

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 23 January 2025 at 7.30 pm

Members of the Planning Committee:-

Councillors:

Chris Whately-Smith (Chair)
Harry Davies
Steve Drury
Chris Lloyd
Andrea Fraser
Philip Hearn

Elinor Gazzard (Vice-Chair)
Abbas Merali
Debbie Morris
Chris Mitchell
Stephen King

*Joanne Wagstaffe, Chief Executive
Wednesday, 15 January 2025*

The Council welcomes contributions from members of the public to aid discussions on agenda items at Planning Committee meetings.

Details of the procedure are provided below:

For those wishing to speak:

Please note that, in the event of registering your interest to speak on an agenda item but not taking up that right because the item is deferred, you will be given the right to speak on that item at the next meeting of the Planning Committee.

Members of the public are entitled to speak on an application from the published agenda for the meeting either in support of the application or against. Those who wish to speak can arrive on the night from 7pm to register with the Committee Manager. One person can speak in support of the application and one against.

Please note that contributions will be limited to no more than three minutes.

For those wishing to observe:

Members of the public are welcome to attend the meetings. If you wish to observe you can arrive on the night from 7pm.

In accordance with The Openness of Local Government Bodies Regulations 2014 any matters considered under Part I business only of the meeting may be filmed, recorded, photographed, broadcast or reported via social media by any person.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Legislation and the laws of libel and defamation.

1. Apologies for Absence

2. Minutes

(Pages 5 - 12)

To confirm as a correct record the minutes of the Planning Committee meeting held on 12 December 2024.

3. Declarations of Interest

To receive any declarations of interest.

4. Notice of Urgent Business

Items of other business notified under Council Procedure Rule 30 to be announced, together with the special circumstances that justify their consideration as a matter of urgency. The Chair to rule on the admission of such items.

5. 24/1348/FUL – Two storey rear extension, conversion of existing garage into habitable accommodation, internal alterations; installation of front rooflight and extension to raised decking to the rear at Chilcote, 58 Clements Road, Chorleywood, Rickmansworth, WD3 5JT

(Pages 13 - 28)

Two storey rear extension; conversion of existing garage into habitable accommodation; internal alterations; installation of front rooflight and extension to raised decking to the rear at Chilcote, 58 Clements Road, Chorleywood, Rickmansworth.

Recommendation: that planning permission be granted subject to conditions.

6. 24/1360/FUL – Construction of pitched roof single storey side extension with accommodation in the roofspace at Solesbridge House, Solesbridge Lane, Chorleywood, Rickmansworth, WD3 5SR

(Pages 29 - 46)

Construction of pitched roof single storey side extension with accommodation in the roofspace at Solesbridge House, Solesbridge Lane, Chorleywood, Rickmansworth.

Recommendation: that planning permission be refused.

7. 24/1476/LBC – Listed Building Consent: Construction of pitched roof single storey side extension with accommodation in the roofspace at Solesbridge House, Solesbridge Lane, Chorleywood, Rickmansworth, WD3 5SR

(Pages 47 - 64)

Listed building consent: construction of pitched roof single storey side extension with accommodation in the roofspace at Solesbridge House, Solesbridge Lane, Chorleywood, Rickmansworth.

Recommendation: that listed building consent be granted.

8. 24/1479/FUL – Demolition of existing dwelling and construction of replacement two storey detached dwelling with accommodation within the roof served by rear dormers at Cartref, Ormonde Road,

(Pages 65 - 84)

Moor Park, Northwood, Hertfordshire HA6 2EJ

Demolition of existing dwelling and construction of replacement two storey detached dwelling with accommodation within the roof served by rear dormers at Cartref, Ormonde Road, Moor Park, Northwood.

Recommendation: to delegate authority to the Head of Regulatory Services to, following the expiry of the consultation period, consider any further comments received and grant planning permission for the development subject to conditions.

9. **24/1614/FUL – Demolition of existing dwelling and shed and construction of two storey detached dwelling including basement level with swimming pool and accommodation in the roofspace served by rear dormer window and front/side/rear rooflights, side solar panels with associated heatpump, access, bin and bike store, parking and landscaping works and vehicle cross over at 20 Batchworth Lane, Northwood, HA6 3DR** (Pages 85 - 114)

Demolition of existing dwelling and shed and construction of two storey detached dwelling including basement level with swimming pool and accommodation in the roofspace served by rear dormer window and front/side/rear rooflights, side solar panels with associated heatpump, access, bin and bike store, parking and landscaping works and vehicle cross over at 20 Batchworth Lane, Northwood.

Recommendation: that planning permission be granted.

10. **24/1725/FUL - Variation of Conditions 1 (Hours of Operation) and 2 (External Use Hours) pursuant to planning application 12/1452/FUL: To allow the cafe to operate between 08:00 to 22:00 every day at 16 Money Hill Parade, Uxbridge Road, Rickmansworth, Hertfordshire, WD3 7BE** (Pages 115 - 124)

Variation of Conditions 1 (Hours of Operation) and 2 (External Use Hours) pursuant to planning application 12/1452/FUL to allow the cafe to operate between 08:00 to 22:00 every day at 16 Money Hill Parade, Uxbridge Road, Rickmansworth.

Recommendation: that planning permission be approved.

11. **24/1799/RSP - Part Retrospective: Demolition of the existing dwelling and construction of a replacement two-storey detached dwelling with roof accommodation served by roof lights; installation of solar panels and an air source heat pump. Landscaping alterations and rear patio; provision of hardstanding; retention of existing swimming pool; associated cycle and refuse storage at 24 LYNWOOD HEIGHTS, RICKMANSWORTH, HERTFORDSHIRE, WD3 4ED** (Pages 125 - 156)

Part retrospective: demolition of the existing dwelling and construction of a replacement two-storey detached dwelling with roof accommodation served by roof lights; installation of solar panels and an air source heat pump; landscaping alterations and rear patio; provision of hardstanding; retention of existing swimming pool; associated cycle and refuse storage at 24 Lynwood Heights, Rickmansworth.

Recommendation: that planning permission be granted subject to conditions.

12. Other Business - if approved under item 3 above

Exclusion of Public and Press

If the Committee wishes to consider any items in private, it will be appropriate for a resolution to be passed in the following terms:

“that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

(Note: If other confidential business is approved under item 3, it will also be necessary to specify the class of exempt or confidential information in the additional items).

General Enquiries: Please contact the Committee Team at
committeeteam@threerivers.gov.uk

Planning Committee MINUTES

**Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth, on
Thursday, 12 December 2024 from 7.30 - 9.12 pm**

Present: Councillors Chris Whately-Smith (Chair), Elinor Gazzard (Vice-Chair), Harry Davies, Steve Drury, Chris Lloyd, Andrea Fraser, Philip Hearn, Debbie Morris, Chris Mitchell and Reena Ranger

Also in Attendance:

Councillors Oliver Cooper, Lisa Hudson and Jon Tankard

Officers in Attendance:

Matthew Barnes, Planning Solicitor
Emma Lund, Senior Committee Officer
Kimberley Rowley, Head of Regulatory Services
Scott Volker, Principal Planning Officer
Claire Westwood, Development Management Team Leader

External in Attendance:

Parish Councillor Diana Barber (Batchworth Community Council)

PC83/23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Abbas Merali and Stephen King.

Councillor Reena Ranger substituted for Councillor Abbas Merali.

PC84/23 MINUTES

The minutes of the meetings held on 7 November 2024 and 21 November 2024 were confirmed as a correct record and signed by the Chair.

PC85/23 DECLARATIONS OF INTEREST

Councillor Steve Drury declared a non-pecuniary interest in agenda item 7 (24/1304/FUL South Bend, Station Road, Kings Langley WD4 8LL) as his son was employed by the applicant. Councillor Drury declared that he would leave the room during this item.

PC86/23 NOTICE OF URGENT BUSINESS

The Chair agreed to take an item of urgent business to provide the Committee with an update on the new National Planning Policy Framework which had been published earlier in the day.

The Development Management Team Leader reported that the detail of the document would be examined over the coming weeks. However, officers had reviewed it in order to ascertain

whether there are any immediate implications for the applications to be considered by the committee at this meeting.

Officers advised that there were no implications in relation to the applications at agenda items 5, 6, 8 and 9 (94-102 High Street, Rickmansworth; 69 Sycamore Road, Croxley Green; and 15 Moneyhill Parade, Rickmansworth). The recommendations for these applications remained as set out in the agenda, although it should be noted that any paragraph references to the NPPF within all of the reports on the agenda reflected the 2023 version.

There was also no change to the officer recommendation in relation to the application at agenda item 7 (South Bend, Station Road, Kings Langley). However, officers would provide a more detailed update on the revised NPPF in relation to this item at the relevant agenda point.

PC87/23 24/0829/FUL - CHANGE OF USE FROM CLASS E(A) TO MIXED USE FOR RESTAURANT AND TAKEAWAY (CLASS E(B) AND SUI GENERIS); ADDITION OF HVAC PLANT, PROVISION OF VEHICULAR ACCESS FROM NORTHWAY ACCOMMODATING MOTORCYCLE AND CYCLE PARKING WITH ASSOCIATED WORKS AT 94 HIGH STREET, RICKMANSWORTH, WD4 1AQ

The application was for change of use from Class E(a) to Mixed Use for restaurant and takeaway (Class E(b) and Sui Generis); addition of HVAC plant, provision of vehicular access from Northway accommodating motorcycle and cycle parking with associated works at 94-102 High Street, Rickmansworth.

The application was before the Committee as it had been called in by three members of the Planning Committee to discuss the change of use and examine the rear access arrangements as proposed.

The Planning Officer provided an update that comments had been received from the Conservation Officer earlier in the day and had been circulated to members. The Conservation Officer maintained no objection to the change of use but had raised some concerns with regard to the potential visibility of the acoustic fencing to the roof and the proposed alterations to the shop front entrance.

An amended list of recommended conditions had also been circulated to members. Condition 2 had been updated to correct a reference to plan numbers, and the wording of some of the conditions relating to courier pick-ups had been tightened. An additional condition had also been included requiring details to be submitted for the acoustic screening.

Councillor Lisa Hudson spoke against the application.

Councillor Diana Barber of Batchworth Community Council spoke against the application.

Committee members asked questions on the details of the application which were responded to by officers. The Committee's discussions included the following:

- McDonald's company policy was to conduct three litter picks per day, up to a 150m radius from the premises. They also provided signage regarding recycling and supplied bins within the premises for this purpose. Customers were also incentivised to recycle and dispose of rubbish through the use of 'Litter Lotto' app. Details of the daily litter pick-ups would be conditioned via a management plan.
- Customers would also have the opportunity to dispose of litter in the bins on the High Street. A committee member commented that these bins already often became full with litter from existing businesses, and it was recommended that the Council be asked to look at the potential impact of litter arising from this proposal on the High Street bins. Given that the food packaging to be used would be recyclable, the proposal to dispose of it on

litter picks into the High Street bins would also result in recyclable waste going into general waste rather than being recycled.

- A Construction Management Plan would be needed in order to require details of how the construction works to the rear and the lift shaft would take place, and to minimize the impact of the construction works on the High Street.
- The applicant had indicated that they would install CCTV cameras within their site boundary, and this could be conditioned. The High Street was also relatively well covered by CCTV cameras to pick up any anti-social behaviour. There were currently regular police patrols along the High Street.
- The packaging to be used for the serving of food and drinks would be recyclable, and all oil was also recycled for biodiesel. Waste would be separated and compacted on site before removal. The company used a private waste collection service, so that there were no implications for the Council in terms of waste collection from the premises.
- Courier pick ups would be from ground / basement level, which would require couriers to descend a set of steps to reach the collection point. Couriers were incentivised to make pick ups and leave the premises quickly, and a circa 5-minute turnaround time was expected. Officers were asked to look into whether soft-closure doors could be conditioned, to minimize any impact to the amenity of neighbouring residences.
- In relation to the courier service, concern was expressed about where couriers would wait if orders were not ready given the lack of space; noise levels of delivery cars, motorbikes or mopeds; and delivery car, motorbike or moped parking. Officers responded that the management plan, to be secured by condition, would require details of the management of courier pick ups. It was noted that the High Street was already used by other food delivery drivers servicing nearby restaurants, and that a level of ambient traffic noise already existed given the High Street location. Officers highlighted that the premises could already be converted into a restaurant with ancillary takeaway provision under Use Class E with no requirement for planning permission, which would provide no ability for the Council to impose controls or restrictions.
- Officers considered that operational hours for courier pick ups of 8am to 9pm, and 7am to 11pm for walk-in customers, represented appropriate mitigation of the concerns raised. This was a reduction to the hours which had originally been sought by the applicant.
- Following the Conservation Officer's comments, officers were asked to consider adding a condition to retain the swing doors to the front entrance, rather than installing new sliding doors.
- The Environmental Health Officer's report had referred to a lack of information to reach a recommendation. A Committee Member therefore recommended that the application should be deferred to seek from the applicant the information which would allow the Environmental Health Officer to make a comprehensive assessment. It was also recommended that Batchworth Community Council should be asked to provide a list of the issues they had raised so that these could be addressed, and that additional information should be included in relation to the Council's role in providing bins on the High Street and recycling any recyclable materials.

Councillor Morris proposed, and Councillor Lloyd seconded, deferral of the application to allow for the above information to be provided.

On being put to the vote this was agreed, the voting being unanimous.

RESOLVED: that the application be deferred.

PC88/23 24/0832/ADV – ADVERTISEMENT CONSENT: INSTALLATION OF 1 NO. ACRYLIC WHITE EXTERNALLY ILLUMINATED "MCDONALD'S" LETTERSET, 1 NO. YELLOW VINYL "GOLDEN ARCH" APPLIED EXTERNALLY TO GLAZING, 1 NO. EXTERNALLY ILLUMINATED PROJECTION SIGN, 6 NO. PARKING SIGNS AND 1NO. RAILING SIGN AT 94 – 102 HIGH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1AQ

The application was for advertisement consent for installation of 1 no. acrylic white externally illuminated 'McDonald's' letterset, 1no. yellow vinyl 'Golden Arch' applied externally to glazing, 1 no. externally illuminated projection sign, 6 no. parking signs and 1 no. railing sign at 94-102 High Street, Rickmansworth.

Councillor Diana Barber of Batchworth Community Council spoke against the application.

Committee members asked questions on the details of the application which were responded to by officers. The Committee's discussions included the following:

- The proposal was of a similar type to signage which was already used by other businesses on the High Street, both in terms of projection and illumination. The lighting bar would face toward the building, so that officers did not consider that there would be any impact from light spill on amenity to neighbouring properties, the nearest of which was 15m away.
- The design and letterset was tailored for Conservation Areas; an amendment had been sought by officers to reduce the proposed 500mm letterset to 300mm, which would be more consistent with lettersets used by other businesses on the High Street.
- Hours of illumination could be conditioned.
- The Conservation Officer had recommended that no other signage should be permitted on the glazing, and a Committee Member recommended that this should be conditioned. Another Committee Member noted that this would be inconsistent with other businesses which did have other advertisements in their windows.
- Given that the committee had resolved to defer the related full planning application to obtain further information, a Committee Member recommended that the advertisement consent application should also be deferred so that the two applications could be considered together at a future meeting.

Councillor Lloyd proposed, and Councillor Drury seconded, deferral of the application. On being put to the vote the proposal was agreed, the voting being 8 in favour and 2 against.

RESOLVED: that the application be deferred to allow for consideration alongside the related full planning application.

PC89/23 24/1304/FUL - DEMOLITION OF ALL BUILDINGS ON THE SITE INCLUDING RESIDENTIAL DWELLING AND CONSTRUCTION OF A LIGHT INDUSTRIAL (USE CLASS E(G)(III)) BUILDING WITH BIOMASS BOILER, ASSOCIATED CAR PARKING, LANDSCAPING AND ALTERATIONS TO LAND LEVELS AT SOUTH BEND, STATION ROAD, KINGS LANGLEY, HERTS WD4 8LL

Councillor Drury left the room for this item.

The application was for demolition of all buildings on site including residential dwelling and construction of a light industrial (Use Class E(g)(iii)) building with biomass boiler, associated car parking, landscaping and alterations to land levels at South Bend, Station Road, Kings Langley.

The application was before the committee as it had been called in by three members of the Planning Committee regardless of officer recommendation due to loss of the residential unit and land and the introduction of a business use in the Metropolitan Green Belt.

The Planning Officer provided an update on the Green Belt assessment in relation to the application following the publication of the revised NPPF earlier in the day and also provided other updates as set out below:

'The Officers' report to committee sets out that proposed development is inappropriate in the Green Belt by definition and that there is some limited harm through failure to comply with criteria (c) which relates to safeguarding the countryside from encroachment. However, the report identifies that there are Very Special Circumstances which collectively combine to constitute material considerations of sufficient weight to amount to 'very special circumstances' that clearly outweigh the identified harm to Green Belt and the identified harm caused by loss of a residential dwelling to enable planning permission to be granted subject to conditions.

As noted at the start of the meeting, a revised NPPF was published today. The revised NPPF includes changes in relation to development within Green Belt including the introduction of a new classification of land, 'Grey Belt'.

The NPPF defines Grey Belt as:

For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. '

Purposes (a), (b) and (d) are:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- d) to preserve the setting and special character of historic towns.*

As set out at paragraph 8.2.5 of the committee report, in this case some of the site would constitute previously developed land due to it containing a residential dwelling, and the pre-existing car servicing and repairs business. In addition, having regard to the location and characteristics of the application site it is considered that the site does not strongly contribute to purposes a, b or d. As such officers are of the view that the site should be classified as Grey Belt.

We must then turn to paragraph 155 of the revised NPPF which advises that;

The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b) There is a demonstrable unmet need for the type of development proposed;*
- c) The development would be in a sustainable location, and*
- d) Where applicable the development proposed meets the 'Golden Rules' requirements.*

In relation to (a) it is not considered that the development would fundamentally undermine the purposes of the Green Belt. In relation to (b) the committee report identifies that there is a need. In relation to (c) the development would be in a sustainable location and (d) is not applicable as it relates to housing development.

Therefore, in conclusion, the site is considered to be Grey Belt land and the development proposed would accord with paragraph 155 of the revised NPPF and would therefore not be

inappropriate development. As such there is no requirement to consider Very Special Circumstances.

The recommendation for approval remains; however, as the development is not considered to be inappropriate there is no requirement to refer the application to the Secretary of State.'

In relation to other updates, in addition to omitting reference to referral to the Secretary of State, the Planning Officer advised that the officer recommendation should be updated to remove reference to Environmental Health and should now read as follows:

Defer to the Head of Regulatory Services and subject to the recommendation of no objection from the Lead Local Flood Authority (LLFA), the inclusion of any conditions recommended by the LLFA, and following completion of a S106 Agreement (securing a monitoring fee in relation to Biodiversity Net Gain) that Planning Permission is granted.

Condition 2 (plan numbers) should be updated to correct errors within the plan numbers.

The Environmental Health Officer had recommended that details relating to the dust management extraction system should be submitted, and therefore an additional condition relating to this was suggested.

The applicant had raised queries in relation to the wording of some of the suggested conditions and their triggers. Officers were reviewing these and, where appropriate, the wording of conditions would be updated. The Planning Officer suggested that a full schedule of conditions be circulated to the Committee prior to the issuing of any decision, and this would include any conditions suggested by the LLFA.

The Planning Officer advised that the applicant had requested amendment to the wording of Condition 39 to allow HGVS to access the site from 9am Monday-Friday, rather than 9.30am. The Environmental Health Officer had confirmed that due to background noise levels in the vicinity, HGVs accessing the site from 9am would be acceptable and therefore did not object to this amendment to Condition 39.

