

26/01783/FPH

10 Kershaws Hill Hitchin Hertfordshire SG4 9AQ

We are the neighbour in 9 Kershaws Hill and the previous application identified serious issues with the proposed development, many of which remain in this revised application. Therefore, we object on those unchanged issues as well as a significant factor that was not included previously that we urge the planning officers to consider carefully (point 1 below).

1. Inaccurate Plans:

- a. Most significantly here, the submitted plans do not identify a window on the side of our property facing number 10. Due to the open plan nature of our accommodation, this window allows light directly into the habitable space on the ground floor (Kitchen, where it is the only window and Lounge) as well as partial views of the bedrooms and bathroom on the first floor. The proposed new windows on the side of number 10 will look into these rooms. The new porch roof proposed will stretch across the passageway immediately opposite and come within a couple of inches of this window. When combined with the significant increase in height and mass of the rest of the building, we will lose all light and privacy at this point.
- b. The submitted elevation plans do not show this window, they do not reference the 25 degree rule, they inaccurately reference the 45 degree rule and they fail to accurately represent the difference in elevation between the 2 properties making assessment of the overbearing understated.
- c. The submitted site and block plans are factually inaccurate as they misrepresent the true legal boundaries, meaning the council cannot properly assess the spatial impact, scaling, and proximity of the extension relative to my property. Whilst a boundary dispute is not grounds to object to or refuse planning permission, it is not permitted to grant planning permission when the applicant has failed to inform the land owner of their intention. In this case, the applicant has taken part of our grounds to build a fence (specifically mentioned in the application). We object as we have not been served notice that the applicant intends to apply for permission where part of the development is on our land.

2. the 25-degree rule:

- a. does not require the new development to be perpendicular. In fact, it is specifically designed for buildings that face each other directly or sit at an

angle opposite one another. As per the point above, there is no acknowledgement of the need to assess this in regards to the side window on our property and the proposed extension. Our side window is vital for the habitable space downstairs.

- b. This rule measures the vertical angle from our existing window looking out toward the highest point of the new structure, and the only geometric requirement is that the new development falls within the direct line of sight or arc of the existing window's light catchment area.

3. the 45-degree rule:

- a. The proposal differs a little from the previously unsuccessful one, principally at first floor level where it has been reduced in size to fit within the existing building footprint (rearwards) but is still broadly the same as before at ground floor and roof level and will still make the building wider at first floor level. This is all emphasised considerably by the difference in elevation. If the original proposal failed the 45 degree rule, then it's not possible that this new proposal which is substantially the same can be successful.
- b. From the previous application, it was determined that; "In comparison, the single-storey element, which is proposed at an elevated level, would measure 7m in depth, while the two-storey element would measure 4.2m in depth. Combined with the width of these elements at 4m, the overall massing of the rear extension is considered to be unacceptable for a semi-detached dwelling which is sited within a narrow plot with inconsistent ground levels. Likewise, it is also considered that a box dormer of the proposed massing and projection at second floor level would appear overbearing to neighbouring properties." And "Thus, the proposed rear and dormer extensions would give rise to unacceptable overbearing impacts and are therefore contrary to Policy D3 in this regard."

Whilst the plans do not contain detailed measurements so we are unfortunately not in a position to estimate how much smaller, if at all, the new proposal is, it is substantially the same that gave rise to this conflict with policy.

4. Policy D1 of NHLP for sustainability etc:

- a. Local plan policy D1 states that planning permission will be granted provided that a number of criteria are met including that development proposals respond positively to the site's local context and that they take all reasonable opportunities, consistent with the nature and scale of the scheme, to retain existing vegetation and propose appropriate new planting.

- b. The applications specifically mention that no trees will need to be removed in order to develop this site. However, in reality, every single piece of vegetation in the rear garden, including mature trees and bushes has been removed, not even grass remains.
- c. Policy D1 applies to residential applications, although the principles may be heavily adapted but when planning permission is required, the development is expected to show sustainable design choices. D1 also further states:
 - i. **Resource conservation:** Minimize water consumption, manage surface runoff, and use recycled or locally-sourced materials. In the case of this application, there is large areas of run off and no vegetation to absorb rain water.
 - ii. **Climate adaptation:** Counter overheating through natural ventilation, shading, and sustainable drainage systems (SuDS). All the natural shading has been removed, this took decades to grow
 - iii. **Environmental net gain:** Protect biodiversity, expand green infrastructure, and support local habitat networks. We believe that as it was removed during nesting season with no prior study into the impact, there are less wild birds in the immediate area and we no longer see bats.

None of these requirements are addressed or even acknowledged in the application other than the factually incorrect statement that no trees need to be removed.