

26/00774/FP – Objection

We write to object to application 26/00774/FP for the erection of two 2-bedroom bungalows on land to the rear of 23 Conquest Close, Hitchin. This is the fourth application on this site in twelve years. Two have recently (2020 & 2022) been refused and one was dismissed at appeal (2023). Our objection is set out below.

Character, Layout and Overdevelopment

The site is small. It is wedged between the rear gardens of dwellings that front Stevenage Road and Conquest Close. The surrounding streets are characterised by two-storey early-twentieth-century terraces on narrow plots, of a regular form, scale and build. What is being proposed is not a natural extension of that pattern. It is two single-storey bungalows forced into a backland position behind the existing terraces, of a form and era that do not resemble the surrounding street, reached by a track that was never built for residential use.

NHDC and the Planning Inspectorate have already considered this question on this site, more than once, and reached the same conclusion.

1. The case officer determining 19/02050/FP concluded the site was too small to accommodate the dwellings proposed. The size, design and siting were found to result in a cramped appearance harmful to the character of the site and the wider locality. The small size of the access drive, parking spaces and amenity areas were identified as indicative of overdevelopment (Delegated Report, 19/02050/FP, §4.3.10).
2. Application 21/00354/FP was refused in 2022 on the same ground, the design and siting of dwellings on this cramped and poorly accessed site.
3. The 2023 Appeal Inspector dismissed the subsequent appeal, finding the layout 'contrived' with dwellings having 'small, cramped gardens', and that 'the proposal would harm the character and appearance of the area' (Appeal Decision APP/X1925/W/22/3302258). That finding was made on a scheme of two dwellings, the same number now proposed.

The proposal fails to comply with North Hertfordshire Local Plan Policy SP9, Policy D1, and NPPF paragraphs 135 and 139, and is contrary to the findings of the January 2020 delegated report and the 2023 appeal decision.

Access & Neighbour Amenity

The lane to the rear of our property is a narrow unadopted private access track rather than a highway constructed to residential access standards. It has no pavement, no street lighting, no formal drainage, and no defined passing places. The track is narrow, including a dog-leg blind bend restricting visibility, built to give existing residents access to garages and rear gardens, nothing more. Currently the lane sees a handful of vehicle movements a day. Several residents, including ourselves, store wheelie bins on the track because there is nowhere else for them to go.

The proposed development would change all of this. The addition of two new households would be a significant increase in traffic on the lane, on top of the construction phase that precedes it. We have already had a prevue of what that looks like. During recent site clearance and demolition work the applicant has, on multiple occasions, blocked access to our garage. A neighbour's property has been damaged as a direct consequence of contractor activity on the lane.

The technical case has been on the NHDC's file since the previous applications:

1. The 2023 Appeal Inspector dismissed the previous application on the basis that safe and suitable vehicular access could not be achieved (Appeal Decision APP/X1925/W/22/3302258). The Inspector found that 'the narrowness and geometry of the road make it difficult to negotiate in a car' and that the arrangement would likely result in 'the blocking of accesses and vehicles waiting on the highway and excessive manoeuvring', increasing the risk of pedestrian and vehicle collisions. These concerns reflect the earlier consultation response from Hertfordshire County Council Highways, which stated in relation to application 19/02050/FP that the access would fail to accommodate emergency vehicles, including fire appliances and ambulances, due to its narrow width and restricted geometry near No. 48 Stevenage Road (Delegated Report, 19/02050/FP, §3.5).
2. The applicant does not own all the land within their red line boundary. Sections of the access track are held in freehold by the residents of Conquest Close and Stevenage Road, each owner holding their own section. The applicant has not demonstrated any legal right to alter, resurface, obstruct or develop land outside their ownership. Construction traffic, utilities and drainage works may require the consent of affected freeholders. To our knowledge no such consent has been sought or given.
3. Hertfordshire Highways measured the lane between 2.4m and 2.6m in their 2019 consultation response (Delegated Report, 19/02050/FP, §3.5). The Manual for Streets §6.7.2 minimum is 3.75m. The lane is materially below the Manual for Streets guidance width. HCC Highways recommended refusal of 19/02050/FP on this point. The width has not changed.
4. The lane is private and unadopted. The highway authority does not maintain it. Maintenance falls on the existing freehold owners. Construction traffic and intensified residential use will accelerate wear on a surface those existing users have so far been responsible for under conditions of light residential use.
5. Works associated with the proposed pedestrian access between Nos. 23 and 25, including hardstanding and fencing, appear to have been undertaken prior to determination of the application. That alley only serves the proposed dwellings. The lane itself has no pavement, meaning existing residents, children and contractors would continue to share the carriageway with development traffic.
6. The proposed site plan shows planting directly outside our garage entrance, preventing access to our own garage, and the removal of a fence on our boundary. It also designs out the existing bin storage on the lane that several of us rely on. No alternative is proposed.
7. Construction traffic, combined with increased operational vehicle movements and the reduction in existing tree screening (detailed below), would result in increased noise across existing properties.
8. There is no swept path analysis, no Transport Statement, and no Construction Management Plan submitted with this application (26/00774/FP).
9. The applicant's behaviour during preparatory works, repeated blocking of our garage, damage to a neighbour's property, has occurred before any permission has been granted.