The applicant had also queried the imposition of Condition 38 which required windows and doors to be kept closed during working hours. The applicant had suggested that, rather than restricting the opening of windows and doors, a condition could be added requiring the applicant to operate within the noise limits for the nearest receptors as set out in the noise report. This had been discussed with Environmental Health who had advised that this would be an appropriate solution and Condition 38 would therefore be amended.

Peter Forest, agent, spoke in favour of the application.

Councillor Jon Tankard of Abbots Langley Parish Council, also spoke on the application.

In relation to parking, it was noted that the applicant had proposed to seek a lease of 20 off-site spaces at Kings Langley Railway Station Car Park in order to increase the parking provision. In response to a question, the Planning Officer advised that this arrangement was not required in order to make the planning application acceptable in planning terms; therefore, it was not to be included within the S106 agreement. However, this did not preclude the applicant from continuing to pursue this arrangement separately.

Committee Members also discussed the inclusion of Saturday hours within Condition 37 (hours of use) and Condition 39 (hours of delivery). In response to questions the Planning Officer clarified that the permission being sought related to use class. Whilst this applicant was not proposing to operate or accept deliveries on Saturdays, a future occupier of the site may. Officers were of the view that the inclusion of some operational hours on Saturdays was acceptable for the proposed use class.

Councillor Whately-Smith moved, and Councillor Lloyd seconded, that the decision be delegated to the Head of Regulatory Services to consider the inclusion of any recommendations from the LLFA and, subject to the recommendation of no objection from the LLFA and the completion of a S106 agreement securing a monitoring fee in relation to Biodiversity Net Gain, grant planning permission subject to conditions. The final set of conditions to be circulated to Committee Members ahead of the decision being issued.

On being put to the vote this was carried unanimously.

RESOLVED: to defer to the Head of Regulatory Services and subject to the recommendation of no objection from the Lead Local Flood Authority (LLFA), the inclusion of any conditions recommended by the LLFA, and following completion of a S106 Agreement securing a monitoring fee in relation to Biodiversity Net Gain that Planning Permission is granted subject to conditions, with the final set of conditions to be circulated to Committee Members ahead of the decision being issued.

PC90/23 24/1341/FUL – CONSTRUCTION OF SINGLE-STOREY FRONT EXTENSION AND FIRST FLOOR REAR EXTENSION, CONVERSION OF GARAGE INTO HABITABLE ACCOMMODATION AND INTERNAL ALTERATIONS, ALTERATIONS TO FENESTRATION AND EXTENSION OF DRIVEWAY AT 69 SYCAMORE ROAD, CROXLEY GREEN, RICKMANSWORTH, WD3 3TY

Councillor Drury re-entered the room.

The application was for construction of a single-storey front extension and first floor rear extension, conversion of garage into habitable accommodation and internal alterations, alterations to fenestration and extension of driveway at 69 Sycamore Road, Croxley Green.

The application had been deferred at the Planning Committee meeting on 7 November to allow for a site visit.

Members discussed whether the proposal was in line with the character of the area, and the impact on neighbouring amenity, and differing views were expressed.

Councillor Whately-Smith moved, and Councillor Morris seconded, refusal of the application contrary to the officer recommendation on the grounds that the single-storey front extension, by virtue of its width, depth, and flat roof design would be overly prominent and incongruous, and overbearing to the neighbouring property at No. 71. The wording of the reasons for refusal would be circulated to Committee Members for agreement following the meeting.

On being put to the vote this was agreed, the voting being 7 For, 2 Against and 1 Abstention.

RESOLVED: that the application be refused, with the reasons for refusal to be circulated to Committee Members for agreement before the decision is issued.

[Note: the wording subsequently agreed is shown below:

The proposed single storey front extension by virtue of its full width, depth and flat roof design would be an overly prominent and incongruous addition to the detriment of the character and appearance of the host dwelling, terrace group and street scene and would represent an overbearing and unneighbourly development as experienced by the neighbour (No. 71). The development would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and Policy CA2 of the Croxley Green Neighbourhood Plan (2018).]

PC91/23 24/1514/RSP – RETROSPECTIVE: CHANGE OF USE FROM RESTAURANT TO MIXED USE CLASS (E)(A) (RESTAURANT) AND SUI GENERIS (DRINKING

ESTABLISHMENT), INSTALLATION OF NEW SHOP FRONT AND THE CREATION OF FRONT TERRACE AT 15 MONEY HILL PARADE, RICKMANSWORTH, WD3 7BE

The application was for retrospective change of use from restaurant to mixed Use Class E(a) (restaurant) and Sui Generis (drinking establishment), installation of new shop front and creation of front terrace at 15 Money Hill Parade, Rickmansworth.

The Planning Officer responded to questions on the detail of the application.

Councillor Morris moved, and Councillor Whately-Smith seconded, that retrospective planning permission be granted subject to conditions.

On being put to the vote this was agreed unanimously.

RESLOVED: that retrospective planning permission be granted, subject to conditions.

CHAIR

PLANNING COMMITTEE – THURSDAY 23RD JANUARY 2025

24/1348/FUL – Two storey rear extension, conversion of existing garage into habitable accommodation, internal alterations; installation of front rooflight and extension to raised decking to the rear at Chilcote, 58 Clements Road, Chorleywood, Rickmansworth, WD3 5JT.

Parish: Chorleywood Parish Council

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 28.1.2024
(Extension of Time: 30.01.2025)

Case Officer: Alannah Stringer

Recommendation: That Planning Permission be approved subject to conditions.

Reason for consideration by the Committee: The application has been brought in to committee at the request of Chorleywood Parish Council, given concerns over the loss of elderly accommodation and privacy issues.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SIO2L8QFKZK00>

1 Relevant Planning History

- 1.1 04/0879/CLPD – Alterations to roof. Permitted and implemented.

2 Description of Application Site

- 2.1 The application site is roughly rectangular in shape and contains a detached bungalow with an exterior finish of mixed brick and white render, located on the northern side of Clements Road in Chorleywood. Clements Road is a residential Cul de sac characterised by open views of the surrounding area both down the road and between the detached and semi-detached dwellings, many of which have been altered and extended. The land levels on Clements Road slope steeply upwards towards the west, and the dwellings are set at staggered land levels.
- 2.2 The front elevation of the host dwelling is staggered: the integral garage to the west side is recessed from the central section of the dwelling; to the east side a single storey projection is set moderately forwards of the central section. The roof form of the host dwelling to the west flank has a hipped roof, and to the east flank is gable ended. Located within the front roof slope are 4 rooflights of varied sizes.
- 2.3 The land level slopes down from the highway towards the front elevation, and the front garden is part laid to lawn and includes, in part, a raised driveway with parking provision for approximately 3 vehicles. To the rear of the host dwelling is an existing raised decking, and an amenity garden which is primarily laid to lawn. The existing rear amenity area is approximately 390sqm. To the east and west boundaries of the rear garden are a mixture of tall hedging and mixed vegetation which obscures views of neighbouring properties. The rear garden slopes downhill towards the northern boundary.
- 2.4 To the east of the host dwelling, 56 Clements Road, is set to the shared boundary. 56 Clements Road is of similar architectural size, style and lay out, and is set at a lower land level than the host dwelling. This neighbour has previously implemented a flat roofed dormer to the rear roof slope. To the west of the host dwelling, 60 Clements Road is set at a higher land level. This neighbour projects beyond the rear of the host dwelling, and has previously implemented a single storey side extension, two storey rear extension and loft

conversion with front and rear dormer windows. Both neighbours are set to similar front building lines. 56 and 58 Clements Road have similar rear building lines.

3 Description of Proposed Development

- 3.1 This planning application seeks full planning permission for a two storey rear extension, conversion of existing garage into habitable accommodation, internal alterations; installation of front rooflight and extension to raised decking to the rear.
- 3.2 The proposed first floor element of the two storey extension would project from the existing dormer (to be retained) and would be set down from the ridge by approx. 0.5m, set in from east flank of the host dwelling by approx. 2.6m, and set in from the west flank of the host dwelling by approximately 3m. This element of the extension would have a depth of 3.1m (a total depth of approximately 6.2m when including existing dormer) and would have a width of approximately 8m.
- 3.3 The proposed ground floor element of the extension would have a depth of 2.3m and a width of approximately 10m.
- 3.4 The total height of the proposed two storey rear extension is approximately 5.7m.
- 3.5 To the first floor rear elevation of the proposed extension, three sets of full height windows are proposed. To the rear elevation of the ground floor, three sets of patio doors are proposed, with a central window to mirror that of the first floor. One set of double patio doors are to replace the existing doors of the integral garage. The proposal includes the removal of one window to the rear elevation and the opening is to be filled with recycled bricks. To the existing rear dormer, a new window is proposed to replace the existing.
- 3.6 The ground level of the proposed extension and part of the existing house is to be 30cm below the existing floor level.
- 3.7 The proposed rear extension is to be finished in vertical timber cladding. The proposed windows and doors are to be aluminium and finished in dark grey. Additionally, a chimney to the rear roof slope is to be removed.
- 3.8 To the rear of the proposed two storey rear extension, a raised decking is proposed. The proposed decking will extend approximately 4m beyond the rear elevation of the proposed development. The proposed raised decking is set approximately 0.6m above the natural land level to the west boundary, and 0.3m above the natural land level of the eastern boundary. The proposed decking is 0.3m below the level of the existing decking.
- 3.9 The conversion of the garage to habitable accommodation is proposed, this would facilitate a utility room and storage area. The footprint of the existing integral garage and original door to the front elevation is retained.
- 3.10 To the front elevation of the host dwelling, a new rooflight is proposed. The existing timber windows to the front elevation are to be retained.
- 3.11 Through discussions with the agent and application, amended plans were received during the course of the application to reduce the width of the first floor rear extension, setting the extended element in from the boundary with No. 56 Clements Road by approximately 3.7m.

4 Consultation

- 4.1 National Grid (Gas): No response received.
- 4.2 Chorleywood Parish Council: Consultation 1: Objection raised

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officers are minded to refuse.

The proposals breach Policy 4.1 of the Chorleywood Neighbourhood Plan as, in the absence of a downstairs bathroom, the property would no longer be suitable for a disabled or older resident with limited mobility.

Overbearing development due to design, with a significant negative impact on 56 Clements Road.

Concern with regard to the 45-degree splay line being breached, particularly considering the bulk and mass of that element of the proposal.

Extending the raised decking will cause significant privacy issues with the neighbouring property.

The scale of the flat roof.

No street scene has been provided.

4.3 Chorleywood Parish Council, Consultation 2: Objection

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officers are minded to refuse.

No amended ground floor plans aligned to the revised design were available on the planning portal at the time of the Committee meeting. As such there is no clarity that the revised plans do not breach Policy 4.1 of the Chorleywood Neighbourhood plan as, in the absence of a downstairs bathroom and bedroom, the property would no longer be suitable for a disabled or older resident with limited mobility.

Extending the raised decking to the rear of the property will cause significant privacy issues with the neighbouring property, particularly bearing in mind the sloping nature of the road.

The proposed extension is overbearing due to the colour and nature of the materials proposed.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so that the comments can be updated to reflect any amendments.

5 Public/Neighbour Consultation

5.1.1 Number consulted: 12.

5.1.2 No of responses received: 2

5.1.3 Site Notice: None Press notice: None.

5.1.4 Summary of responses: 2 Objection comments, 1 supporting comment

Concerns were raised regarding the following:

- *The scale of the proposed extension.*
- *The topography of the site and wider street.*
- *Lack of privacy, overlooking.*
- *Size and location of fenestration.*

- *Height of raised patio.*
- *Loss of light and overshadowing.*
- *Depth of the proposed flat roof.*
- *Appearance, design and materials of proposed rear extension.*
- *Location of mature trees.*
- *Parking, noise and physical disruption during the construction period.*

6 Reason for Delay

6.1 Amended plans received and re-consultation.

7 Relevant Planning Policy, Guidance and Legislation

7.1 National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the National Planning Policy Framework was updated. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area). Relevant chapters include Chapter 2, Chapter 6 and Chapter 7.

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Environment Act (2021).

7.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP3, CP9, CP10, and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following

Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM13 and Appendices 2 and 5.

The Chorleywood Neighbourhood Development Plan (Referendum Version August 2020). Relevant policies include Policies 2 and 4.

8 Planning Analysis

8.1 Design and Impact on the Host Dwelling and Street Scene

- 8.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets.'
- 8.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 8.1.3 With specific regard to the proposed development, the Design Criteria within Appendix 2 of the DMP LDD (2013) sets out guidance for extensions to properties. Generally, extensions must not be excessively prominent, respect the character of the dwelling and street scene and not result in a loss of light to, or overlooking of, neighbours. Furthermore, in relation to single storey rear extensions, the maximum depth in the case of detached dwellings is 4m; in relation to first floor extensions/ two storey extensions, it is advised that development is set in from the boundary by a minimum of 1.2m in terms of size and volume, each proposal will be assessed on its individual merits given the site context.
- 8.1.4 With specific regard to the proposed development, Policy 2 and 4 of the Chorleywood Neighbourhood Development Plan (Referendum Version August 2020) is relevant. Policy 2 sets out that all development should seek to make a positive contribution to the street scene by way of frontage, building line, scale and design. Policy 4 of The Chorleywood Neighbourhood Development Plan (Referendum Version August 2020) sets out that usually, bungalows should not be converted into multi-level dwellings and proposals for such conversions will not be supported. This policy seeks to protect the retention of bungalows to protect the character of the area and to ensure maintenance of the stock of dwellings which meet local needs – to retain a supply of housing suitable for older and disabled people. Clements Road has been identified as a road which falls within the criteria for retention.
- 8.1.5 The application proposes the addition of a modern two-storey rear extension which projects from the existing rear dormer and beyond the existing rear wall. The proposed first floor element of the rear extension would be set down from the ridge of the host dwelling by approximately 0.5m, set in from east flank of the host dwelling by approx. 2.6m, and set in the west flank of the host dwelling by approximately 2.7m. The ground floor element of the proposed extension has a maximum depth of 2.3m which is below the advised depth for detached dwellings (4m) and is recessed marginally from the existing east and west (side) elevations of the host dwelling. By virtue of the location of the proposed two-storey extension to the rear of the host dwelling and the recess from the existing flank walls it is not considered that this would be of detriment to the street scene of Clements Road. The siting of the proposed rear extension ensures that only oblique views of the development would be visible from public vantage points and the proposed rear extension is in accordance with the Design Criteria set out in Appendix 2 of the DMP LDD.

- 8.1.6 Furthermore, whilst concerns have been raised with regard to the material, colour and design of the proposed two-storey rear extension, it is considered that the rear extension is a contemporary addition. Although this element of the proposed development contrasts with some of the traditional features of the existing host dwelling, the juxtaposition creates interest and is not considered incongruous to either the host dwelling or other examples of modern extensions and development within the vicinity. Additionally, the proposed fenestration to the rear elevation is considered to create symmetry between the ground floor and first floor elements which limits the impact of the staggered relationship between ground floor and first floor elements. As such, it is considered that the proposed two storey rear extension would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).
- 8.1.7 To the rear of the proposed extension, a raised decking area is proposed. The proposed decking would extend approximately 4m beyond the rear elevation of the extension. As existing, the host dwelling comprises an area of raised decking which, given its siting, is not readily viewable from the street scene or public vantage points. Given the above, it is considered that the proposed decking is acceptable.
- 8.1.8 To the front roof slope of the host dwelling, an additional rooflight is proposed. A number of rooflights are visible within the street scene, and as such it is not considered that the proposed addition would result in harm.
- 8.1.9 The existing chimney stack to the roof slope is not readily viewable from the street scene or public vantage points, therefore its removal is considered to be acceptable as this would be of minimal impact to the street scene.
- 8.1.10 In regard to Policy 2 of the Chorleywood Neighbourhood Plan, the proposed development would not result in significant alterations to the existing building frontage or impact the existing building line. Whilst the conversion of the garage to habitable accommodation is proposed, the existing garage door to the front elevation will be retained, which retains the symmetry when viewed from the street scene between the host dwelling and the neighbour 56 Clements Road. This neighbouring property as existing mirrors the design and scale of the host dwelling. Furthermore, as above, whilst the proposed rear extension is a modern addition, views of the development would be oblique and would not increase perception of bulk, scale or prominence from the street scene.
- 8.1.11 In addition, it is noted that Chorleywood Parish Council have objected to the proposal for reasons set out in paragraphs 4.2 and 4.3, objections regarding scale and design are considered to be overcome by the amendments received by the LPA, the points raised regarding the raised decking and neighbours will be addressed in the following section. With specific regard to Policy 4 of the Chorleywood Neighbourhood Plan, it is considered that the immediate context of the application site comprises a mixture of bungalows and two-storey dwellings and as such, the proposed development would not be out of character.
- 8.1.12 It is acknowledged that the proposed development would extend the first floor habitable accommodation, however, it is not considered reasonable to refuse the application on these grounds given that the property had been converted to multi-level accommodation prior to the submission of the application – the application merely seeks to extend the existing living space. Furthermore, the proposed development includes a downstairs bedroom and bathroom / shower room, retaining the ability for the property to be used in the future for disabled or elderly residents.
- 8.1.13 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling, street scene or wider area. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013) and

Policies 2 and 4 of the Chorleywood Neighbourhood Plan (Referendum Version August 2020).

8.2 Impact on Neighbours

- 8.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 8.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 8.2.3 A number of concerns have been raised regarding the perceived unneighbourly impact of the proposed two storey rear extension and proposed raised decking. These concerns primarily relate to prominence and scale, reduction to privacy via overlooking and loss of light. Further concerns have been raised regarding parking, noise and physical disruption during the period of construction.
- 8.2.4 The neighbour to the west, 60 Clements Road, is set at a higher land level than the host dwelling and has previously extended to the rear. The rear building line of this neighbouring dwelling extends beyond the depth of the proposed rear extensions. As such, it is not considered that the proposed rear extension would be overly prominent or of detriment to the privacy of this neighbour. Furthermore, given the topography of the site and the lower land level of the host dwelling it is not considered that the proposed raised decking or proposed fenestration to the rear elevation of the host dwelling would result in harm, overlooking or a loss of light.
- 8.2.5 The neighbour set to the east, 58 Clements Road has a similar rear building line to the host dwelling and is set at a lower land level due to the topography of the site. Given the discrepancy in land levels, amended plans were sought to increase the distance between the first floor element of the proposed two storey rear extension and the western site boundary shared with this neighbour. Amended plans were submitted which increase the distance to the boundary to 3.7m; this does not intrude on the 45 degree splay line between the two properties. Furthermore, given the topography of the site, and that the rear amenity areas of the host dwelling and neighbouring properties are north facing, it is not considered that the proposed rear extension would result in a reduction of light to either neighbour. The sun travels from east to west via the south, therefore daylight is considered to be restricted to the rear amenity areas of the host dwelling and neighbouring properties due to the existing dwellings/ built form and this is not considered to be exacerbated by the addition of the two storey rear extension.
- 8.2.6 Given the above, it is considered that the proposed two-storey rear extension overcomes the concerns raised and is acceptable in accordance with Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 8.2.7 With specific regard to concerns raised with respect to the proposed fenestration, whilst the proposal results in a net increase of window area to the rear elevation of the host dwelling, the proposed rear elevation is set beyond the existing rear elevation of the 56 Clements Road and as such it is not considered that overlooking of habitable spaces within the neighbouring property would be facilitated by the proposal. Furthermore, no windows are proposed to either flank and a number of dwellings on Clements Road have completed loft conversions and extensions and Clements Road is characterised by long gardens with far reaching views of the surrounding countryside. As such, it is considered that the proposal would not result in a significant change to the existing site circumstances and therefore it is concluded that it would not be reasonable or appropriate to refuse the application on these grounds.

