NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order 2015

DECISION NOTICE

Correspondence Address:
Urbanissta Ltd
EastSide
London
N1C4AX

Applicant:
Mrs Linda Brogden

PARTICULARS OF DEVELOPMENT

Application:	18/01351/FP
Proposal:	Creation of new vehicular access with associated landscaping to new dwelling on the Land adjacent to the Elms
Location:	Land To The North Of Elm House, The Causeway, Therfield, Hertfordshire, SG8 9PP
Refused Plan Nos:	B10; SK01; B8 B;

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 26 June 2018.

1. Whilst it is considered that the proposed dwelling itself would neither harm the setting of The Elms (formerly Elm House) or the character or appearance of the Therfield Conservation Area, the more generous allocation of garden land to the new dwelling together with the distinctly separate and engineered new access arrangements and opening up the landscape frontage would compete with the principal access to the site while eroding the established character of the street scene. This increased physical demarcation would result in a marked reduction in the sense of the new dwellings subordination to The Elms (Listed as Elm House). Consequently, the proposal would fail to make a positive contribution to local character (Para 192 c, NPPF) while also eroding the setting of the donor property

(The Elms) and the character and appearance of this part of the Therfield Conservation Area. The degree of harm would be less than substantial but this is not outweighed by public benefits or be securing a designated heritage asset's optimum viable use (Para 196, NPPF). Accordingly, it is considered that the proposal would fail to satisfy the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031 (Proposed Submission, October 2016).

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through early engagement with the applicant at the pre-application stage. This positive advice has however been ignored and therefore the Council remains of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the Framework (paragraphs 186 and 187) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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Signed:



Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Simon Ellis
Development & Conservation Manager
Date: 8 August 2018

The Council's Privacy Notice is available on our website: https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr.

NOTES

1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must

do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Suite C, 4th Floor, Spectrum Building, Bond Street, Bristol, BS1 3LG or online at www.planningportal.gov.uk/planning/appeals
The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices
If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.