

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02021/FP	Erection of one 1-bed dwelling with associated landscaping, parking, bin and cycle storage following demolition of existing outbuilding	Land To Rear Of No's 141-143 Nightingale Road Hitchin Hertfordshire

Submitted Plan Nos

01 02A 03 06 07A

1.0 Policies

D1	Sustainable design
D2	House exts, replcmnt dwellings outbuild
D3	Protecting living conditions
SP1	Sustainable development in North Herts
SP9	Design and Sustainability
SP8	Housing
T1	Assessment of transport matters
T2	Parking

2.0 **Site History**

2.1 None

3.0 **Representations**

3.1 **HCC Highways Officer** – Does not wish to restrict the grant of permission subject to inclusion of informatives.

3.2 **NHC Environmental Health Noise** – No response received

3.3 **Environmental Health Air Quality** – No response received

3.4 **Environmental Health Land Contamination** - _No response received

3.5 **Waste Officer** – Insufficient information showing bin collection.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is located to the rear of 141-143 Nightingale Road, which is residential flats and a commercial unit at ground floor. The site is currently a tarmac area with an access onto Forge Close. There is an existing shed/outbuilding in the location of the proposed dwelling. The application site is on ground that is higher than the existing flats.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the erection of one detached 1-bed dwelling with associated landscaping, parking, bin and cycle storage following demolition of existing outbuilding.
- 4.2.2 The dwelling would be sited where the existing outbuilding is located. With 2 parking spaces to the east of the dwelling. No formal amenity area is provided.

4.3 **Key Issues**

- 4.3.1 The key material considerations are if the development is acceptable in principle, character and appearance, impacts on neighbour amenity, future living conditions, highways and parking, and landscaping/trees and biodiversity

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.

Character and appearance

- 4.3.3 The objectives of the National Planning Policy Framework (NPPF) include those seeking to secure the creation of high quality, beautiful and sustainable buildings and places (Section 12 – Achieving well-designed and beautiful places). Paragraph 131 of the NPPF states that “*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable communities*”. In this regard, Policy D1 and D2 of the North Herts Local Plan are consistent with the objectives set out within the NPPF.
- 4.3.4 Policy D1 of the North Herts Local Plan sets out that planning permission will be granted for development proposals that respond positively to the site’s local context, create or enhance the public realm, and reduce energy consumption and waste.
- 4.3.5 The proposed dwelling would be of a considerable size and would feature a roof height similar to a two storey property. Proposed materials of red brick with slate roof would not

be too dissimilar to surrounding properties. The dwelling would also be clearly visible from Forge Close and neighbouring properties. The character of the surrounding area comprises of small terrace like dwellinghouses. It is considered that the house would dominate the visual amenities of the host dwellings and wider street scene and would therefore occasion unacceptable harm to the character and appearance of the surrounding area.

- 4.3.6 The development is considered to remain unsympathetic to the layout and character of the area.
- 4.3.7 The proposal would result in significant harm to the character and appearance of the area as identified above, by reason of its design, the small plot size and the 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.

Neighbour amenity

- 4.3.8 The objectives of the NPPF seek to ensure that developments secure a high standard of amenity for existing and future occupiers (Section 12 – Achieving well-designed and beautiful places). This principle is reflected in the provisions set out in Policy D2 and D3 of the North Herts Local Plan.
- 4.3.9 Policy D3 of the North Herts Local Plan sets out that planning permission will be granted for developments proposals which do not cause unacceptable harm to living conditions.
- 4.3.10 No neighbouring representations have been received. The key issue for consideration is the impact that the proposed development would have on the living conditions of the adjacent properties.
- 4.3.11 The main primary habitable room openings are to the front and rear and side, which will not affect the neighbouring properties of 1 and 2 Verulam Road located to the south west given that there are no openings on the west elevations. The rear openings including high level windows and roof lights facilitating the kitchen, stairs and bathroom, and the side windows and door would be some distance from the neighbouring properties along Nightingale Road and would not be adversely affected. The front elevation looks over the turning area of Forge Close and does not have any issues with overlooking or loss of privacy to the proposed dwelling or the neighbouring properties in my view.
- 4.3.12 The dwelling however, would be highly visible from the rear gardens 1 and 2 Verulam Road, properties on Forge Close and the flats at 141-143 Nightingale Road and No. 144 Nightingale Road. The new dwelling has a maximum height of 8 metres and given its location on the boundary with No. 144 and in close proximity with the properties on Verulam Road, which have very small rear gardens, the proposed dwelling, by reason of its siting, scale and layout would appear as a discordant and cramped development appearing dominant to the neighbouring dwelling houses, flats and businesses.