- 8.2.8 In regard to the proposed raised decking, it is not considered that this would result in overlooking or a reduction in privacy for the western neighbour. The proposed raised decking would have a total depth of 4m beyond the rear elevation of the proposed rear extension. Whilst the topography of the site and varying land levels are acknowledged, the proposed decking would be no higher than the existing decking and would be set in from the boundary with 58 Clements Road by 1.5m. Consequently, when considering the set back of the decking coupled with the existing boundary treatment of hedging and fencing it would not cause any unacceptable impact upon neighbouring privacy levels.
- 8.2.9 In respect to concerns raised regarding parking arrangements, noise and physical disruption during the construction period, an informative regarding the Control of Pollution Act 1974 and restrictions of construction hours/noise will be attached to the permission.
- 8.2.10 Additionally, by virtue of the location of the proposed roof light, it is not considered that this would result in an adverse impact to residential amenity.
- 8.2.11 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring occupier and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 8.3 Biodiversity
- 8.3.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 8.3.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application.
- 8.3.3 In summary, the proposed development is acceptable in accordance with Policy CP9 of the Core Strategy (adopted 2011) and Policy DM6 of the Development Management Policies document (adopted 2013).
- 8.4 Mandatory Biodiversity Net Gain
- 8.4.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).
- 8.4.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.
- 8.5 Trees and Landscaping

8.5.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

8.5.2 Whilst concerns have been raised regarding the location of mature trees, there are no protected trees located on site and no mature trees located within the vicinity of the proposed development. It is acknowledged that an area of protected trees is located adjacent to the rear boundary of the site, however these are located 23m from the rear elevation of the proposed works and as such it is not considered that these would be impacted as a result of the proposal. Therefore, the proposal would be considered to be in accordance with Policy DM6 of the DMP LDD.

8.6 Rear Amenity

8.6.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.

8.6.2 The proposed development would retain approximately 360sqm of rear amenity space which exceeds the indicative level of rear amenity space for a 4 bedroom property, as set out in Appendix 2 of the DMP LDD.

8.7 Highways and parking provision

8.7.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

8.7.2 The proposed development would result in the host dwelling comprising of 4 bedrooms: Appendix 5 advises that a four-bedroom dwelling should have 3 assigned car parking spaces. The proposed conversion of the garage to habitable accommodation would lead to a reduction of 1 parking space. Whilst the proposed conversion of the existing garage to habitable accommodation would result in the loss of 1 parking space, as viewed on site, the proposed development retains provision for 3 parking spaces which meets the guidelines set out in Appendix 5. As such, the proposal is considered acceptable in this regard.

9 Recommendation

9.1.1 That **PLANNING PERMISSION BE GRANTED** subject to the following condition:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1001, 1011, 1101, 1111, 1112, 1311, 1312, 1012, 1002 Rev P2, 1102 Rev P2, 1103 Rev P2, 1113 Rev P2, 1301 Rev P2, 1302 Rev P2.

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013).

C3 Unless specified on the approved plans, all new works or making good to the retained fabric

shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the east and west elevations or roof slopes of the extensions hereby approved.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

9.12 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL)

owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

Chilcote, 58 Clements Road, Chorleywood



Available views of existing dormer from road (above)



Front elevation existing (above)



View of 56 Clements Road from existing raised decking.



Rear garden.



East boundary





PLANNING COMMITTEE – THURSDAY 23RD JANUARY 2025

24/1360/FUL – Construction of pitched roof single storey side extension with accommodation in the roofspace at Solesbridge House, Solesbridge Lane, Chorleywood, Rickmansworth, WD3 5SR

24/1476/LBC – Listed Building Consent: Construction of pitched roof single storey side extension with accommodation in the roofspace at Solesbridge House, Solesbridge Lane, Chorleywood, Rickmansworth, WD3 5SR

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 30.12.24
(Extension of Time: 30.01.2025)

Ward: Chorleywood North and Sarratt
Case Officer: Alannah Stringer

Recommendation:

- 1) That Planning Permission be refused; and,
- 2) That Listed Building Consent be granted.

Reason for consideration by the Committee: The application is brought to Committee as the agent for the application is a Three Rivers District Councillor.

To view all documents forming part of this application please go to the following links:

24/1360/FUL:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SIVUY8QF0FA00>

24/1476/LBC:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SJWBPGQF0F400>

1 Relevant Planning History

- 1.1 24/1316/FUL - Demolition of existing boundary wall; construction of fencing and gate; extension of gravel drive. Permitted November 2024. Not implemented.
- 1.2 24/1317/LBC - Listed Building Consent: Demolition of existing boundary wall; construction of fencing and gate; extension of gravel drive. Permitted November 2024. Not implemented.
- 1.3 04/0721/LBC - Listed Building Consent: Internal alterations to existing dressing room, installation of new drainage. Permitted July 2004.
- 1.4 03/0635/FUL - Conversion of existing garage into habitable accommodation. Permitted June 2003.
- 1.5 03/0636/LBC - Listed Building Consent: Conversion of existing garage into habitable accommodation. Permitted June 2003.
- 1.6 8/114/85 - (Outline) Conversion and extension of barn to form detached dwelling with double garage and erection of detached dwelling with double garage. Refused March 1985.

2 Description of Application Site

- 2.1 The application site is located on the western side of Solesbridge Lane, Chorleywood, adjacent to the junction with the Chess Valley Walk (Public footpath Chorleywood 002) which is set to the east boundary of the site.

- 2.2 Solesbridge Lane has an irregular street scene, comprised of terraced cottages and larger detached dwellings on plots of varying scale.
- 2.3 Neighbouring the host dwelling to the north is Abhishek, a two storey detached dwelling while set to the west of the site is 16 The Readings, a two storey detached dwelling. To the south of the site, on the east side of Solesbridge Lane, are a number of detached properties of varying architectural style set back from the highway with wide access points and extensive hard standing driveways. It is noted that whilst each property on Solesbridge Lane is unique in style, design, plot and placement, the character of Solesbridge Lane is derived from the extensive greening and soft landscaping to the site frontages.
- 2.4 Solesbridge House is a Grade II listed building, of early to mid-17th century origin, which has been subject to alterations and extensions throughout the 19th and 20th centuries. It has a timber frame core, cased and extended in brick, all colour washed and rendered with some sham timber framing. The first floor contains gabled half dormers. To the rear of the original block is a taller early twentieth century wing with casement windows.
- 2.5 Historic England's listing describes Solesbridge House as:
- 'House. Early to mid C17, altered and extended C19 and early C20. Timber frame core, cased and extended in brick, all colourwashed and rendered with some sham timber framing. Tiled roofs. Originally 2 bays. 1 storey and attic. Ground floor 3 and 4 light timber glazing bar casements. First floor gabled half dormers. Right end external C17 stack with offsets and small side light. Left end external stack added. To rear of original block is a taller early C20 wing with casement windows. Set back to left and perhaps reflecting an earlier structure is a low gable fronted entrance bay. Further left a C19 bay, ground floor 4 light casement, first floor 3 light half dormer in sham timber framing. Right end stack. Taller early C20 wing added to rear of this range, sham timber framing. Interior: stop chamfered ground floor binding beam, stop chamfered timber lintel to fireplace, braces to cambered tie beams, queen struts to collars clasping purlins'*
- 2.6 The host dwelling is set to the northeast side of the site, which includes a large garden which wraps around the dwelling from the south to the northeast. The garden is set at varying land levels, and the southeastern aspect of the garden is set at a significantly higher land level than the highway and appears to be set with a retaining wall to the front boundary of the site, which adjoins the original curved brick and stone wall.
- 2.7 The site is accessed via dropped kerb and gated entry off of Solesbridge Lane. There is some facility for pedestrian access.

3 Description of Proposed Development

- 3.1 The two applications seek full planning permission and Listed Building Consent for the construction of a single storey side extension with accommodation in the pitched roof.
- 3.2 The proposed extension would be set to the north side of the host dwelling, adjacent to the northeastern corner of the site and boundary with the Chess Valley Walk. The extension would link to main house by adjoining the existing early 20th century single storey extension, requiring the demolition of the rear elevation of that extension.
- 3.3 The proposed extension has an approximate ridge height of 6m, width 11.5m and depth 5.2m. The proposed extension has a steep gable ended pitched roof, with provision for first floor accommodation / living space and void.
- 3.4 To the north and south facing roof slopes four large conservation rooflights are proposed. To the south facing elevation there would be three large patio doors. The west elevation, facing towards the west side of the garden, is primarily glazed. Within the gabled elevations there would be glazing and a window. All glazing would comprise of anthracite grey timber fenestration.

3.5 The proposed extension is to be finished in black stained feather edge timber cladding, and clay roof tiles to match the existing dwelling. The roof of the existing flat roofed 20th century rear extension is to have sedum planted finish.

3.6 To the west of the proposed extension, adjoining the western elevation an extended patio area is proposed which extends between the proposed extension, existing dwelling and existing single storey extension. The patio area is to be natural stone slabs set on a 50mm sand base over compacted hardcore and would have a total area of approximately 58sqm. No further details have been provided.

4 Consultation

4.1 Chorleywood Parish Council: Comment received:

The Committee had Concerns with this application on the following grounds:

Solesbridge House is a listed building, and the materials used for the proposed extension need to be in keeping with the property. The Parish will defer to the judgement of the Conservation Officer as to the level of harm the use of the proposed materials will cause to the listed building.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so that the comments can be updated to reflect any amendments.

4.2 Conservation Officer: Objection received:

This application is for: Construction of two storey side extension Solesbridge House is a Grade II listed property that dates from the early to mid-seventeenth century and has been altered and extended in the nineteenth and twentieth centuries. It has a timber frame core, cased and extended in brick, all colour washed and rendered with some sham timber framing. The first floor contains gabled half dormers. To the rear of the original block is a taller early twentieth century wing with casement windows.

As a Grade II listed building it contains historic and architectural interest, particularly related to the older/original part of the house. The proposed extension would consist of a one and a half storey extension with roof space accommodation, linking to the northern side of the house. It would link through the location of the existing flat roofed single storey extension.

The extension would measure 6m in height with a width of 12m and a depth of 5m excluding the link element with 8 x rooflights, sliding doors on the side, a glazed gable end on the western elevation and casement windows on the eastern elevation. The property has already been extended with the later elements to the north, which is taller than the original ridge height and also has been extended with a single storey flat roofed extension.

Whilst the proposal would only be attached via a link and appear partially separated, it would increase the degree to which the older elements of the property would be subsumed in later extensions. In addition, the design proposed is not sympathetic to the existing property, due to its height, scale, form and use of rooflights and large paned glazing.

The proposed extension is relatively large and would screen views toward the north elevation of the property. The extension would likely be visible from public views particularly in winter months when it would be less heavily screened.

The proposal would detract from the historic character of the listed building, reducing its legibility and harm its special character and significance. The proposal would fail to preserve or enhance the character and appearance of the listed building, contrary to Sections 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is 'less than substantial' as per

paragraph 215. 'Great weight' should be given to the heritage asset's conservation as per paragraph 212.

4.3 The Society for the Protection of Ancient Buildings (SPAB): Objection received:

Thank you for notifying the Society of the application affecting this grade II listed building. Having carefully reviewed the application documents, we have a number of concerns in relation to the application as it currently stands and must therefore register our objection.

The Heritage Design and Access Statement (HDAS) describes the building in general terms; however, it lacks an assessment/description of the building's significance and details of the age and significance of the fabric that will be affected.

It describes the existing flat roofed extension as 'non historic' and claims that date described within the Historic England Official Listing is incorrect. However, it fails to state a date of construction or to provide evidence to confirm that it is of later construction than described in the listing.

Consequently, we advise that the application immediately fails to meet the requirements of paragraph 200 of the NPPF which states that in determining applications, local authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting.

The HDAS states; 'The character of the rear of the dwelling does not promote the historic nature of the front elevation and is rather a 'clumsy' array of mismatching structures aggressively connected'. This description fails to recognise the buildings historic significance, the evolution of its different architectural forms and the hierarchy of the elevations. These aspects are all essential to the historic character to the asset. The recognition of which should be used to inform the sensitive design of any intervention.

The proposed extension is large and obscures the majority of the north elevation, detracting from the historic character of the listed building and reducing its legibility. this would cause an unacceptable level of harm to the special interest of the heritage asset; therefore, we would not be able to support this intervention.

We believe that it is essential that new extensions take cues from the existing architectural form of a building, responding to its scale, mass and materials. In essence, we believe that new works should be modest, sympathetic, and complementary to the original. They should not compete unduly with the original building nor mimic it.

The HDAS claims that the extension is required to prevent the property from becoming at risk due to high maintenance costs. It is difficult to agree that building an annexe will help to save costs maintaining the historic property. In fact, we would argue that the relocation of all the living accommodation from the historic asset to the modern annexe, increases the risk of the historic property becoming underused and neglected. We therefore do not consider that sufficient justification has been provided for the construction of a large annexe that would outweigh the harm that would be caused to the historic interest of the asset.

Paragraph 206 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

We therefore object to this application as it stands and recommend that it is either refused or withdrawn to allow time for the applicant to provide a more sensitive set of proposals.

4.4 National Grid (Gas): No response received.

5 **Public/Neighbour Consultation**

- 5.1.1 Number consulted: 3
- 5.1.2 No of responses received: 0
- 5.1.3 Site Notice: Posted: 27.08.2024. Expired: 17.09.2024.
- 5.1.4 Press notice: 06.09.2024. Expired: 27.09.2024.

6 Reason for Delay

- 6.1 Committee cycle.

7 Relevant Planning Policy, Guidance and Legislation

7.1 National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the National Planning Policy Framework was updated. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area). Relevant chapters include Chapter 2, Chapter 6 and Chapter 7.

S16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant listed building consent.

S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission.

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Environment Act (2021).

7.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include: DM1, DM3, DM6, DM9, DM13 and Appendices 2 and 5.

The Chorleywood Neighbourhood Plan (Referendum Version August 2020). Relevant policies include: 1 and 2.

8 Planning Analysis

8.1 Design and Impact on the Street Scene and Listed Building (Heritage Asset)

8.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets.'

8.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment or have a significant impact on the visual amenities of the area. As set out Appendix 2, new development should not be excessively prominent in relation to adjacent properties or general street scene and as set out in Policy 2 of the Chorleywood Neighbourhood Plan, any development should lead to a positive contribution to the street scene and be in keeping with the special characteristics of the area.

8.1.3 The application dwelling is a Grade II listed building. Policy DM3 of the Development Management Policies Local Development Document (adopted July 2013) sets out that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets to secure their future protection. Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment. Policy DM3 also outlines that:

b) Listed Buildings

The council will preserve the District's Listed Buildings and will only support applications where:

ii) The extension/alteration would not adversely affect its character as a building of special architectural or historic interest both internally or externally or its wider setting.

8.1.4 Policy 1 of the Chorleywood Neighbourhood Plan states that 'the historic heritage within the plan area will...be conserved, and wherever possible, enhanced through positive action.'

In respect of the listed building consent application, the new contemporary extension would extend from an existing flat roofed single storey side extension which previously served as a modern garage. The conversion of this flat roof extension was permitted by the Local Planning Authority in 2003 via planning permission 03/0635/FUL and listed building consent 03/0636/LBC. Whilst the actual date of the extension is not known, it is evident from site visit observations and the fact that the extension was altered post the grant of the above permissions, that this addition is more than probably a 20th Century addition. Consequently, the use of the current extension to serve a new kitchen, the removal of its rear wall to serve

the new extension, the insertion of a new modern glazed window to the flank elevation and the introduction of a green roof would not have an adverse impact on the listed building's special character. As such, the listed building consent application is acceptable in accordance with S16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990.

- 8.1.5 Notwithstanding, in respect of the application for planning permission for the new extension the Conservation Officer raises an objection given the way in which the proposed extension would subsume the later extensions and its unsympathetic design by virtue of its height, scale, use of rooflights and large paned glazed. The proposed extension would also screen views of the northern elevation of the dwelling. The Conservation Officer summarised that the proposal would detract from the historic character of the listed building, reducing its legibility and harm its special character and significance. Furthermore, The Society for the Protection of Ancient Buildings (SPAB) comments support those provided by the Conservation Officer, stating that the proposed extension would obscure the northern elevation of the listed building. SPAB also note that the Heritage Statement provided lacks sufficient information regarding the significance of the Listed Building and makes claims at odds with the listing by Heritage England that are not substantiated with evidence. This is at odds with Paragraph 213 of the NPPF that requires 'clear and convincing justification' for any harm to the significance of a designated heritage asset.
- 8.1.6 It is considered that the extension would appear excessively prominent in relation to the main dwelling. The proposed extension is set to the north of the site and is adjacent to both the north and east site boundaries with the latter running parallel to the public footpath (Chess Valley Walk). It is considered that the proposed extension given its large scale and mass would likely be visible from public vantage points. Furthermore, the scale of the proposed extension when viewed in conjunction with the existing extensions would when viewed collectively subsume and appear unsympathetic to the existing form of the host dwelling.
- 8.1.7 To exacerbate the extension's scale, the proposed materials, finish and large paned windows would appear incongruous to the character of the existing building. The proposed extension would be finished in black stained feather edge timber cladding with large, panelled windows which are unsympathetic to the historic architectural designs. Given the scale of the extension, the overly modern addition is considered to be excessively prominent and incongruous to the existing dwelling and therefore harmful to the character of the listed building, with the height of the roof exacerbating this dominant appearance thereby significantly altering the character and setting of the listed building. In addition, the proposed extension projects beyond the east flank of the host dwelling which further emphasises its bulk and mass.
- 8.1.8 There would be no issues regarding the new patio area on the setting of the listed building, noting that hard surfacing, in parts, already exists.
- 8.1.9 Notwithstanding the acceptability of the listed building consent, the proposed development by virtue of the scale, design, siting and unsympathetic materials would cause less than substantial harm to the heritage asset, contribute to the erosion of its legibility and harm the special character and significance of the dwelling. As a result, the proposal would fail to preserve or enhance the character and appearance of the listed building, contrary to Sections 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 212 of the NPPF (2024) states that 'great weight should be given to the asset's conservation.' In addition, paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
- 8.1.10 The applicant has stated that they have taken a "stagnant" property which is in danger of remaining empty, and looking to 'breath life' into the house.

8.1.11 No evidence has been submitted which supports the assertion that the property is at risk and moving key family rooms to an extension will potentially have the effect of underutilising the older parts of the house. It is accepted that there is potential scope to alter the former garage extension, however, the extension as proposed in its current form is unacceptable. As such, no public benefits are considered to exist to outweigh the harm identified. The proposed extension is therefore contrary to Policies CP1 and CP12 of the Core Strategy (2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (2013), Policies 1 and 2 of the Chorleywood Neighbourhood Plan (2020) and the NPPF (2024).

8.2 Impact on Neighbours

8.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.

8.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.

8.2.3 Given the location and scale of the proposed works, it is not considered that the residential amenity of adjoining neighbours would be unduly affected by the proposal.

8.2.4 In summary, the proposed development would not result in any adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).

8.3 Biodiversity

8.3.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

8.3.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

8.3.3 A Biodiversity Checklist was submitted with the application which states that biodiversity/ protected species may be impacted as a result of the proposal. However, Hertfordshire Ecology have advised the applicant that an ecological survey/ pre-liminary roost assessment is not required on the basis that no works are proposed for roof/second storey of the host dwelling/ listed building.

8.3.4 Mandatory Biodiversity Net Gain

8.3.5 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a development which is the subject

of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

- 8.3.6 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.

8.4 Trees and Landscaping

- 8.4.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

- 8.4.2 Policy 2 of the Chorleywood Neighbourhood Development Plan sets out that:

Developments must incorporate high quality landscape design and maximise opportunities for greening through planting of trees or hedging and other soft landscaping that contribute to the streetscape and character of the area.