The physical characteristics of the access track that led to refusal and dismissal of the previous schemes remain fundamentally unchanged. The proposal fails to comply with North Hertfordshire Local Plan Policy T1, Policy T2, Policy SP9, Policy D3, and NPPF paragraph 115, and is contrary to Manual for Streets.

Drainage & Sewage

1. The Application Form (PP-14804965, page 8) ticks 'sustainable drainage system' and 'main sewer' as disposal methods. It provides no drainage design, no calculations, no plan, no SuDS scheme, and no soakaway design or percolation test.
2. The site slopes downhill towards Stevenage Road. With no drainage plan submitted, surface water from the new hardstanding will run downhill onto private land. No impact assessment has been carried out for the affected residents.

The proposal fails to comply with North Hertfordshire Local Plan Policy NE8, Policy D1, and the statutory SuDS approval requirement under Schedule 3 of the Flood and Water Management Act 2010.

Biodiversity

We have lived at 17 Conquest Close for two years. The trees and vegetation behind our property are part of the character of our home and of the wider setting of the surrounding streets. They screen the noise and exhaust from Stevenage Road, which carries heavy traffic at all hours. They filter dust and pollutants in an area where neighbours have repeatedly raised air quality concerns. They support wildlife throughout the year; bats hunting along the boundary on summer evenings, foxes and hedgehogs can be seen on our garden camera, garden birds nesting in the larger trees. The mature Sycamores on the site are visible from the back of every property along this stretch and form part of what makes a tightly developed urban backland feel green and breathable rather than enclosed.

For our family the practical effects would be felt every day, the loss of an established wildlife corridor at the boundary of our garden, a reduction in the natural buffer between our home and the A602, and a measurable change in the air, light and noise we live with. The trees are not decorative, they are doing real work on this site, and their loss will be felt across the surrounding streets.

1. The applicant concedes the scheme cannot deliver biodiversity net gain on site. The BNG report states 'there is no opportunity within the scheme to deliver biodiversity net gain' (26/00774/FP, SE2578.2, §1). The scheme produces a 39.29% on-site habitat loss requiring 1.19 units of off-site credit (§1 and §7.1). That is calculated against a reduced baseline. The 2019 Arboricultural Impact Assessment §4 (19/02050/FP) identified 32 trees on the site. The current submission references only 19 in the BNG Report (26/00774/FP, SE2578.2, Table 4). This suggests the overall extent of habitat loss across the wider development history of the site may be greater than reflected in the current submission.
2. The bat survey was carried out on 25 November 2025 (PEA, 26/00774/FP, §3.3), outside the active bat season as defined in the BCT Good Practice Guidelines (4th ed., 2023), which the PEA itself relies on. Only a Ground-Level Tree Assessment was undertaken. There was no tree climbing inspection and no dusk or dawn emergence survey (SE2578.1, §3.4.1).
3. No air quality assessment has been provided. The site sits directly off the A602 Stevenage Road. The removal of the existing tree screen will reduce the natural

mitigation between the road and surrounding homes. No replacement is offered other than five new native trees of unspecified species and age.

4. Hertfordshire Ecology's 2019 consultation response recommended a Landscape and Ecological Management Plan and an Outline Mitigation and Compensation Strategy (Delegated Report, 19/02050/FP, §3.9, §4.3.51 and §4.3.53). Neither has been submitted with the current application.

The proposal fails to comply with North Hertfordshire Local Plan Policy NE4, Policy SP12, NPPF paragraphs 187(d,e) and 193(a), and the statutory Biodiversity Net Gain requirement under Schedule 7A of the Town and Country Planning Act 1990.

Procedural Failure and the Burden on Affected Freeholders

If permission is granted, any unresolved ownership or access issues relating to land within the red-line boundary would fall outside the planning process and become matters for private parties to resolve separately. This has practical consequences for affected freeholders, including potential legal expense, ongoing uncertainty regarding access and maintenance responsibilities, and the requirement to disclose active disputes or complaints during future property transactions. These are foreseeable consequences of accepting a certificate that did not formally identify all affected land interests before determination.

Concluding Remarks

This is the fourth application on this site in twelve years, following two refusals and an appeal dismissal. The constraints of the site have not changed. The reasons the previous applications were found unacceptable have not been addressed. A reduction from three dwellings to two does not resolve findings made on schemes of two dwellings.

The supporting case is materially weaker than that submitted on the previous applications. Statutory requirements have been deferred to future planning conditions, key assessments are absent, and the applicant's own consultants have confirmed the scheme cannot deliver biodiversity net gain on site. The applicant has chosen Certificate C in circumstances where the 2020 & 2022 applicants on the same site, with the same affected freeholders, submitted Certificate B, creating foreseeable legal and financial consequences for neighbouring households.

The site has not materially changed or become more capable of accommodating this form of development since the 2020 and 2022 refusals or the 2023 appeal dismissal. The application should therefore be refused.

S Smith & S Rojek – 17 Conquest Close, Hitchin, SG49DP