Future living conditions

- 4.3.13 The main habitable rooms of the proposed dwelling would appear to be able to receive adequate light and privacy. No formal amenity area has been provided for the proposed dwelling or the existing flats, with much of the space left over being allocated to 2 parking spaces and bike store and bins store. No supporting statement or Design and Access Statement were submitted and it has not been made clear whether the area is to be shared between the existing properties and new dwelling.
- 4.3.14 The proposed scheme to a 1 bed property. Policy D1 e) of the Local Plan states that residential schemes must meet or exceed the nationally described space standards, these standards being the 'Technical housing standards' dated March 2015. When assessed against those standards, the internal floor space of the proposed dwelling would be approx. 62 m², which exceeds the minimum 58 m² for a two person, one bedroom, two storey dwelling in Table 1 of the standards. The proposal would comply with this part of the standards, and therefore complies with Policy D1 of the Local Plan and over comes the previous reason for refusal.

Highways and Parking

- 4.3.15 Policy T1 of the North Herts Local Plan states that *"planning permission will be granted provided that... development would not lead to highway safety problems or cause unacceptable impacts upon the highway network"*.
- 4.3.16 Policy T2 states that *"planning permission will be granted provided that... proposal have regard to relevant Supplementary Planning Documents"*.
- 4.3.17 The Council's minimum parking standards are for one parking space for dwellings with one bedrooms, the plans have shown two cars can be parked to the side of the new dwelling. Cycle storage would be provided as shown on the plans. Sufficient parking. The highways officer has not objected, and there will no adverse impacts on the public highway. The proposal complies with Policies T1 and T2 of the Local Plan.

Environmental Implications:

- 4.3.18 Section 14 of the NPPF sets out how the planning system should support the transition to a low carbon future. The principles set out in Section 14 are reflected in Policy D1 of the North Herts Local Plan, and the Sustainability SPD which set out that development proposal should take all reasonable opportunities to reduce energy consumption and waste, retain existing vegetation and propose new appropriate planting, and future proof for changes in technology and lifestyle.
- 4.3.19 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 and Policy D1.

Biodiversity Net Gain

- 4.3.20 The agent has confirmed that the site would not require BNG as development is subject to the de minimis exemption as the site is fully covered by buildings and hardstanding.

4.4 **Conclusion**

- 4.4.1 The proposal would deliver one additional dwelling which will help boost the supply of housing land as encouraged by Section 5 of the NPPF. However, this provision is of very 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. These benefits are afforded limited weight by reason of the size of the development scheme. It could also be considered that the new dwelling would increase use and sustainability of surrounding infrastructure. Again, by reason of the limited size of the development, limited benefits are considered to arise. In terms of social benefits, the proposal would deliver a small dwelling that could meet the needs of the community, although the provision of a single dwelling in this regard would be a limited social benefit.
- 4.4.3 In environmental terms, whilst the dwelling 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 design, the small plot size and the 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, the proposed dwelling would result in materially adverse harm to the reasonable living conditions and well-being of neighbouring dwellings given it siting along the shared boundary. This is deemed contrary to Policy D3 of the Local Plan and Section 12 of the NPPF. This should be given significant weight in the planning balance.
- 4.4.5 Overall, it is considered that the proposed development would conflict with Policies SP9, D1 and D3 of the Local Plan and Section 12 of the NPPF. These conflicts are not outweighed by the very modest benefits associated with this proposal when weighed in the planning balance against the policy framework 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 proposed dwelling, by reason of its siting, scale and layout would appear as a discordant and cramped development harming the character of the area. The proposal fails to respond positively to the sites local context, would fail to maintain the character of the site's surroundings and would not create or enhance public realm. Accordingly, the proposal fails to comply with the policy provisions of the development plan, specifically, Policies SP9 and D1 of the North Herts Local Plan, as well as Section 12 of the National Planning Policy Framework.

2. The proposed development, by reason of the restricted plot size and adverse dominance , would fail to provide sufficient amenity space provision for the prospective future occupiers of the new dwelling result in poor living conditions. As such the the proposals would fail to meet the requirements of Policy D1 and D3 and Appendix 5 of the Local Plan and Section 12 of the National Planning Policy Framework.

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: 4 December 2024	