- 8.4.3 The application site is not located within a conservation area, and no trees within or immediately adjacent the site are protected. Whilst trees exist near to the proposed extension, it is considered that in the event of an approval, conditions could be imposed to safeguard the trees.

8.5 Rear amenity

- 8.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.

- 8.5.2 The proposed development would not increase the number of bedrooms and as such there would be no additional requirement for rear amenity space. Whilst the proposed development would result in a reduction of approximately 60sqm of amenity space, the site would retain a minimum of approximately 690sqm of amenity space which exceeds the standards set within Appendix 2 of the DMP LDD. The proposal is therefore considered acceptable in this regard.

8.6 Highways, Access and Parking

- 8.6.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

- 8.6.2 The proposal does not include an increase in bedrooms and no alterations to parking have been included within the proposal. Whilst there is an existing shortfall in parking, the site circumstances are not altered as a result of the proposal and therefore it is not considered reasonable to refuse on these grounds.

9 **Recommendation**

- 9.1 24/1316/FUL:

- 9.1.1 That **PLANNING PERMISSION BE REFUSED** for the following reason:

R1: The proposed single storey side extension with accommodation in the roofspace by virtue of its scale, siting and unsympathetic materials would have an adverse impact on the

special character and significance of the listed building, resulting in less than substantial harm. No public benefits have been demonstrated to outweigh the harm. As a result, the development would fail to preserve or enhance the character and appearance of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (2013), Policies 1 and 2 of the Chorleywood Neighbourhood Plan (2020) and the NPPF (2024).

9.2 Informative:

11 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

9.3 24/1317/LBC:

9.3.1 That **LISTED BUILDING CONSENT BE PERMITTED** subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

C2 Prior to their first installation on site, details (including sections and elevations at scales between 1:20 and 1:1 as appropriate) of proposed new window to be used shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details and shall be permanently maintained as such.

Reason: To prevent the building being constructed in inappropriate materials, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

9.4 Informatives:

11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project

by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The applicant is reminded that the development subject to this grant of Listed Building Consent must be carried out in accordance with the submitted documents including: 2366-SK-100 Rev A; 2366-SK-105 and 2366-SK-101 Rev A.

- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.











This page is intentionally left blank

PLANNING COMMITTEE – THURSDAY 23RD JANUARY 2025

24/1360/FUL – Construction of pitched roof single storey side extension with accommodation in the roofspace at Solesbridge House, Solesbridge Lane, Chorleywood, Rickmansworth, WD3 5SR

24/1476/LBC – Listed Building Consent: Construction of pitched roof single storey side extension with accommodation in the roofspace at Solesbridge House, Solesbridge Lane, Chorleywood, Rickmansworth, WD3 5SR

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 30.12.24
(Extension of Time: 30.01.2025)

Ward: Chorleywood North and Sarratt
Case Officer: Alannah Stringer

Recommendation:

- 1) That Planning Permission be refused; and,
- 2) That Listed Building Consent be granted.

Reason for consideration by the Committee: The application is brought to Committee as the agent for the application is a Three Rivers District Councillor.

To view all documents forming part of this application please go to the following links:

24/1360/FUL:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SIVUY8QF0FA00>

24/1476/LBC:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SJWBPGQF0F400>

1 Relevant Planning History

- 1.1 24/1316/FUL - Demolition of existing boundary wall; construction of fencing and gate; extension of gravel drive. Permitted November 2024. Not implemented.
- 1.2 24/1317/LBC - Listed Building Consent: Demolition of existing boundary wall; construction of fencing and gate; extension of gravel drive. Permitted November 2024. Not implemented.
- 1.3 04/0721/LBC - Listed Building Consent: Internal alterations to existing dressing room, installation of new drainage. Permitted July 2004.
- 1.4 03/0635/FUL - Conversion of existing garage into habitable accommodation. Permitted June 2003.
- 1.5 03/0636/LBC - Listed Building Consent: Conversion of existing garage into habitable accommodation. Permitted June 2003.
- 1.6 8/114/85 - (Outline) Conversion and extension of barn to form detached dwelling with double garage and erection of detached dwelling with double garage. Refused March 1985.

2 Description of Application Site

- 2.1 The application site is located on the western side of Solesbridge Lane, Chorleywood, adjacent to the junction with the Chess Valley Walk (Public footpath Chorleywood 002) which is set to the east boundary of the site.

- 2.2 Solesbridge Lane has an irregular street scene, comprised of terraced cottages and larger detached dwellings on plots of varying scale.
- 2.3 Neighbouring the host dwelling to the north is Abhishek, a two storey detached dwelling while set to the west of the site is 16 The Readings, a two storey detached dwelling. To the south of the site, on the east side of Solesbridge Lane, are a number of detached properties of varying architectural style set back from the highway with wide access points and extensive hard standing driveways. It is noted that whilst each property on Solesbridge Lane is unique in style, design, plot and placement, the character of Solesbridge Lane is derived from the extensive greening and soft landscaping to the site frontages.
- 2.4 Solesbridge House is a Grade II listed building, of early to mid-17th century origin, which has been subject to alterations and extensions throughout the 19th and 20th centuries. It has a timber frame core, cased and extended in brick, all colour washed and rendered with some sham timber framing. The first floor contains gabled half dormers. To the rear of the original block is a taller early twentieth century wing with casement windows.
- 2.5 Historic England's listing describes Solesbridge House as:
- 'House. Early to mid C17, altered and extended C19 and early C20. Timber frame core, cased and extended in brick, all colourwashed and rendered with some sham timber framing. Tiled roofs. Originally 2 bays. 1 storey and attic. Ground floor 3 and 4 light timber glazing bar casements. First floor gabled half dormers. Right end external C17 stack with offsets and small side light. Left end external stack added. To rear of original block is a taller early C20 wing with casement windows. Set back to left and perhaps reflecting an earlier structure is a low gable fronted entrance bay. Further left a C19 bay, ground floor 4 light casement, first floor 3 light half dormer in sham timber framing. Right end stack. Taller early C20 wing added to rear of this range, sham timber framing. Interior: stop chamfered ground floor binding beam, stop chamfered timber lintel to fireplace, braces to cambered tie beams, queen struts to collars clasping purlins'*
- 2.6 The host dwelling is set to the northeast side of the site, which includes a large garden which wraps around the dwelling from the south to the northeast. The garden is set at varying land levels, and the southeastern aspect of the garden is set at a significantly higher land level than the highway and appears to be set with a retaining wall to the front boundary of the site, which adjoins the original curved brick and stone wall.
- 2.7 The site is accessed via dropped kerb and gated entry off of Solesbridge Lane. There is some facility for pedestrian access.

3 Description of Proposed Development

- 3.1 The two applications seek full planning permission and Listed Building Consent for the construction of a single storey side extension with accommodation in the pitched roof.
- 3.2 The proposed extension would be set to the north side of the host dwelling, adjacent to the northeastern corner of the site and boundary with the Chess Valley Walk. The extension would link to main house by adjoining the existing early 20th century single storey extension, requiring the demolition of the rear elevation of that extension.
- 3.3 The proposed extension has an approximate ridge height of 6m, width 11.5m and depth 5.2m. The proposed extension has a steep gable ended pitched roof, with provision for first floor accommodation / living space and void.
- 3.4 To the north and south facing roof slopes four large conservation rooflights are proposed. To the south facing elevation there would be three large patio doors. The west elevation, facing towards the west side of the garden, is primarily glazed. Within the gabled elevations there would be glazing and a window. All glazing would comprise of anthracite grey timber fenestration.

3.5 The proposed extension is to be finished in black stained feather edge timber cladding, and clay roof tiles to match the existing dwelling. The roof of the existing flat roofed 20th century rear extension is to have sedum planted finish.

3.6 To the west of the proposed extension, adjoining the western elevation an extended patio area is proposed which extends between the proposed extension, existing dwelling and existing single storey extension. The patio area is to be natural stone slabs set on a 50mm sand base over compacted hardcore and would have a total area of approximately 58sqm. No further details have been provided.

4 Consultation

4.1 Chorleywood Parish Council: Comment received:

The Committee had Concerns with this application on the following grounds:

Solesbridge House is a listed building, and the materials used for the proposed extension need to be in keeping with the property. The Parish will defer to the judgement of the Conservation Officer as to the level of harm the use of the proposed materials will cause to the listed building.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so that the comments can be updated to reflect any amendments.

4.2 Conservation Officer: Objection received:

This application is for: Construction of two storey side extension Solesbridge House is a Grade II listed property that dates from the early to mid-seventeenth century and has been altered and extended in the nineteenth and twentieth centuries. It has a timber frame core, cased and extended in brick, all colour washed and rendered with some sham timber framing. The first floor contains gabled half dormers. To the rear of the original block is a taller early twentieth century wing with casement windows.

As a Grade II listed building it contains historic and architectural interest, particularly related to the older/original part of the house. The proposed extension would consist of a one and a half storey extension with roof space accommodation, linking to the northern side of the house. It would link through the location of the existing flat roofed single storey extension.

The extension would measure 6m in height with a width of 12m and a depth of 5m excluding the link element with 8 x rooflights, sliding doors on the side, a glazed gable end on the western elevation and casement windows on the eastern elevation. The property has already been extended with the later elements to the north, which is taller than the original ridge height and also has been extended with a single storey flat roofed extension.

Whilst the proposal would only be attached via a link and appear partially separated, it would increase the degree to which the older elements of the property would be subsumed in later extensions. In addition, the design proposed is not sympathetic to the existing property, due to its height, scale, form and use of rooflights and large paned glazing.

The proposed extension is relatively large and would screen views toward the north elevation of the property. The extension would likely be visible from public views particularly in winter months when it would be less heavily screened.

The proposal would detract from the historic character of the listed building, reducing its legibility and harm its special character and significance. The proposal would fail to preserve or enhance the character and appearance of the listed building, contrary to Sections 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is 'less than substantial' as per

paragraph 215. 'Great weight' should be given to the heritage asset's conservation as per paragraph 212.

4.3 The Society for the Protection of Ancient Buildings (SPAB): Objection received:

Thank you for notifying the Society of the application affecting this grade II listed building. Having carefully reviewed the application documents, we have a number of concerns in relation to the application as it currently stands and must therefore register our objection.

The Heritage Design and Access Statement (HDAS) describes the building in general terms; however, it lacks an assessment/description of the building's significance and details of the age and significance of the fabric that will be affected.

It describes the existing flat roofed extension as 'non historic' and claims that date described within the Historic England Official Listing is incorrect. However, it fails to state a date of construction or to provide evidence to confirm that it is of later construction than described in the listing.

Consequently, we advise that the application immediately fails to meet the requirements of paragraph 200 of the NPPF which states that in determining applications, local authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting.

The HDAS states; 'The character of the rear of the dwelling does not promote the historic nature of the front elevation and is rather a 'clumsy' array of mismatching structures aggressively connected'. This description fails to recognise the buildings historic significance, the evolution of its different architectural forms and the hierarchy of the elevations. These aspects are all essential to the historic character to the asset. The recognition of which should be used to inform the sensitive design of any intervention.

The proposed extension is large and obscures the majority of the north elevation, detracting from the historic character of the listed building and reducing its legibility. this would cause an unacceptable level of harm to the special interest of the heritage asset; therefore, we would not be able to support this intervention.

We believe that it is essential that new extensions take cues from the existing architectural form of a building, responding to its scale, mass and materials. In essence, we believe that new works should be modest, sympathetic, and complementary to the original. They should not compete unduly with the original building nor mimic it.

The HDAS claims that the extension is required to prevent the property from becoming at risk due to high maintenance costs. It is difficult to agree that building an annexe will help to save costs maintaining the historic property. In fact, we would argue that the relocation of all the living accommodation from the historic asset to the modern annexe, increases the risk of the historic property becoming underused and neglected. We therefore do not consider that sufficient justification has been provided for the construction of a large annexe that would outweigh the harm that would be caused to the historic interest of the asset.

Paragraph 206 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

We therefore object to this application as it stands and recommend that it is either refused or withdrawn to allow time for the applicant to provide a more sensitive set of proposals.

4.4 National Grid (Gas): No response received.

5 **Public/Neighbour Consultation**

5.1.1 Number consulted: 3

5.1.2 No of responses received: 0

5.1.3 Site Notice: Posted: 27.08.2024. Expired: 17.09.2024.

5.1.4 Press notice: 06.09.2024. Expired: 27.09.2024.

6 Reason for Delay

6.1 Committee cycle.

7 Relevant Planning Policy, Guidance and Legislation

7.1 National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the National Planning Policy Framework was updated. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area). Relevant chapters include Chapter 2, Chapter 6 and Chapter 7.

S16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant listed building consent.

S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission.

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Environment Act (2021).

7.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include: DM1, DM3, DM6, DM9, DM13 and Appendices 2 and 5.

The Chorleywood Neighbourhood Plan (Referendum Version August 2020). Relevant policies include: 1 and 2.

8 Planning Analysis

8.1 Design and Impact on the Street Scene and Listed Building (Heritage Asset)

8.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets.'

8.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment or have a significant impact on the visual amenities of the area. As set out Appendix 2, new development should not be excessively prominent in relation to adjacent properties or general street scene and as set out in Policy 2 of the Chorleywood Neighbourhood Plan, any development should lead to a positive contribution to the street scene and be in keeping with the special characteristics of the area.

8.1.3 The application dwelling is a Grade II listed building. Policy DM3 of the Development Management Policies Local Development Document (adopted July 2013) sets out that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets to secure their future protection. Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment. Policy DM3 also outlines that:

b) Listed Buildings

The council will preserve the District's Listed Buildings and will only support applications where:

ii) The extension/alteration would not adversely affect its character as a building of special architectural or historic interest both internally or externally or its wider setting.

8.1.4 Policy 1 of the Chorleywood Neighbourhood Plan states that 'the historic heritage within the plan area will...be conserved, and wherever possible, enhanced through positive action.'

In respect of the listed building consent application, the new contemporary extension would extend from an existing flat roofed single storey side extension which previously served as a modern garage. The conversion of this flat roof extension was permitted by the Local Planning Authority in 2003 via planning permission 03/0635/FUL and listed building consent 03/0636/LBC. Whilst the actual date of the extension is not known, it is evident from site visit observations and the fact that the extension was altered post the grant of the above permissions, that this addition is more than probably a 20th Century addition. Consequently, the use of the current extension to serve a new kitchen, the removal of its rear wall to serve

the new extension, the insertion of a new modern glazed window to the flank elevation and the introduction of a green roof would not have an adverse impact on the listed building's special character. As such, the listed building consent application is acceptable in accordance with S16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990.

- 8.1.5 Notwithstanding, in respect of the application for planning permission for the new extension the Conservation Officer raises an objection given the way in which the proposed extension would subsume the later extensions and its unsympathetic design by virtue of its height, scale, use of rooflights and large paned glazed. The proposed extension would also screen views of the northern elevation of the dwelling. The Conservation Officer summarised that the proposal would detract from the historic character of the listed building, reducing its legibility and harm its special character and significance. Furthermore, The Society for the Protection of Ancient Buildings (SPAB) comments support those provided by the Conservation Officer, stating that the proposed extension would obscure the northern elevation of the listed building. SPAB also note that the Heritage Statement provided lacks sufficient information regarding the significance of the Listed Building and makes claims at odds with the listing by Heritage England that are not substantiated with evidence. This is at odds with Paragraph 213 of the NPPF that requires 'clear and convincing justification' for any harm to the significance of a designated heritage asset.
- 8.1.6 It is considered that the extension would appear excessively prominent in relation to the main dwelling. The proposed extension is set to the north of the site and is adjacent to both the north and east site boundaries with the latter running parallel to the public footpath (Chess Valley Walk). It is considered that the proposed extension given its large scale and mass would likely be visible from public vantage points. Furthermore, the scale of the proposed extension when viewed in conjunction with the existing extensions would when viewed collectively subsume and appear unsympathetic to the existing form of the host dwelling.
- 8.1.7 To exacerbate the extension's scale, the proposed materials, finish and large paned windows would appear incongruous to the character of the existing building. The proposed extension would be finished in black stained feather edge timber cladding with large, panelled windows which are unsympathetic to the historic architectural designs. Given the scale of the extension, the overly modern addition is considered to be excessively prominent and incongruous to the existing dwelling and therefore harmful to the character of the listed building, with the height of the roof exacerbating this dominant appearance thereby significantly altering the character and setting of the listed building. In addition, the proposed extension projects beyond the east flank of the host dwelling which further emphasises its bulk and mass.
- 8.1.8 There would be no issues regarding the new patio area on the setting of the listed building, noting that hard surfacing, in parts, already exists.
- 8.1.9 Notwithstanding the acceptability of the listed building consent, the proposed development by virtue of the scale, design, siting and unsympathetic materials would cause less than substantial harm to the heritage asset, contribute to the erosion of its legibility and harm the special character and significance of the dwelling. As a result, the proposal would fail to preserve or enhance the character and appearance of the listed building, contrary to Sections 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 212 of the NPPF (2024) states that 'great weight should be given to the asset's conservation.' In addition, paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
- 8.1.10 The applicant has stated that they have taken a "stagnant" property which is in danger of remaining empty, and looking to 'breath life' into the house.

8.1.11 No evidence has been submitted which supports the assertion that the property is at risk and moving key family rooms to an extension will potentially have the effect of underutilising the older parts of the house. It is accepted that there is potential scope to alter the former garage extension, however, the extension as proposed in its current form is unacceptable. As such, no public benefits are considered to exist to outweigh the harm identified. The proposed extension is therefore contrary to Policies CP1 and CP12 of the Core Strategy (2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (2013), Policies 1 and 2 of the Chorleywood Neighbourhood Plan (2020) and the NPPF (2024).

8.2 Impact on Neighbours

8.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.

8.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.

8.2.3 Given the location and scale of the proposed works, it is not considered that the residential amenity of adjoining neighbours would be unduly affected by the proposal.

8.2.4 In summary, the proposed development would not result in any adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).

8.3 Biodiversity

8.3.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

8.3.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

8.3.3 A Biodiversity Checklist was submitted with the application which states that biodiversity/ protected species may be impacted as a result of the proposal. However, Hertfordshire Ecology have advised the applicant that an ecological survey/ pre-liminary roost assessment is not required on the basis that no works are proposed for roof/second storey of the host dwelling/ listed building.

8.3.4 Mandatory Biodiversity Net Gain

8.3.5 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a development which is the subject

of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

- 8.3.6 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.

8.4 Trees and Landscaping

- 8.4.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

- 8.4.2 Policy 2 of the Chorleywood Neighbourhood Development Plan sets out that:

Developments must incorporate high quality landscape design and maximise opportunities for greening through planting of trees or hedging and other soft landscaping that contribute to the streetscape and character of the area.

- 8.4.3 The application site is not located within a conservation area, and no trees within or immediately adjacent the site are protected. Whilst trees exist near to the proposed extension, it is considered that in the event of an approval, conditions could be imposed to safeguard the trees.

8.5 Rear amenity

- 8.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.

- 8.5.2 The proposed development would not increase the number of bedrooms and as such there would be no additional requirement for rear amenity space. Whilst the proposed development would result in a reduction of approximately 60sqm of amenity space, the site would retain a minimum of approximately 690sqm of amenity space which exceeds the standards set within Appendix 2 of the DMP LDD. The proposal is therefore considered acceptable in this regard.

8.6 Highways, Access and Parking

- 8.6.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

- 8.6.2 The proposal does not include an increase in bedrooms and no alterations to parking have been included within the proposal. Whilst there is an existing shortfall in parking, the site circumstances are not altered as a result of the proposal and therefore it is not considered reasonable to refuse on these grounds.

