to the amenity of neighbouring occupiers and encourages the use of mitigation measures where necessary. Policy D3 is generally reflected by the provisions of the NPPF.
- 4.3.9 Due to the land undulation on site and to neighbouring plots, the proposed extension and raised decking would cause unacceptable overlooking impacts to the east (no.58 Wilshire Crescent) and west (no.54 Wilshire Crescent). The initial 6.7m of the decking would be constructed near to the ground floor level of the dwelling, measuring -150 below ground level. The remaining 2.3m of the decking which extends into the rear garden would then step down twice; first to -300, then to -475 below ground level.
- 4.3.10 Considering the -150 level first, the west boundary fence of no.54 would measure 1.2m above the decking level. The boundary fence is constructed in accordance with the existing land levels, meaning that the overall height is approximately 1.8m; 0.2m below the height allowed under 'permitted development' rights. It is considered that the average height of a human is 1.7m. Therefore, occupants could easily overlook the rear amenity space of no.54 from the raised decking.
- 4.3.11 Neighbouring dwelling to the east, no.58, has an outbuilding constructed along the east boundary, measuring 5m in depth (measured from the start of the proposed decking). The east boundary fence mimics that of the west boundary. Therefore, occupants would have a clear outlook of the rear amenity space of no.58 from the remaining proportion of the decking.

- 4.3.12 The extension would be constructed on a level which is broadly consistent with the -150 decking level. The proposed window to the west elevation of the extension would be positioned a minimum of 1m, and a maximum of 2.2m, above the decking level. The west elevation would be positioned 1.2m from the west boundary. Considering the aforementioned west boundary treatments, outlook from this window would have a largely un-obscured view of the rear amenity space of no.54. Altogether, it is considered that the proposed extension and raised decking would cause an unacceptable degree of loss of privacy to nos. 54 and 58 Wilshire Crescent.
- 4.3.13 Considering the proposed scale and elevated level of the proposed extension together, it is considered that the extension would appear overbearing to neighbouring property no.54. While the extension is positioned close to the west boundary, the proposal complies with the '45 degree' rule for acceptable overshadowing impacts. Overbearing and overshadowing impacts to no.58 are mitigated by this property's existing outbuilding.
- 4.3.14 The proposed rear extension and raised decking would therefore result in unreasonable harm to the living conditions and well-being of neighbours, which is contrary to Policy D3 of the NHLP and Section 12 of the NPPF.

Highways and Parking

- 4.3.15 The proposal would not increase the no. of bedrooms and would not impact the current parking provision for the site. Therefore, the proposal meets the requirements of Policy T2 of the NHLP.

Environmental Implications

- 4.3.16 The proposed development would be consistent with the criteria set out in Policy D1 of the NHLP '*Sustainable Design*'. There are no other significant environmental implications as a result of the proposed development.

Biodiversity Net Gain

- 4.3.15 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 it falling under the scope of the 'de minimis' exemption.

4.4 **Conclusion**

- 4.4.1 In the absence of material planning reasons to the contrary, it is my view that planning permission be **REFUSED**.

4.5 **Alternative Options**

- 4.5.1 None.

4.6 **Pre-Commencement Conditions**

- 4.6.1 None.

5.0 **Recommendation**

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

1. The combined massing and siting of the proposed extension would appear bulky and obtrusive for a plot with significant land undulation. Therefore, the proposal would not be sympathetic to the existing site character and would fail to comply with Policies D1 and D2 of the North Hertfordshire Local Plan 2011-2031 and the aims of Section 12 of the National Planning Policy Framework (2024).
2. The proposed decking and extension would result in unacceptable harm to the amenity of nos. 54 and 58 Wilshere Crescent. Within the context of the varied land levels on site, the proposed decking level would result in unacceptable levels of overlooking to the private amenity spaces of nos. 54 and 58 Wilshere Crescent. The proposed west elevation window of the extension would directly overlook the amenity space of no.54 Wilshere Crescent. The combined scale and level of the proposed extension would result in unacceptable overbearing impacts to no.54 Wilshere Crescent. Therefore, the proposed decking and extension would fail to comply with Policy D3 of the North Hertfordshire Local Plan 2011-2031 and the aims of Section 12 of the National Planning Policy Framework (2024).

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  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 26 February 2026	