9 **Recommendation**

- 9.1 24/1316/FUL:

- 9.1.1 That **PLANNING PERMISSION BE REFUSED** for the following reason:

R1: The proposed single storey side extension with accommodation in the roofspace by virtue of its scale, siting and unsympathetic materials would have an adverse impact on the

special character and significance of the listed building, resulting in less than substantial harm. No public benefits have been demonstrated to outweigh the harm. As a result, the development would fail to preserve or enhance the character and appearance of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (2013), Policies 1 and 2 of the Chorleywood Neighbourhood Plan (2020) and the NPPF (2024).

9.2 Informative:

- I1 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

9.3 24/1317/LBC:

9.3.1 That **LISTED BUILDING CONSENT BE PERMITTED** subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- C2 Prior to their first installation on site, details (including sections and elevations at scales between 1:20 and 1:1 as appropriate) of proposed new window to be used shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details and shall be permanently maintained as such.

Reason: To prevent the building being constructed in inappropriate materials, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

9.4 Informatives:

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project

by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The applicant is reminded that the development subject to this grant of Listed Building Consent must be carried out in accordance with the submitted documents including: 2366-SK-100 Rev A; 2366-SK-105 and 2366-SK-101 Rev A.

- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.











This page is intentionally left blank

PLANNING COMMITTEE – 23rd January 2025

24/1479/FUL – Demolition of existing dwelling and construction of replacement two storey detached dwelling with accommodation within the roof served by rear dormers at CARTREF, ORMONDE ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2EJ

Parish: Batchworth Community Council
Expiry of Statutory Period: 14.11.2024
(Extension of time agreed to 30.01.2025)

Ward: Moor Park & Eastbury
Case Officer: Tom Norris

Recommendation: To delegate authority to the Head of Regulatory Services to, following the expiry of the consultation period, consider any further comments received and GRANT Planning Permission for the development subject to conditions.

Reason for consideration by the Committee: Called in by three members of the planning committee unless Officers are minded to refuse planning permission, due to plot coverage, siting, and parking provision. Also called in by Batchworth Community Council unless Officers are minded to refuse, due to concerns over siting and plot coverage.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SJWILIQFL8O00>

1 Relevant Planning History

- 1.1 24/0915/CLPD - Certificate of Lawfulness Proposed Development: Construction of single storey rear extension - 05.08.2024 – Permitted, not implemented.
- 1.2 W/1/65 - House and garage - 02.02.1965

2 Description of Application Site

- 2.1 The application site is located on Ormonde Road, Moor Park, which is a short street connecting Wolsey Road with Bedford Road.
- 2.2 The application dwelling is located on the southern side of the road, and is the only house fronting the street on this side.
- 2.3 The site contains a detached dwelling. The dwelling has a gabled roof form, and an exterior finish consisting of facing brick and hanging tile. The dwelling contains a flat roofed attached garage. The application dwelling contains a carriage driveway and a rear amenity garden which measures some 550sqm in area.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the demolition of existing dwelling and construction of replacement two storey detached dwelling with accommodation within the roof served by rear dormers and associated works.
- 3.2 The proposed dwelling would assume a relatively similar position to the current dwelling within the plot. The front site boundary is splayed however the principal front elevation of the new dwelling would be set back 7.8m from the public highway which would be some 1.5m closer to Ormonde Road relative to the principal front elevation of the existing dwelling. The dwelling would be set 24.5m from the highway at its furthest point
- 3.3 The proposed dwelling would have a maximum width of 18.5m and would be spaced 2.3m from the eastern flank boundary and 2.4m from the western flank boundary. The proposed

dwelling would have a principal depth of 10.0m and would have a hipped roof form with an eaves height of 6.0m and an overall height of 10.6m.

- 3.4 There would be a two-storey front gabled projection with bay window to the right side of the dwelling which would project 2.2m forward of the principal front elevation and would have a width of 6.5m. This would have an eaves height of 6.0m and an overall height of 9.4m. There would be a two-storey front projection to the left side of the dwelling which would project 1.0m forward of the principal front elevation and would have a width of 6.0m. This would have a hipped roof form with an eaves height of 6.0m and an overall height of 9.4m.
- 3.5 There would be a two-storey central projection to the rear which would project 1.5m rearward of the principal rear elevation and would have a width of 6.6m. This would have a hipped roof form with an eaves height of 6.0m and an overall height of 9.4m. There would be a ground floor rear projection that would have a depth of 4.0m from the principal rear elevation, a width of 12.0m and would have a flat roof with an overall height of 3.5m.
- 3.6 Within the rear roofslope there would be two pitched roofed dormer windows which would have a depth of 2.0m, a width of 2.0m and a height of 1.8m. There would be a rooflight within the rear roofslope of the central projecting feature.
- 3.7 The dwelling would contain ground and first floor windows within its front, rear and flank elevations. There would be a Juliet balcony within the rear elevation at first floor level.
- 3.8 The proposed dwelling would have an exterior finish consisting of red facing brick, stone detailing and a dark tiled roof.
- 3.9 Amended plans were received during the application which lowered the roof angle of the dwelling; the central feature window in the front elevation was removed and the general quantity of glazing reduced; the Georgian column style porch was removed; the second projecting rear bay was removed; the rear dormers were reduced in scale; the dormer within the central rear projection was replaced with a rooflight; and the rear balcony was removed. The proposal then incorporated more traditional "Arts & Crafts" features such as a two-storey front bay window and gable with a hanging tile finish, and a chimney stack.

4 Consultation

4.1 Statutory Consultation

4.1.1 Conservation Officer: [Objection – to original proposal]

The application site is located within Moor Park Conservation Area. The special architectural and historic interest derives from houses built in the mid twentieth century, many in individually designed Arts and Crafts houses and set back in spacious surroundings, the attractive views along tree lined streets and attractive roads in differing scales.

The application site is not one of the 'original' developments within the planned estate and is an infill development. The submitted Heritage Statement states that it was formed by splitting off rear garden land from 23 Bedford Road. and that it was built in 1965 under consent W/1/65. It is of low historic significance within the estate and makes a neutral contribution to the Conservation Area.

A new dwellinghouse within this plot is considered acceptable in principle in heritage terms. However, there are concerns over the siting, scale, and detailing of the proposal.

As a later infill development, the plot is relatively narrow and the existing dwellinghouse already sits relatively far forward within the site, particularly on the western side due to the irregular shape of the site frontage. The proposal would sit even further forward within the site than the existing, reducing the approximately 10m from the shortest boundary to

approximately 8m. The proposed elevations show a full ridge height of 10.5m, while the existing is approximately 8m. The existing width excluding garage is approximately 13.5m, which would be increased to 18.5m, with the existing depth of approximately 8m excluding porch and garage projection, increased to a full depth of 13.8m or 10.5m excluding the proposed rear projection.

This would create a dwellinghouse that is very large in scale, particularly in width, and the height and bulk would create an overbearing impact, which is exacerbated by the relatively small infill plot. This would result in an unduly prominent addition to the street scene, contrary to the character of the Conservation Area.

While there are a range of designs and scale of dwellinghouses within the wider Conservation Area, the houses on Ormonde Road are asymmetrical in their design and appearance, typical of the arts and crafts style, some with timber detailing. The proposal has a more symmetrical and classical emphasis, particularly in the front porch and central glazed feature at first floor which contrasts / does not reflect the prevailing character and appearance of the Conservation Area. However, it should be noted that the scale and siting is the primary concern; minor changes to the appearance would not overcome this.

The Moor Park Conservation Area Appraisal (CAA) sets out several criteria for development including some relevant considerations in terms of design and scale. Para 3.3 states that to prevent the erosion of open street vistas, residential amenity and the appearance of a street, construction in front of the existing building line is unacceptable. Para 3.4 states that where the width of existing buildings covers 80% or more of the plot width at the building line, further extension towards the boundaries (or upwards) will not be permitted. Para 3.6 states that schemes for replacement houses with deep floor plans or additional floors entailing large overall bulk, height, or more complex roof forms, are unlikely to be sympathetic with the character and appearance of the conservation area and are therefore unacceptable. The proposal would not comply with these development criteria within the CAA.

The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is 'less than substantial' as per paragraph 208. 'Great weight' should be given to the heritage asset's conservation as per paragraph 205.

4.1.2 Batchworth Community Council: [Objection]

Comment 1 (01.10.2024)

BCC has no objection to the application. It is however considered important to ensure that the tree protection plan is fully adhered to in order to protect and retain the existing screening of the site.

Comment 2 (16.10.2024)

Following further consultations with Moor Park 58 Ltd, BCC would now like to raise objections on the following points.

Plan 002 is disingenuous as the 'street scene' shows 58 Wolsey Road and 23 Bedford Road as references for comparative ridge heights. The proposed ridge height of 105.0 (approx 34.6 ft) appears to be disguised on PL002. This plan gives NO reference to either the topography or the context of the proposed dwelling within the actual site.

Moving the frontage forwards and extending the width of the unit creates an overwhelming impact of both height and mass. This is a relatively small plot which is adversely impacted by the excessive flank to boundary width (80%) the reduction of hard standing and parking spaces. The increase to six/seven bedrooms could impact the car parking space. The space will now be inadequate for potentially four or more residents cars and/or visitor parking.

BCC requests a tree replacement schedule is included and an agreed landscaping plan be a pre commencement condition.

BCC requests that this application be called into committee unless officers are minded to refuse.

4.1.3 Moor Park (1958) Ltd: [Objection]

The Directors of Moor Park (1958) Limited do not object to the principle of the proposal for the demolition of the existing 1960s house and its replacement with a dwelling along the lines of the design as proposed.

However, there are aspects of the proposal which are contrary to Policy and have a detrimental effect on the character of the Conservation Area.

Paragraph 3.4 of the Moor Park Conservation Area relates to built frontage width and plot coverage. The current dwelling complies with both requirements having a site coverage of less than 13% and having more than 20% of the site frontage at existing building lines clear of development. However, the proposed development has a wider building than currently exists, increasing the built frontage to over 80% and a site coverage in excess of 20%.

A justification for the increase in the site coverage beyond that set out in MPPCAA appears to be the Certificate of Lawful Development relating to Permitted Development Rights in respect of a single storey rear extension across the back of the existing house. It is accepted that this would allow for a site coverage of the plot in excess of 15% but not to the extent that is now proposed with the site coverage further increased by the increased width of the dwelling.

The siting of the dwelling also raises concerns as it is being proposed to move the house substantially closer to the Ormonde Road. The proposed new dwelling has a substantial increase in bulk across the built frontage, not only due to the increased width but also due to the existing single storey double garage section of the building becoming a two-storey element, resulting in a substantial increase in visual bulk both due to the proximity of the proposed house to the flank boundaries of the property and it being closer Ormonde Road. Accordingly, the increase in the bulk of the building will have a negative impact on the Conservation Area.

Another detrimental impact of moving the house closer to the road is the loss of driveway and parking area. The impact of this can clearly be seen on the plans submitted showing the existing and proposed site plans. This shows the cramped area being formed between the front porch and grassed front area. With the loss of the double garage for parking, together with the loss of driveway parking area, there is a great concern that in conjunction with the increase in the size of the house from a 4 bedroom house to a 6 bedroom (7 if the games room with en-suite bathroom is used as a bedroom) house the green area at the front of the house will come under pressure for additional parking contrary to the Moor Park Conservation Area Appraisal.

The proposal also includes four rooflights in the flank roof elevations, two on the east and two on the west. These are in conflict with the MPPCAA and a policy which has been rigidly enforced by TRDC of late. Two of these are to serve bedrooms which already have rear facing windows and the other two are to serve a plant room and an en-suite bathroom.

Accordingly as the application stands we object to the detail of the proposal and would suggest that the proposed building is reduced in width, both to reduce the excessive site coverage and comply with the built frontage requirement as set out under the Moor Park Conservation Area Appraisal, that the new dwelling is set back so that the front wall of the proposed house is on the line of the existing front wall and is not moved closer to the road

to reduce its impact when viewed from Ormonde Road and assist in providing better car parking.

4.1.4 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 7

4.2.2 Responses received: 0

4.2.3 Site notice posted 20.09.2024, expired 11.10.2024.

4.2.4 Press notice published 27.09.2024, expired 18.10.2024.

4.2.5 Given some material changes to the amended plans, these were reconsulted on for 21 days on 13.01.2025. The date of overall expiry for consultation is 03.02.2025.

5 Reason for Delay

5.1 Committee cycle and for Officers to seek amendments.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

6.1.3 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

6.1.4 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

6.1.5 The Environment Act 2021.

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

6.2.1 In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

6.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

- 6.2.3 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.
- 6.2.4 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP3, CP8, CP9, CP10 and CP12.
- 6.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include Policies DM1, DM3, DM4, DM6, DM10, DM13 and Appendices 2 and 5.
- 6.3 Other
- 6.3.1 Moor Park Conservation Area Appraisal (2006).
- 6.3.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 Planning Analysis

7.1 Principle of Development

- 7.1.1 Policy DM3 of the Development Management Policies Document states that, within Conservation Areas permission for development involving demolition or substantial demolition will only be granted if it can be demonstrated that the structure to be demolished makes no material contribution to the special character or appearance of the area. Section 3.1 of the Moor Park Conservation Area states that the Council will give high priority to retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. As a guide, the Council will seek the retention of buildings on the estate erected up to 1958 when the original estate company was wound up. The Conservation Area Appraisal lists a number of criteria related to the superseded Local Plan (1996-2011) however states that any replacement building must preserve or enhance the Conservation Area.
- 7.1.2 As set out in the planning history section of this report, it is noted that there is a planning history entry (W/1/65) for the construction of a dwelling. It is acknowledged that this post-dates 1958. The Moor Park Conservation Area Appraisal seeks to protect dwellings that make a positive contribution to the character and appearance of the Conservation Area and notes that, generally speaking, these are properties constructed on the estate prior to 1958. The date the existing dwelling was constructed does not meet this criteria.
- 7.1.3 The Conservation Officer confirmed in their comments that the existing dwelling is of low historic significance within the estate and makes a neutral contribution to the Conservation Area and its demolition to make way for a new dwelling is considered acceptable in principle. As such there is no overriding policy requirement for the existing dwelling to be retained and it is considered that the proposed development satisfies the criteria set out in Policy DM3 and the principle of demolishing the dwelling is considered acceptable.

7.2 Impact on Character and Appearance

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.

- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council.
- 7.2.3 The site is located within the Moor Park Conservation Area therefore Policy DM3 of the Development Management Policies LDD (adopted July 2013) is also applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area.
- 7.2.4 The proposed replacement dwelling would be sited at least 2.3m from each flank boundary which would exceed the 1.5 metre policy requirement for flank spacing as set out in the Moor Park Conservation Area Appraisal (the requirements of which are discussed below in more detail). The existing dwelling is sited 2.5m to its eastern side and 2.4m to its western side. The proposed dwelling would therefore be 0.2m closer to the eastern boundary and would be 0.1m further from the boundary on the western side. It is considered that this would not be discernible and the difference is de minimis.
- 7.2.5 The proposed new dwelling would have a higher ridge of some 2.5m relative to the existing dwelling. The dwelling does not sit within a street scene with other dwellings, given that it is the only dwelling on this side of the street fronting Ormonde Road. Notwithstanding, the indicative street scene shows that the overall height of the dwelling would meet the midpoint of the nearest dwellings each side, on Wolsey Road and Bedford Road. On this basis, it is not considered that the proposal would appear overly prominent or dominant as a result of its height. It is noted that the Conservation Officer raises concerns regarding the dwelling being set forward compared with the existing. While this is noted, at 1.5m closer to the street, it is not considered that this would result in the dwelling appearing overly prominent. A relatively substantial set back from the street would be maintained and the spacious character of the frontage and area maintained as a result.
- 7.2.6 It is considered that the proposed rear dormer windows are subordinate in scale to the host roof form and would not appear harmful to the character and appearance of the dwelling or area.
- 7.2.7 It is acknowledged that the Moor Park Conservation Area Appraisal states that planning permission is required for any proposal to construct a rooflight on the front or side elevation of main roofs. Rooflights are considered an incongruous feature of the conservation area and any proposed rooflight visible from the street are unlikely to be acceptable. Given that the proposed rooflight occupies the rear roofslope, it is considered that it would be acceptable. The rooflight will be conditioned to be conservation style. It is considered that the flat roofed design of the rear single-storey projections would be acceptable. This would be obscured from the street scene, and it would be a clearly legible ground floor feature and would not detract from the design of the dwelling.
- 7.2.8 In terms of the individual design, the dwelling would have a relatively traditional appearance. Amendments were sought during the application to reduce the bulk and massing of the dwelling, and to introduce more characterful features. These are set out within the description of development section of this report. The proposed dwelling already proposed the use of traditional materials such as facing brick and dark roof tiles. It is considered reasonable to request final materials although in principle, the traditional materials displayed on the proposed plans are considered to integrate well with the Conservation Area setting. Overall, the proposed design is acceptable and would preserve the character of the Conservation Area.
- 7.2.9 It is also important to consider whether the proposals comply with the planning guidance for Moor Park as set out in the Conservation Area Appraisal (Oct 2006). Key aspects of the Moor Park guidance in relation to this application are the percentage of plot coverage in

area, plot width coverage and distance to the boundaries. The Moor Park Conservation Area Appraisal sets the following guidance:

- Maximum building line width of 80% at the front building line
- Buildings should not cover more than 15% of the plot area.
- 1.5m being kept clear between flank walls and plot boundaries

- 7.2.10 The proposed development would occupy 80% of the plot frontage width which would comply with the above. At least 2.3m would be kept clear between the flank walls and the plot boundaries. The proposed dwelling would result in a plot coverage of 19.5%. The LPA acknowledge that this would exceed the above guidance set out in the Appraisal. While this is noted, it is factored into consideration that the plot is relatively shallow compared with surrounding plots, which reduces its overall area. The proposed development would comply in terms of flank spacing and frontage width. On balance, the proposed development would have an insignificant impact upon the overall plot coverage and would not harmfully impact the open and spacious character of the site and area. Furthermore, it is noted that a Lawful Development Certificate has been granted to confirm the existing dwelling could be extended at the rear under deemed planning permission, and this would amount to a plot coverage of 20%.
- 7.2.11 Considering the above factors relating to the general scale and siting of the proposed dwelling collectively, it is considered that the proposed development would not result in harm to the character of the area in terms of its overall scale and massing and would not represent an overdevelopment of the plot.
- 7.2.12 Whilst the relative scale and appearance of the dwelling is deemed acceptable, as set out above, it is considered reasonable to restrict future permitted development rights to further enlarge the dwelling or amend the approved fenestration without adequate planning control. It is also considered that the removal of permitted development rights for outbuildings would be appropriate in this instance, given the proposed plot coverage of the site, to bring under planning control any further buildings to ensure an assessment can be made against their impact on the character of the area.
- 7.2.13 In summary, the proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), the Moor Park Conservation Area Appraisal (2006) and NPPF (2024).

7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.
- 7.3.2 The proposed development would not intrude the 45-degree splay line with any neighbour given its relatively isolated position. The dwelling is some 30m from the nearest neighbour on Bedford Road and some 50m from the nearest neighbour on Wolsey Road. It is not considered therefore that the proposed development would result in an overbearing impact or a loss of light or outlook to the front or rear window of any adjoining neighbour.
- 7.3.3 The proposed replacement dwelling would contain ground and first floor level glazing within its front, rear and flank elevations. The dwelling would also contain rear dormer windows and a rooflight. It is primarily considered that the proposed windows would not provide a materially different front and rear outlook to that which is achievable currently. It is acknowledged that the introduction of loft level rear glazing would provide an elevated rear outlook however it is not considered that this would be detrimentally harmful to the privacy of any neighbour.

- 7.3.4 It is considered appropriate for the proposed flank windows at first floor level to be conditioned to be obscure glazed and top-level opening only.
- 7.3.5 The proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).
- 7.4 Highways & Parking
- 7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.4.2 The application dwelling would retain a driveway large enough to accommodate at least three car parking spaces which would meet the parking standards. It is acknowledged that the dwelling would be sited some 1.5m closer to Ormonde Road, relative to the principal front elevation of the existing dwelling, however this would not impact the ability of parking or car circulation around the carriage drive within the frontage. This is demonstrated on the proposed block plan, which shows no increase to the area of hardstanding within the front.
- 7.4.3 The proposed development is therefore acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).
- 7.5 Rear Garden Amenity Space
- 7.5.1 Policy CP12 of the Core Strategy states that development should consider the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.5.2 The application site would retain a rear garden of over 500sqm which would exceed the amenity space standards.
- 7.6 Trees & Landscape
- 7.6.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows, and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.
- 7.6.2 There are no TPO trees within the application site however it is acknowledged that the Conservation Area status affords protection to trees. The development proposes the removal of the relatively overgrown conifer hedge to the frontage. It is not considered that the removal of this feature would harm the character and appearance of the street scene. Frontages such as this within the estate tend to be more open in character. The development proposed the removal of three category U trees and two category C trees. The removal of the category U trees is acceptable. It is considered that the proposed removal of the category C trees is acceptable in principle given that they are not of significant amenity value, however they should be replaced. A landscaping condition will be included on any permission granted for details and location of replacement planting. The development will also be conditioned to be carried out in accordance with the tree protection plan.
- 7.7 Refuse & Recycling
- 7.7.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets

out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

7.7.2 The existing dwelling is located within a residential area and the collection of refuse and recycling bins adjacent to the highway would be considered acceptable in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

7.8 Sustainability

7.8.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero-carbon standard (as defined by central government). However, the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.

7.8.2 The application is accompanied by an energy statement prepared by Building Energy Experts. The report confirms that a range of energy efficiency measures are to be incorporated into the building fabric to reduce energy demand and confirms that the proposed scheme is to secure at least a 5% reduction in CO2 emissions below the baseline emission rate based on Part L 2013 edition.

7.9 CIL

7.9.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing. The Charging Schedule sets out that the application site is within 'Area A' within which there is a charge of £180 per sq. metre of residential development.

7.10 Biodiversity

7.10.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.10.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

7.10.3 This application is accompanied by a Bat Emergence Survey Report by Chase Ecological Consultancy. A Preliminary Bat Roost Assessment was carried out in May 2024 which found a small number of bat droppings. Given the evidence of Bats, the PRA recommended that emergence surveys were carried out. Three surveys were carried out between 8 July and 19 August 2024. The surveys did not record any activity of Bats entering or exiting the property. The report concludes that no further surveys are required however a precautionary

approach to works should be taken. The report proposes the incorporation of an integrated bat roost to the east elevation of the proposed dwelling. A condition will be included on any permission requiring the implementation of this.

7.11 Mandatory Biodiversity Net Gain

7.11.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions.

7.11.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to self-build development. The LPA agree that BNG would not apply in this instance.

8 Recommendation

8.1 To delegate authority to the Head of Regulatory Services to, following the expiry of the consultation period, consider any further comments received and GRANT Planning Permission for the development subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC-01 (Location Plan), 6071 PL001 F, 6071 PL002 B, 6071 PL010 B, 6071 PL011 B

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, the character and appearance of the Conservation Area and the residential amenity of neighbouring occupiers in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

C3 Prior to the commencement of works above ground level, samples and details of the proposed external materials and finishes, including details of windows, rooflights and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed only in accordance with the details approved by this condition.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 The protective measures, including protective fencing in accordance with BS 5837:2012 standards, detailed (black line) on the Tree Protection Plan (page 15 of the Tree Condition Report) shall be erected and maintained on site throughout the entire course of the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To prevent damage to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class E – buildings etc

Reason: To ensure adequate planning control over further development having regard to the visual amenities of the locality, the residential amenity of neighbouring occupiers in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 The development hereby permitted shall be implemented in accordance with the details of the energy statement prepared by Building Energy Experts prior to the occupation of the development and shall be permanently maintained thereafter.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

- C7 The development hereby permitted shall be implemented in accordance with the recommendations of the Bat Emergence Survey Report by Chase Ecological Consultancy, including the incorporation of an integrated bat roost to the east elevation of the proposed dwelling, prior to the occupation of the development and shall be permanently maintained thereafter.

Reason: To ensure to ensure that any protected species are safeguarded and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the extensions hereby approved.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C9 Prior to the first use of the dwelling hereby permitted, the windows in the side facing elevations at first-floor level shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the rooms in which the windows are installed and shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C10 Prior to the first occupation of any part of the buildings or completion of the development, whichever is sooner, details of the position and type of replacement trees to be planted within the site to mitigate the proposed tree removal shall be submitted to and approved in writing by the Local Planning Authority. The tree planting shall be carried out as approved before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any trees become severely damaged or diseased within five years of the completion of development, they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e., November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance and landscape character of the area in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C11 No demolition shall take place until a contract has been put in place to secure the redevelopment of the site permitted via planning permission 24/1479/FUL and details of the contract have been submitted to and approved in writing by the Local Planning Authority. The contract shall include details of the timescale for carrying out the approved redevelopment.

Reason: To ensure that the existing dwelling is not demolished without arrangements for the replacement in the interests of the character and appearance of the Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

Informatives

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the district.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Self and Custom Build Development, meaning development which:

- a) consists of no more than 9 dwellings;
- b) is carried out on a site which has an area no larger than 0.5 hectares; and
- c) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

This page is intentionally left blank







This page is intentionally left blank

PLANNING COMMITTEE - Thursday 23rd January 2025

24/1614/FUL – Demolition of existing dwelling and shed and construction of two storey detached dwelling including basement level with swimming pool and accommodation in the roofspace served by rear dormer window and front/side/rear rooflights, side solar panels with associated heatpump, access, bin and bike store, parking and landscaping works and vehicle cross over at 20 Batchworth Lane, Northwood, HA6 3DR

Parish: Batchworth Community Council
Expiry of Statutory Period: 27.12.24
Extension of Time: 31.01.25

Ward: Moor Park and Eastbury
Case Officer: Clara Loveland

Recommendation: That planning permission be granted.

Reason for consideration by the Committee: Batchworth Community Council called in if Officers are minded to approve for the reasons set out at paragraph 4.1.2.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SL2Q0MQFLI700>

1 Relevant Planning History

1.1 23/1875/FUL - Demolition of existing dwelling and shed and construction of two storey detached dwelling including basement level with swimming pool and accommodation in the roofspace served by rear dormer window and front/side/rear rooflights, side solar panels with associated heatpump, access, bin and bike store, parking and landscaping works; erection of rear outbuilding including double garage. Refused, for the following reason (planning committee overturn):

R1 The proposed replacement dwelling, by reason of the large amount of glazing to the front gable, and the increase in height on this prominent corner plot would result in a development which does not respect the character of the area and would have an adverse impact on the street scene. The proposal would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2023).

1.2 23/0395/FUL - Demolition of existing dwelling and construction of replacement dwelling with habitable roof accommodation including front/rear dormers and side rooflights, provision of basement level and rear outbuilding including double garage, new front driveway, heat pumps, solar panels, landscaping works and stopping up of existing access and creation of new access onto Eastbury Road – Refused, for the following reasons:

R1 The proposed replacement dwelling by virtue of its design and corner plot siting, bulk and massing, including the introduction of complex crown roof forms, bulky flank elevations and turret feature, would result in an unduly prominent and incongruous form of development which fails to have regard to the prevailing character of the immediate area, to the detriment of the visual amenities of the locality. The proposal therefore fails to comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

R2 In the absence of an agreed Flood Risk Assessment and drainage strategy that meets the requirements set out in the guidance published by the Lead Local Flood Authority, the Local Planning Authority is not satisfied that the development would be supported

by an acceptable sustainable drainage strategy and is not satisfied that the development would not be subject to unacceptable risk of flooding or not exacerbate risk of flooding elsewhere. The development is accordingly contrary to Policy DM8 of the Development Management Policies LDD (adopted October 2013) and the NPPF (2021, Chapter 14).

- 1.3 22/1745/FUL - Demolition of existing dwelling and replacement new dwelling with habitable roof accommodation including front and rear dormers, basement level linked to rear outbuilding including double garage, new front driveway, landscaping works and stopping up of existing access and creation of new access onto Eastbury Road – Withdrawn.
- 1.4 08/0117/FUL - Two storey side and rear extension, single storey rear extension, conversion of garage into living space, loft conversion with rooflights and detached garage to rear – Permitted.
- 1.5 07/1138/FUL – Two storey side extension and front dormer and two storey rear extensions, conversion of garage into habitable room, single storey rear extension and loft conversion with two rooflights to front, three rooflights to rear and two rooflights to side elevation and erection of a detached rear double garage to rear – Withdrawn.

2 Description of Application Site

- 2.1 The application site is rectangular in shape and contains a detached dwelling located on the southern side of Batchworth Lane, Northwood, on the corner with Eastbury Road. Batchworth Lane is a residential street characterised by detached dwellings of varying architectural styles and designs, many of which have been extended or altered.
- 2.2 The application dwelling is a detached dwelling with an existing integral garage and a cat-slide roof form to the front elevation, with a front dormer serving the first-floor accommodation. The dwelling is finished in white render, mixed red brick and tile hanging, with a front two-storey bay window projection. The dwelling has a dark tiled hipped roof form. There is a carriage driveway to the frontage, with access to Batchworth Lane and Eastbury Road with space for three vehicles. To the rear, a patio area abuts the rear elevation of the host dwelling, leading to an area of lawn and soft landscaping.
- 2.3 The neighbour to the east, number 22 Batchworth Lane, is a two-storey detached dwelling, located close to the shared boundary with the application site. This neighbour is located on the same building line and land level as the host dwelling and extends minimally beyond the existing rear elevation of the host dwelling at ground floor level.
- 2.4 The neighbour to the west, number 18 Batchworth Lane, is separated from the application site by Eastbury Road. High hedging runs along the western boundary of the application site. The neighbour to the south, No. 80 Eastbury Road, is beyond the rear garden of the application site and is a two-storey property.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the demolition of existing dwelling and shed and construction of two storey detached dwelling including basement level with swimming pool and accommodation in the roofspace served by rear dormer window and front/side/rear rooflights, side solar panels, heat pump, access, bin and bike store, parking and landscaping works and vehicle crossover.
- 3.2 The new dwelling would be two stories above ground and have a basement. The ground floor would have a maximum depth of 16.6m and a width of 11.7m. The single-storey element would have a flat roof behind a hipped skirt with a height of 4.6m (measured from the rear elevation). At the first floor, it would have a maximum width of 11.2m and a depth of 14m. The basement would have a width of 12.5m and a depth of 22.3m. The new dwelling

would have a crown roof with a ridge height of 9.2m (measured from the front elevation). The front and rear elevations would be stepped. There would be a two-storey front projection with a gable end roof with a ridge height of 8m. The two-storey rear hip projection would hold the same ridge height as the crown roof. There would be a rear dormer within the rear roof slope. It would have a width of 1.8m, a depth of 1.6m and a flat roof with a height of 1.5m. There would be roof lights within the roof slopes. There would be solar panels on the eastern roof slope.

- 3.3 The dwelling would be finished in brick and render and have clay roof tiles. The new dwelling would have 5 bedrooms.
- 3.4 There would be a patio to the rear of the new dwelling. It would have a depth of 4m beyond the ground floor and stretch across the full plot and wrap around the flanks of the dwelling. It would be of a height in line with the ground floor level. It would be 0.4m above the rear garden below. Beyond the patio would be a rear garden which would include a timber pergola walkway.
- 3.5 Gates would be added on either side of the dwelling providing access to the rear garden.
- 3.6 The existing front access from the driveway onto Eastbury Road would be closed. The existing crossover from Batchworth Lane would be retained and provide provision for 1 vehicle to park. There would be other front site works including landscaping. A new rear access from Eastbury Road is proposed towards the rear of the site. It would be 3.6m wide. There would be new driveway to the rear of the site to provide parking for 2 vehicles. This area would have gates set 6m back from the boundary with Eastbury Road, opening inwards into the driveway area.
- 3.7 The existing vegetation at the site would be removed and replaced with new boundary trees.
- 3.8 There would be 2 air-source heat pumps located beyond the rear patio area, adjacent to the western boundary line.
- 3.9 The Design and Access statement states the changes from refused planning application 23/1875/FUL are:
 - Glazed front gable entrance changed to traditional aesthetic
 - Roof ridge height lowered.
 - Removal of rear annex building
 - Additional drainage detail provided.
- 3.10 On review of the plans pursuant to the refused planning application 23/1875/FUL the following alterations have been identified:
 - Crown roof ridge height lowered by 0.7m, from 9.9m as refused to 9.2m as proposed.
 - Omission of rear annex/garage building.
 - Retention of the front access width (previously refused scheme narrowed the width of this).
 - Traditional design added into the central panel of the front gable (previously refused contained clear glazing).

4 Consultation

4.1 Statutory Consultation

4.1.1 Hertfordshire County Council – Highway Authority – Objection.

“Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

1) Secondary vehicular access: The proposed access arrangements are not in accordance with Hertfordshire County Council specifications as documented in The Place and Movement Planning and Design Guide and Hertfordshire County Council Residential Dropped Kerb Terms and Conditions and has the potential to interfere with the free and safe flow of highway users on the adjacent highway. The proposals are therefore contrary to policy guidelines as outlined in the National Planning Policy Framework (NPPF) and Hertfordshire Local Transport Plan (LTP4).

2) Vehicle Gate setback: The proposed Vehicle access gate is not setback far enough from the back edge of the highway and is therefore not in accordance with design standards outlined within the Place and Movement Planning and Design Guide Part 3 Chapter 7 4.1. A lack of appropriate setback would lead to a vehicle waiting in the carriageway or over the footway for a garage to open, infringing upon Policies 1 and 5 in the Hertfordshire Local Transport Plan (LTP4) and the National Planning Policy Framework (NPPF).

COMMENTS:

Context: Batchworth Lane is an unclassified local distributor road and is highway maintainable at public expense. A 30mph speed limit applies. It is classed as P2/M2 on HCC’s Place and Movement Network. The site also concerns a proposed access off Eastbury Road. Eastbury Road is an unclassified local distributor road subject to a 30mph speed limit and is highway maintainable at public expense. It is classed as P2/M1 on the Place and Movement Network.

Proposal: Demolition of existing dwelling and shed and construction of two storey detached dwelling including basement level with swimming pool and accommodation in the roofspace served by rear dormer window and front/side/rear rooflights, side solar panels with associated heatpump, access, bin and bike store, parking and landscaping works and vehicle cross over

Site History: (Application no. 23/0395/FUL) (Demolition of existing dwelling and construction of replacement dwelling with creation of new access onto Eastbury Road) was previously refused by the highway authority on 25th April 2023. The original highway arrangement was the same as the proposals included within this application (two vehicular accesses). The applicant subsequently submitted amended plans omitting the front Vehicle Crossover (VXO) access (resulting in a single access point on Eastbury Road) and the original refusal from HCC Highways was overturned. The LPA refused the grant of permission for the application on 16th June 2023.

Highway Impact:

Secondary vehicular access: The existing site arrangement enjoys 2no. vehicular access forming a carriage driveway. This arrangement allows vehicles to enter and exit the site in one forward movement. This is the only way in which an additional access is considered acceptable according to

Hertfordshire County Council Residential Dropped Kerb Terms and Conditions. The application proposes to create an additional access from Eastbury Road into the site whilst

removing the existing Eastbury Road access that forms the existing carriage driveway. The proposed additional access would create two separate parking areas at the site, this would be considered excessive and an unnecessary secondary access will create additional disruption to the footway for pedestrians, as well as prioritising vehicle movements from the site, infringing upon policies 1 and 5 of HCC Local Transport Plan (LTP4).

Garage Setback: The proposals include the provision of new vehicular access gates off the Batchworth Lane vehicle crossover access. As stated within The Place and Movement Planning and Design Guide, vehicular gates must be set back a minimum of 6m with inward opening gates. This is to ensure that gates do not overhang the highway and vehicles do not block the footway or carriageway whilst waiting for a garage door to be opened. This arrangement is unacceptable as a vehicle waiting here would interrupt the free flow of pedestrians, infringing upon policy 1 of LTP4.

Conclusion: HCC as the highway authority deems the proposals as having an unacceptable impact on the safe operation of the surrounding highway. The proposals interfere with pedestrian movements along Batchworth Lane and Eastbury Road which is contrary to the road user hierarchy outlined in LTP4 Policy - therefore HCC as the highway authority recommends refusal."

4.1.2 Batchworth Community Council – [Objection, called into committee]

Previous application 22/1745/FUL which was withdrawn. 23/0395/FUL was refused with the decision notice citing two reasons for refusal which we feel have not been fully addressed.

BCC's comments on both previous applications remain applicable to this current application 24/1614/FUL which should also be refused. This remains as an overdevelopment of a small corner plot, which will be detrimental to and overwhelm the existing street scene. It will neither enhance nor conserve the character of the area. All existing trees will be removed and the resulting change in the water demand will also impact on the SUD plans. The plans for coverage of 75% of the plot and subsequent excavations will involve the removal of huge amounts of spoil, impacting on traffic movements during construction, creating stress and nuisance to neighbouring residents for many months during construction.

BCC requests that this application is called into committee unless officers are minded to refuse.

4.1.3 Thames Water – No objection, condition recommended.

"Waste Comments

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) and piling layout plan including all Thames Water wastewater assets, the local topography and clearance between the face of the pile to the face of a pipe has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement and piling layout plan. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact

Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 & 169 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design>

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Swimming Pools - Where the proposal includes a swimming pool, Thames Water requests that the following conditions are adhered to with regard to the emptying of swimming pools

into a public sewer to prevent the risk of flooding or surcharging: - 1. The pool to be emptied overnight and in dry periods. 2. The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/ second into the public sewer network.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant."

4.1.4 Hertfordshire County Council – Lead Local Flood Authority – No response received at time of drafting report. Comments once received will be verbally updated.

4.1.5 National Grid – No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 13. No of responses received: 5 (objections).

4.2.2 Summary of responses:

- Overdevelopment.
- Not in keeping with local area.
- Huge excavation and disruption resulting from the build.
- Removal of substantial foliage and green landscape.
- Big flooding problem. Significant increase in surface water runoff.
- Construction of a very large swimming pool will adversely affect the amenity of the area and quality of life for neighbours.
- Very modern appearance not in keeping with 1930s dwellings.
- The basement walls need to be fully engineer designed and supervised to ensure that ground losses are minimised and not cause problems to adjacent properties.
- There will be 150 lorry loads of spoil. That amount of traffic will need restrictions to not interfere with traffic. Traffic management proposals need to be produced.
- Houses in the vicinity have subsidence. Tree excavation may cause movement.

4.2.3 Site Notice: Not required.

4.2.4 Press notice: Not required.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Environment Act 2021.

6.2 Planning Policy and Guidance

National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM9, DM13 and Appendices 2 and 5.

Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 Planning Analysis

7.1 Overview

- 7.1.1 This application follows a series of refused and withdrawn planning applications. Most recently, application 23/1875/FUL sought planning permission for a similar form of development and was refused on character grounds by the Planning Committee on 29th May 2024 for the following reason:

The proposed replacement dwelling, by reason of the large amount of glazing to the front gable, and the increase in height on this prominent corner plot would result in a development which does not respect the character of the area and would have an adverse impact on the street scene. The proposal would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2023).

7.1.2 The reason for refusal particularly identifies concerns with a) large amount of glazing to the front gable and b) the increase in height on a prominent corner plot.

7.1.3 Since the refused planning application (23/1875/FUL), the following changes have been made and put forward within this committee application:

- Crown roof ridge height lowered by 0.7m, from 9.9m as refused to 9.2m as proposed.
- Traditional design added into the central panel of the front gable (previously refused contained clear glazing).
- Omission of rear annex/garage building.
- Retention of the existing front vehicular to Batchworth Lane (previously refused scheme proposed a narrower width).
- Increased set back position of rear gates to 6m.

7.1.4 The remaining elements of the proposal presented within this report are the same as the previously refused application (23/1875/FUL). It is noteworthy that the proposed ridge height is no higher than the existing ridge line.

7.2 Principle of Development

7.2.1 The application site does not lie within a conservation area and the building is not a Listed or Locally Important Building. As such, there are no overriding policy requirements to retain the existing dwelling. Therefore, the demolition of the existing dwelling is principally considered acceptable, subject to a suitable replacement in accordance with relevant local and national planning policies.

7.3 Design and Impact on Character and Appearance of the host dwelling and wider streetscene.

7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.

7.3.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.

7.3.3 As set out in Appendix 2, new development should not be excessively prominent in relation to adjacent properties or general street scene and should not result in a loss of light to the windows of neighbouring properties nor allow for overlooking.

7.3.4 Appendix 2 also guides, to avoid a terracing effect and maintain appropriate spacing between properties in character with the locality, stating that development at the first-floor level should be set in from flank boundaries by a minimum of 1.2 metres. This distance may be increased in low-density areas or where the development would have an adverse impact

on an adjoining property. Two-storey front extensions will be assessed on their individual merits but should not result in loss of light to windows of a neighbouring property nor be excessively prominent in the street scene. Appendix 2 of the DMP LDD also sets out that with regards to single-storey rear extensions the maximum depth generally considered acceptable to detached dwellings is 4 metres. This distance may be reduced if the extension would adversely affect the adjoining properties or is unduly prominent. In relation to roofs, increases to ridge height will be assessed on their own merits at the time of a planning application. Crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing. As such, they are generally discouraged and more traditional pitched roofs are generally favoured.

- 7.3.5 The new dwelling would be materially larger than the existing dwelling due to its overall scale. The new dwelling would also have a greater footprint (approx. 188 sqm excluding basement footprint) compared with the existing (approx. 99 sqm). However, the new dwelling would be located centrally within the plot and set off both boundaries. At the ground and first floors, it would be some 1.4m to the closest boundary point with no. 22 and 2.2m from the corner boundary point with Eastbury Road. The position of the new dwelling in relation to the flank boundaries would not be dissimilar to the spaces between other dwellings within the wider street, many of which have been extended and altered and are close to the boundary lines. It is therefore considered that the size of the dwelling and its position relative to the plot width and depth would not arise in a terracing effect between the properties, nor would it overwhelm the plot or appear cramped. It is recognised that the front entrance would be 1m forward of the existing front bay window however, for the most part, the new dwelling would also be no further forward than the existing dwelling and would be broadly in line with the immediate adjacent neighbours. In this position, it would also preserve the spacing between the proposed dwelling and the highway reflecting the distance maintained by neighbouring dwellings of a similar scale. Furthermore, the new dwelling would retain a large rear garden. It is also noteworthy that the basement, whilst large in scale, would not be apparent or visible from the wider street or any public vantage points. Therefore, the new dwelling would not appear disproportionate to the application site or wider street, nor would it amount to the overdevelopment of the site.
- 7.3.6 The proposed dwelling would hold a footprint which would noticeably exceed the depth of the existing footprint which has a maximum depth of 11.2m. Compared with the guidance within Appendix 2 which indicates that 4m is generally the maximum depth considered acceptable for single-storey rear extensions, the single-storey element of the replacement dwelling would hold a depth of the equivalent of some 6.1m beyond the existing two-storey rear wall (4.8m from the existing single storey rear extension) Similarly, the first floor of the replacement dwelling would hold a maximum depth of 14m, 4.6m deeper in the plot than the existing dwelling. It is noted that the first floor would be stepped in on the eastern side, set in 2.8m from the eastern flank boundary and as such would extend part way across the rear elevation. Although greater than the existing dwelling, the replacement dwelling would be of appropriate proportions similar to other developments within the wider street, including Nos. 19, 21, 23, and 24 which are within the immediate vicinity of the application site. The proportions are the same as those of the previously refused application. Furthermore, some of the impact of the dwelling, including its bulk and massing, would be alleviated by its ridge height which would be no higher than the existing dwelling (and therefore reduced compared to the previously refused scheme). It is recognised that the roof would be a crown roof which is not favoured. Notwithstanding this, there are several examples of crown roofs within the area including Nos. 21, 23 and 24 within the immediate context of the application site. When accounting for this variety, the inclusion of a crown roof on the replacement dwelling would not be justification for refusal.
- 7.3.7 In terms of design, the replacement dwelling would be of a more modern design than the existing, emphasised by its rendered finish, roof lights, glazing/window profiles and solar panels. Whilst differing in its appearance from most dwellings, it would retain some traditional features such as the front gable projection, plain tiles and some brickwork which

are characteristic of the wider street, reflecting the features of many dwellings. It is also recognised that there are other examples of more modern dwellings such as Nos. 19, 21, 23, and 24. As noted above, the amount of glazing to the front gable has been reduced, with the introduction of a brick panel in the proposal, which further reflects the more traditional features of the design. Given this, and with the acknowledgement that there is some scope for variation within the street, it is therefore considered that the external finish of the dwelling would not amount to detrimental harm to the overall character and appearance of the street.

- 7.3.8 It is recognised that a rear driveway, accessible from Eastbury Road, would be unique to the application site given its corner plot positioning. Notwithstanding this, the driveway access would be read within the immediate street of Eastbury Road. When considering the variety of driveway extents and access along Eastbury Road, the proposed driveway extent would not be wholly out of character. Furthermore, the application plot is of a width and depth which could accommodate a driveway of this size. Furthermore, the front access off Batchworth Lane would be retained.
- 7.3.9 Objections comments raise concern that the proposal would amount to overdevelopment and would not be in keeping with the character and appearance of the street. These comments are noted, and it is recognised the replacement dwelling would be materially larger than the existing dwelling. However, for the reasons given within this report it is the view of Officers that the proposal would not amount to overdevelopment nor would it be of an inappropriate scale or design in the context of the immediate vicinity and wider street scene.
- 7.3.10 It is noteworthy that this scheme has changed from the refused planning application (23/1875/FUL). Key reasons for refusing the previous application included the a) large amount of glazing to the front gable and b) the increase in height on a prominent corner plot. It is important to note that the proposed replacement dwelling within this application would be no higher than the existing dwelling (ie lower than the dwelling previously proposed). Furthermore, the proposed front gable includes a mixture of brick, render and glazing, adding some additional detail. These alterations are considered to have overcome the previous refusal reason. In addition, the rear outbuilding/garage is not included within this scheme which reduces the overall built form at the application site.
- 7.3.11 To secure the material types and design, including colours, as indicated on the plans it is considered reasonable and necessary to secure these by condition.
- 7.3.12 Overall, it is considered that the proposed replacement dwelling would be acceptable and that the previous reason for refusal has been overcome. The proposal would be in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.4 Impact on the amenities of neighbours

- 7.4.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 7.4.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. The Design Criteria states that rear extensions should not intrude into a 45-degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property.

- 7.4.3 Policy DM9 refers to contamination and pollution control. DM9(d) stated that planning permission will not be granted for development which:
- i) Has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development*
 - ii) Has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation; or*
 - iii) Would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not.*
- 7.4.4 The replacement dwelling would be materially larger than the existing dwelling across two stories. Furthermore, the boundary trees/vegetation that provide screening to the site is proposed to be removed and replaced. As such, there would likely be a perceived sense of increased mass. Despite this, the replacement dwelling would be positioned centrally within the plot and set off each boundary. The spacing between the neighbours would be maintained at an appropriate distance (being 1.4m from the boundary with No.22). Furthermore, No.22 has extended to the rear and the replacement dwelling would not intrude the 45-degree splay line when drawn from a point on the shared boundary which indicates that there may be no significant loss of light. This footprint of the replacement dwelling and the relationship with this neighbour remains unchanged from the previous planning application (23/1875/FUL) whereby no concerns were raised regarding the relationship between the replacement dwelling and this neighbour.
- 7.4.5 Although indicative of loss of light, the 45-degree splay line does not account for overbearing or un-neighbourly development. The submitted plans indicate that the ground floor of the replacement dwelling would extend some 4.3m beyond the rear of this neighbour with the first floor being some 4m beyond this neighbour's two-storey rear wall. Whilst this would be a noticeable increase of mass, this neighbour is set in from the boundary line. The replacement dwelling would also be set off the boundary by 1.4 and the rear part of the first floor would be stepped in, set 2.8m from the east flank wall. Furthermore, the dwelling would have a ridge height no greater than the existing one. These factors would mitigate some of the perceived bulk and mass. As such, it is considered that the replacement dwelling would not amount to adverse harm as experienced by this neighbour.
- 7.4.6 Due to the separation distance of No.18 to the west, which is set adjacent to the site on the other side of Eastbury Road, there would be no adverse harm to this neighbour by way of intrusion or loss of light, nor would the replacement dwelling be overbearing.
- 7.4.7 Regarding privacy, the replacement dwelling would have glazing across the front, flank and rear elevations which would primarily have an outlook over the application site. The first-floor flank windows are indicated to be obscurely glazed which would prevent any unacceptable overlooking to No.22. In any instance, a condition would be necessary to secure that these windows be obscurely glazed and top-level opening only. Similarly, given that flank roof lights are proposed, their height above 1.7m from the internal floor level would be necessary to secure by condition to prevent any unacceptable overlooking to No.22 and the submitted plans show that they would exceed this height. Given the separation distance and intervening highway between the replacement dwelling and No.18 it would not be necessary to secure the obscurely and height of the western flank windows.
- 7.4.8 It is noted that the first-floor rear windows, serving the master bedroom and bedroom 2 would be large and located above the flat roof. It is considered necessary to ensure that the rear ground floor roof would not be used as a balcony and access is provided for maintenance only, this would be secured by condition.
- 7.4.9 The proposal also includes a rear patio, set in line with the rear of the dwelling and stepping down to the rear garden. Due to the rear land level changes, which reduce towards the

south, the rear raised patio is considered appropriate to serve the dwelling. However, to ensure that no unacceptable overlooking would arise, details of the patio including a suitable privacy screen along its depth would be necessary to be secured by condition.

- 7.4.10 Two air source heat pumps would be located to the rear of the raised patio, located along the western boundary line (adjacent to Eastbury Road), detached from the new dwelling. The ASHPs would be of a limited scale and would not give rise to any intrusion from its built form. It would also largely be screened from view given it would be located on the western side of the site, set away from the No.22 which is located to the east. The specification documents set out that the ASHP would have an operational noise level of 67 dBA which is comparable to the sound of a normal conversation. This is considered acceptable during the daytime hours however, some concern is raised that this would exceed ambient noise levels at night which could be a disruption to the closest neighbour (no.22). It is recognised some of this impact would be mitigated by the positioning of the ASHPs however, a mitigation strategy would be necessary to ensure that any sound level would not arise in harm. To ensure compliance with Policy DM9(i), it is considered reasonable and necessary to secure noise mitigation/soundproofing by condition prior to the first use of the ASHP to ensure that there would be no noise disruption to the adjacent neighbour. Given the positioning of the ASHPs relative to No.18, it is not considered to have a harmful impact on this neighbour.
- 7.4.11 Overall, subject to conditions, the proposal would accord with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM9 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.5 Rear Garden Amenity Space Provision

- 7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.5.2 The application site would result in the retention of approximately 200 sqm which would be sufficient for the replacement dwelling future occupiers.

7.6 Trees and Landscaping

- 7.6.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.6.2 The application site is not located within the Conservation Area nor are there any protected trees on or near the site.
- 7.6.3 The proposed block plan indicates that the rear garden would be lawned with a patio area abutting the dwelling, and landscaping to the front of the dwelling. It is acknowledged that below part of the rear lawn area would be an attenuation tank required due to the surface water flooding issues in the immediate area. Hardstanding is proposed to the rear of the site, providing parking. The proposed layout is considered appropriate within the context of the area. Whilst it is noted that the existing trees along the boundaries would be removed as part of the proposed development, replacement planting is proposed to the rear along the boundaries of the site, and it is noted that the existing trees are overgrown, and given the proposed replacement planting, it is not considered that the removal of these trees would result in harm in this regard. Given the amount of development proposed at the site, a landscaping condition is proposed to enable further details of proposed soft landscaping to be provided for approval before works take place.

7.7 Sustainability

- 7.7.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However, the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.
- 7.7.2 This application is accompanied by an energy statement prepared by Wires & Wireless Ltd which confirms that the proposed development would exceed the 5% saving set out within Part L (Total saving of 73%). As such the development complies with the requirements of Policy DM4. The submitted energy report set out that this would be achieved with the building fabric as well as air source heat pumps and solar panels. These features are included within proposed plan number 21048 FP4 01.02 REV A and 21048 FP4 01.11.
- 7.7.3 Notwithstanding this, to secure that the energy requirement is met, it is necessary to secure compliance by condition.

7.8 Flood Risk

- 7.8.1 Policy DM8 of the Development Management Policies document outlines that development will only be permitted where it would not be subject to unacceptable risk of flooding; and would not unacceptably exacerbate the risk of flooding elsewhere. Where practicable existing flooding risks should be reduced.
- 7.8.2 The application site is within Flood Risk Zone 1, in respect of flood risk from river, the lowest risk zone. However, the site is in an area at high risk of surface water flooding, with the Lead Local Flood Authority (LLFA) and Environment Agency maps specifically identifying a flooding flow path passing through the rear garden of the site. Given the amount of development proposed, including the creation of basement accommodation and other landscaping changes, despite not being a statutory consultee the LPA have consulted with the LLFA to seek their comments on the proposed development. A Flood Risk Assessment and Drainage Strategy (Aval Consulting Group, October 2024) have been submitted with this application.
- 7.8.3 The Flood Risk Assessment and Drainage strategy report sets out that a new surface water system would be introduced using storage crates. Surface water flows would be controlled via restricted discharge in conjunction with surface water attenuation on site to mitigate against flood risk. This would ensure the development will not increase flood risk elsewhere. Flood resistance and flood mitigation measures are proposed within paragraph 6.10 – 6.19 of the report. These include alterations to the ground levels to provide additional compensatory flood storage capacity, measures to prevent pollution of groundwater/surface water during construction, and the use of construction methods to reduce the chance of any flooding causing structure damage.
- 7.8.4 Thames Water have commented on the proposal and suggested that a piling method statement condition be added to any grant of planning permission. It is also advised that the basement development may require a groundwater risk management permit from Thames Water. Thames Water have provided the applicant with further advice which are necessary to include as informatives.
- 7.8.5 The previous application was accompanied by a Flood Risk Assessment, and the LLFA requested further information. The LPA considered at that time that as no specific problems or shortcomings were identified by the LLFA, that the additional information could be secured by planning condition. Comments from the LLFA are awaited, however the flood risk strategy appears to be similar in principle to that considered as part of the previous planning application, with the use of on-site water storage and measures to restrict water discharge rates. The approach taken as part of the previous planning application is

considered to remain relevant, and therefore it is considered reasonable and necessary to grant planning permission subject to a condition securing details of a surface water drainage scheme to ensure that the final building is designed in a way which considers the constraint resulting from the surface water flow and puts in place sufficient measures to mitigate against any adverse impacts.

7.9 Highways, Access and Parking

7.9.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and dictates that dwellings with four or more bedrooms should provide three off-street parking spaces.

7.9.2 The proposed dwelling would have five bedrooms and as such would require 3 spaces. This application incorporates one parking space to the front, accessible off Batchworth Lane and two parking spaces to the rear of the proposed replacement dwelling on hardstanding, accessible from Eastbury Road. This would accord with the guidance within Appendix 5.

7.9.3 Objection comments from the Highway Officer have been received, raising concerns with the secondary vehicular access and positioning of the rear gates. The Highway Officer considers that two vehicle crossovers would create two separate parking areas at the site which would result in additional disruption to footway pedestrians and is considered excessive. Furthermore, the gates should be set 6m into the site to prevent vehicular hang over onto the footway.

7.9.4 In this case, amended plans received during the application re-positioned the gates to be an inward opening and set 6m back from the footway of Eastbury Road, which would comply with the highway policy. As such, the gates would enable sufficient spacing for a vehicle to wait off the footway and avoid significant disruption. The Highway Officer considers that the secondary vehicle access would cause additional disruption to the highway. Whilst this is noted, it is recognised that the rear access would be onto Eastbury Road whilst the front access would be onto Batchworth Lane. It is considered that the two would unlikely be used in conjunction as to amount to a significant disruption. It is also noted that as existing the site benefits from one vehicular access onto both Batchworth Lane and Eastbury Avenue, and this application would retain that situation, albeit with the Eastbury Avenue access point relocated. Whilst the Highway Officer comments are noted, for these reasons, it is considered that the proposal would not amount to determine or significant harm to the highway network. Any permission for alterations to the dropped kerb would need to be sought from Hertfordshire County Council as Highway Authority, and any grant of planning permission does not imply or infer that works would be consented by the Highway Authority to revise the points of access.

7.9.5 It is noteworthy that as part of the previous planning application (23/1875/FUL) highways officers did not object to a vehicle crossover in the proposed rear positioning given that the previous proposal omitted the front vehicle access point off Batchworth Lane. Furthermore, highways officers did not raise objections to the position of the previously proposed rear garage which was set some 5.5m back from the highway. In this case, the amended plans have set back the gate positioning to 6m, in accordance with the highway policy.

7.9.6 Given the amount of excavation work that would be involved in this proposal, it is considered both reasonable and necessary to include a construction management plan condition to require details in respect of construction activities to be submitted to the LPA for approval before works take place.

7.10 Wildlife and Biodiversity

7.10.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.10.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

7.11 Mandatory Biodiversity Net Gain

7.11.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions.

7.11.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates self-build/custom development.

8 **Recommendation**

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

Time

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

Plans

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 21048 FP4 01.01; 21048 FP4 01.02 REV A; 21048 FP4 01.03. 21048 FP4 01.04; 21048 FP4 01.05; 20148 FP4 01.06; 21048 FP4 01.07; 21048 FP4 01.08; 21048 FP4 01.09; 21048 FP4 01.10; 21048 FP4 01.11.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM4, DM6, DM8, DM9, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

Surface Water Drainage Strategy

C3 Prior to the commencement of the development hereby permitted, a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory

Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability. The scheme should also provide details of the surface water modelling used, and evidence that appropriate resilience and resistance measures have been implemented to not have a detrimental impact on off-site flood risk, and should detail how the SUDS would function if located in an area of flood risk, along with any maintenance requirements. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied and permanently maintained as such thereafter.

Reason: This is a pre-commencement condition to prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

Piling Method Statement

- C4 Prior to any piling taking place on site, a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) and piling layout plan including all Thames Water wastewater assets, the local topography and clearance between the face of the pile to the face of a pipe shall be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must thereafter be undertaken only in accordance with the terms of the approved piling method statement and piling layout plan.

Reason: This is a pre-commencement condition to ensure suitable protection is given to a strategic sewer in close proximity of the application site, given the extent of excavation works proposed in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

Construction Management Plan

- C5 Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
- Construction vehicle numbers, type, routing;
 - Access arrangements to the site;
 - Traffic management requirements;
 - Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
 - Siting and details of wheel washing facilities;
 - Cleaning of site entrances, site tracks and the adjacent public highway;
 - Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;

Reason: This is a pre-commencement condition to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Hard and Soft Landscaping

- C6 Prior to the commencement of the development hereby permitted a scheme of hard and soft landscaping shall be submitted and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This is a pre-commencement condition that is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

External Material Details

- C7 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Obscure first-floor flank windows

- C8 Before the first occupation of the replacement dwelling hereby permitted, the windows at first floor level in the eastern flank elevation (facing No.22) as shown on plan number 21048 FP4 01.11; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Rooflights

- C9 Before the first occupation of the replacement dwelling, the rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Energy Measures

- C10 Before the first occupation of the replacement dwelling, the energy saving and renewable energy measures detailed within the Energy Statement (Wires and Wireless) submitted as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

Vehicular Access

- C11 Before the first occupation of the replacement dwelling hereby permitted, the vehicular access onto Eastbury Road shall be completed and thereafter retained as shown on drawing number 21048 FP4 01.02 REV A in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to first use, appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To minimise danger, obstruction and inconvenience to highway users in the interests of safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013)

Privacy Screening

- C12 Before the first use of the rear patio hereby permitted, details of the privacy screen and fencing to be erected along the flanks of the patio for its entire depth (excluding steps down to garden area) at a height of 1.8m, as measured from the surface of the

rear patio shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted for approval shall include the design (i.e. solid nature) and/or obscurity level (if required) of the screen and fencing.

The privacy screen and fencing as agreed shall be erected prior to the first use of the raised patio in accordance with the approved details, and maintained as such thereafter in terms of its height, obscurity level, design and siting.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Parking Spaces

C13 Before the first occupation of the replacement dwelling hereby permitted, the parking spaces shall be constructed in accordance with the approved plans in **Condition 2**. The parking spaces shall thereafter be kept permanently available for the use of residents and visitors to the site.

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Air Source Heat Pumps

C14 Before the first use of the air source heat pumps hereby permitted as shown on plan number 21048 FP4 01.02 REV A, details of measures for sound mitigation and/or soundproofing including elevations and specification of any enclosure, along with a technical report demonstrating their effectiveness at reducing impacts of noise from the equipment on the amenities of neighbours shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be carried out in accordance with the agreed details prior to the first use of the air source heat pump and shall be permanently retained for the duration of the use.

Reason: To ensure that the residential amenities of adjoining occupiers and of the area generally is protected and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM9 of the Development Management Policies LDD (adopted July 2013).

No Additional Openings

C15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations or roof slopes of the extension hereby approved.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Flat Roof Access

- C16 The rear “inverted flat roof” to the rear of ‘Master Bedroom 1’ and ‘Bedroom 02’ and shown on plan number 21048 FP4 01.03 shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Permitted Development Right Removal

- C17 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof

Class D - erection of a porch

Class E - provision of any building or enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives

I1

With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Self and Custom Build Development, meaning development which:

- a) consists of no more than 9 dwellings;
- b) is carried out on a site which has an area no larger than 0.5 hectares; and
- c) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

- 15 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developerinformation/businesslicences/businesslicences.aspx> or by telephoning 0300 1234047.
- 16 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047
- 17 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
- 18 New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
- 19 If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [trade.affluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section of Thames Water's website.

- I10 There are public sewers crossing or close to your development. If you are planning significant work near Thames Water's sewers, it is important that you minimise the risk of damage. Thames Water will need to check that your development does not limit repair or maintenance activities, or inhibit the services provided in any other way. The applicant is advised to read Thames Water's guide at <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>
- I11 The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

This page is intentionally left blank







This page is intentionally left blank

PLANNING COMMITTEE – THURSDAY 23RD JANUARY 2025

24/1725/FUL - Variation of Conditions 1 (Hours of Operation) and 2 (External Use Hours) pursuant to planning application 12/1452/FUL: To allow the cafe to operate between 08:00 to 22:00 every day at 16 Money Hill Parade, Uxbridge Road, Rickmansworth, Hertfordshire, WD3 7BE

Parish: Batchworth Community Council
Expiry of Statutory Period: 23.12.2024
(Extension of Time: 30.01.2025)

Ward: Rickmansworth Town
Case Officer: Scott Volker

Recommendation: That Planning Permission be approved.

Reason for consideration by the Committee: Part of the application site is under the ownership of the Council.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SM1ZG0QLQH00>

1 Relevant Planning History

- 1.1 06/1972/FUL: Change of use from restaurant (A3) to take away (A5). Permitted, January 2007; implemented.
- 1.2 07/1652/FUL: Demolition of existing public convenience building and erection of two storey side and single storey rear extension to provide new cafe and three self-contained flats and extended restaurant. Refused October 2007 for the following reasons:
- R1 The proposal, by reason of its sighting, would adversely affect the root protection area of the Sycamore tree, and would place undue pressure on the Sycamore to be felled or lopped in the future. This is not in accordance with Policy N15 of the Three Rivers Local Plan 1996-2011.*
- R2 The proposal, by reason of its inadequate parking and access arrangement in terms of residential and restaurant access would create an unacceptable access arrangement for the residential occupants. This is not in accordance with Policies GEN3, T7 and T8 and Appendix 2 of the Three Rivers Local Plan 1996-2011.*
- 1.3 08/0203/FUL: Demolition of existing public convenience building and erection of two storey side and single storey rear extension to provide new cafe (Class A3) and three self-contained flats (Class C3) and extended restaurant (Class A3). Permitted, April 2008 implemented.
- 1.4 11/1731/CLPD: Certificate of Lawful Proposed Development: Proposed use of existing timber decking at the front of the property for table and chairs associated with the proposed cafe (use Class A3). Permitted October 2011; implemented.
- 1.5 12/1452/FUL: Variation of Condition 2 of planning permission 08/0203/FUL to enable cafe to open between the hours of 08.00 and 22.00 every day. Permitted, September 2012.
- 1.6 16/1688/FUL - Replace existing awning with weather resistant covering – Permitted November 2016; implemented.
- 1.7 22/2202/FUL - Variation of Condition 1 (Opening Hours) and Condition 2 (Outdoor seating) of planning permission 12/1452/FUL to enable the indoor use of the cafe between the hours of 08.00 to 23.30 (Monday to Saturday) and 08.00 to 22.00 (Sunday) and outdoor seating

area use between the hours of 08.00 to 22.00 (Monday to Saturday) and 08.00 to 21.00 (Sunday) – Pending Consideration (includes land under ownership of Thrive Homes to south west which is not included in current planning application).

2 Description of Application Site

- 2.1 The application site contains an end of terrace property containing an existing café (Class E(b)) use at ground floor level and an enclosed awning, positioned forward of the premises. The building containing the café includes residential flats (Class C3) above on the first floor and within the roof. The application site is situated on the north-western side of Money Hill Parade, a local shopping parade in Mill End. The parade contains a variety of commercial units.
- 2.2 To the front of the premises is an awning with weather resistant covering to the roof and sides to provide an enclosed dining area. On the left of this is an uncovered external seating area although this does not form part of the application site outlined in red on the submitted Location Plan (but is included within the application site for pending application 22/2202/FUL). The designated highway pavement is situated between the awning and the road edge (Uxbridge Road).
- 2.3 The premises next door 'Pour Me' is a mixed-use unit operating as a Class (E)(a) (restaurant) and Sui Generis (drinking establishment). This unit benefits from an external terrace area. To the west is Moneyhill Court which is a flatted development with communal grounds.

3 Description of Proposed Development

- 3.1 This planning application seeks to vary the wording of both Condition 1 (Hours of Operation) and 2 (External Use Hours) pursuant to planning application 12/1452/FUL to allow the cafe to operate between 08:00 to 22:00 every day.
- 3.2 Conditions 1 and 2 of planning permission referenced 12/1452/FUL state the following:

Condition 1 – Hours

'The use of the café hereby permitted shall not operate other than between the hours of 08.00 – 22.00 Mondays to Saturdays and between 10.00-17.30 on Sundays and Bank Holidays

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policy CP1 of the Core Strategy (adopted October 2011).'

Condition 2 – External Use Hours

'The raised external decked area to the front of the unit shall not be used for any purpose before 08.00 or after 19 00 Monday- Saturdays and shall not be used before 10.00 or after 17.30 on Sundays and Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policy CP1 of the Core Strategy (adopted October 2011).'

- 3.3 This application proposes that the opening hours of the café and the use of the awning enclosure are amended to enable the premises to operate between the hours of 08.00 to 22:00 everyday.
- 3.4 Since the grant of the 2012 planning permission, the external area to the front of the premises has evolved particularly after the grant of application 16/1688/FUL so the specific wording to describe the area to the front of the premises would be changed to refer to an awning enclosure.

4 Consultation

4.1 National Grid (Gas): No response received.

4.2 Batchworth Community Council: BCC discussed and noted this application.

4.3 Environmental Health Officer: No objection

After reviewing the previous conditions, the nature of the location as a busy high street, the addition of covering and the operating hours of other businesses in the vicinity, I have no objections to the proposed extension of operating hours.

5 Public/Neighbour Consultation

5.1.1 Number consulted: 55

5.1.2 No of responses received: 0

5.1.3 Site Notice: None Press notice: None.

6 Reason for Delay

6.1 None.

7 Relevant Planning Policy, Guidance and Legislation

7.1 National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the National Planning Policy Framework was updated. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area). Relevant chapters include Chapter 2, Chapter 6 and Chapter 7.

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Environment Act (2021).

7.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development

Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP1, CP1, CP6, CP9 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM6 and DM9.

The Site Allocations LDD (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Relevant policies include SA4 and Site Ref R(f).

7.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

8 Planning Analysis

8.1 Impact on Neighbours

- 8.1.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM9 of the DMP LDD sets out that the council will refuse planning permission for development which would give rise to disturbance, noise, light, smell, fumes and vibrations unless appropriate mitigation measures are in place. Additionally, in regards to noise pollution DM9 sets out that planning permission will not be granted where development has an unacceptable impact on the indoor or outdoor acoustic environment of existing or planned development.
- 8.1.2 The NPPF promotes economic development and states at Paragraph 85 that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Consequently, there is a balance to be struck between supporting the commercial success of individual businesses and protecting the living conditions of residents within the surrounding area. This is emphasised by Policy CP1 of the Core Strategy (adopted October 2011) which seeks to ensure that all development contributes to the sustainability of the district, by balancing the need to sustain the vitality and viability of centres whilst safeguarding residential amenity.
- 8.1.3 The application site is the last commercial property on this side of Moneyhill Parade, which is a Local Centre, characterised as a relatively large parade of commercial premises either side of a main road, which includes restaurants, bars, takeaways, shops, and services providing both daytime and night-time services to the local community. There are residential units located above a number of the commercial units (including the application site) and also Moneyhill Court which is located approximately 12m from the application site to the west.
- 8.1.4 As previously mentioned, the adjoining premises (15 Moneyhill Parade) is a mixed-use unit operating as a Class (E)(a) (restaurant) and Sui Generis (drinking establishment) known as Pour Me. The opening hours for this premises are 08:00 to 23:30 Monday to Saturday and between 10:00 to 22:00 on Sundays and Bank Holidays. In addition, it benefits from an external seating area which is permitted for use until 22:00 every day (including shutting of

the bi-fold doors). Other nearby establishments operating within the Parade of which their permitted opening and closing hours are as follows:

Address	Permission Reference (if known)	Use (Name)	Mon to Fri (Opening & Closing Times)	Saturday (Opening & Closing Times)	Sunday/Bank Holiday (Opening & Closing Times)
15 Moneyhill Parade	24/1514/RSP	Pour Me	08:00 to 23:30	08:00 to 23:30	10:00 to 22:00
14 Moneyhill Parade	95/0784	Kebab Centre	11:00 to 23:00	11:00 to 02:00	11:00 to 00:00
8 Moneyhill Parade	18/2493/FUL (19/0005/REF)	The Shish Meze Bar	11:30 to 23:00	11:30 to 23:00	11:30 to 23:00
141 Uxbridge Road	8/696/86	Curry Garden	16:30 to 11:30	16:30 to 23:30	14:00 to 22:00
157 Uxbridge Road		Woks Cookin'	17:00 to 22:30 (Tues – Thurs) 12:00 to 13:30 & 17:00 to 23:00 (Fri)	12:00 to 13:30 & 17:00 to 23:00	17:00 to 22:30

- 8.1.5 Currently, Dolce Café (application premises) operates between 08:00 to 22:00 Monday to Saturday and it is only Sundays and Bank Holidays where the hours are reduced to 10:00 - 17:30. This application seeks to vary the hours so it can operate 08:00 to 22:00 every day. The site is located within a commercial parade with multiple other premises open to public, with residential units above and as such, this arrangement is not uncommon. Considering the existing hours of operation on Sundays and Bank Holidays of similar premises locally, and recent permissions granted, it is considered that the Sunday morning opening time should remain at 10:00 but the closing time can be extended to 22:00 to be consistent with the other units on the Parade. The requested hours are not considered to result in an unacceptable level of disruption beyond the existing circumstances. The Environmental Health Officer was consulted on the application and raised no objections to the extension to the closing hours on Sundays and Bank Holidays. In addition, there is no loss of privacy compared to the existing circumstances given that no external changes are proposed.
- 8.1.6 The application also seeks to vary the hours for the use of the covered external seating area located to the front of the premises. Currently this area is restricted for use between 08:00 and 19:00 Monday to Saturdays and 10:00 and 17:30 on Sundays and Bank Holidays. This application seeks to extend the use of the external seating area to 08:00 to 22:00 every day. Of the premises listed in the table above it is only 15 Moneyhill Parade ('Pour Me') which benefits from an external terrace area to the front which is restricted via condition of planning permission 24/1514/RSP for use up to 22:00 every day. It is noted that the front terrace of Pour Me is not enclosed and is therefore its use would be generally dependent on the weather.
- 8.1.7 The external seating area of Dolce Café provides for up to 20 covers and is fully enclosed by a canvas material fitted to a metal frame. The enclosed nature of the external seating area of Dolce Café minimises noise levels early in the morning and at night such that it is not considered that an increase in the hours of the use of the external area would result in demonstrable noise and disturbance. The extension to 22:00 would be consistent with the use of the front terrace area of 'Pour Me' next door. The Environmental Health Officer has also verbally confirmed that they have not received any noise complaints in connection with the current existing use of the external seating area from local residents.

8.1.8 Overall, subject to conditions, it is considered that an extension to the closing hours on Sundays and Bank Holidays and extension to the hours of use of the external seating area would not result in any demonstrable harm to the residential amenities of any of the surrounding neighbouring properties and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD.

8.2 Biodiversity

8.2.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

8.2.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application.

8.2.3 In summary, the proposed development is acceptable in accordance with Policy CP9 of the Core Strategy (adopted 2011) and Policy DM6 of the Development Management Policies document (adopted 2013).

8.3 Mandatory Biodiversity Net Gain

8.3.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value.

8.3.2 The application form states that development is subject to the 'de minimis' exemption as the development is below the threshold by reason that the proposal results in no change to the footprint of the building and therefore it the development is not impacting on 25sq.m of grassland or 5 linear metres of hedgerow. In addition, this S.72 application seeks to vary a planning permission which pre-dated the abovementioned Regulations took effect. Consequently, there is no requirement for biodiversity net gain for this development.

8.4 Conditions

8.4.1 In summary, following an assessment of the application having regard to the site circumstances it is suggested that the opening hours of the premises can be varied to enable the business to operate later on Sundays and Bank Holidays. As such, the suggested opening hours are 08:00 to 22:00 Monday to Saturday and 10:00 to 22:00 on Sundays and Bank Holidays. In addition, it is also suggested that the permitted hours of use of the external covered seating area can also be extended to 08:00 to 22:00 every day.

8.4.2 For ease, a single condition covering the opening hours and external seating area is considered appropriate and thus condition 2 would no longer be required.

9 **Recommendation**

9.1 That PLANNING PERMISSION BE GRANTED subject to the following condition:

- C1 The use of the café and the external covered seating area hereby permitted shall not be open to the public other than between the hours of 08.00 to 22.00 Mondays to Saturdays and between 10.00 to 22.00 on Sundays and Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policy CP1 of the Core Strategy (adopted October 2011).

9.2 **Informatives:**

- I1 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- I2 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development below the de minimis threshold, meaning development which:

- a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.





PLANNING COMMITTEE - Thursday 23rd January 2025

24/1799/RSP - Part Retrospective: Demolition of the existing dwelling and construction of a replacement two-storey detached dwelling with roof accommodation served by roof lights; installation of solar panels and an air source heat pump. Landscaping alterations and rear patio; provision of hardstanding; retention of existing swimming pool; associated cycle and refuse storage at 24 LYNWOOD HEIGHTS, RICKMANSWORTH, HERTFORDSHIRE, WD3 4ED

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 21.01.2025
Agreed Extension: 31.01.2025

Ward: Chorleywood North and Sarratt
Case Officer: Lilly Varnham

Recommendation: That PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee: Called in by three members of the Planning Committee to discuss the impact on neighbouring amenity.

To view all documents forming part of this application please go to the following website:

[24/1799/RSP | Part Retrospective: Demolition of the existing dwelling and construction of a replacement two-storey detached dwelling with roof accommodation served by roof lights; installation of solar panels and an air source heat pump. Landscaping alterations and rear patio; provision of hardstanding and new vehicular crossover; retention of existing swimming pool; associated cycle and refuse storage. | 24 Lynwood Heights Rickmansworth Hertfordshire WD3 4ED](#)

1 Relevant Planning and Enforcement History

- 1.1 23/2022/PDE - Prior Approval: Single storey rear extension (depth 7.86 metres, maximum height 3.74 metres, maximum eaves height 2.98 metres) – No Objection. Not Implemented.
- 1.2 24/0184/FUL - Construction of single storey side/ rear extension; two storey front and side extension; raised rear patio extension; rear juliet balconies and front rooflights; alterations to external materials including timber cladding; internal alterations and alterations to fenestration detail – Permitted.
- 1.3 24/0091/COMP – Enforcement Enquiry - Works not in accordance with 24/0184/FUL: Extent of demolition – Pending Consideration.

2 Description of Application Site

- 2.1 The application site formerly contained a two-storey detached dwelling which has been substantially demolished on Lynwood Heights, Rickmansworth. The dwelling formerly had a dark tiled pitched roof form with an exterior finish consisting of a light mixed brick mix. The dwelling had an integral garage to the side of the dwelling and a front porch canopy.
- 2.2 There was a driveway with off street parking provision for up to three cars. To the rear there is an amenity garden, raised patio and swimming pool. The land levels decrease towards the rear boundary of the site.
- 2.3 The application site is located within an area-wide TPO, TPO125 where all trees are protected. Within the site frontage are two additional TPO trees, TPO145 (Apple) and TPO146 (Apple).
- 2.4 The wider context of Lynwood Heights consists of detached dwellings of varying architectural styles and designs, many of which appear to have been extended or altered.

3 Description of Proposed Development

- 3.1 This application seeks part retrospective planning permission for the demolition of the existing dwelling and construction of a replacement two-storey detached dwelling with roof accommodation served by roof lights; installation of solar panels and an air source heat pump. Landscaping alterations and rear patio; provision of hardstanding; retention of existing swimming pool; associated cycle and refuse storage.
- 3.2 This application follows previously approved planning permission (24/0184/FUL) for a similar development albeit the approved consent was for extensions and not a replacement dwelling. An enforcement investigation (24/0091/COMP) established that works had not been undertaken in accordance with the permission as the existing dwelling had been substantially demolished on site.
- 3.3 The differences between the resultant dwelling approved under 24/0184/FUL and this application are as follows:
- Substantial demolition of the dwelling has occurred at the site compared to the extensions that were approved.
 - Increased ground floor depth beyond the original rear wall from 4m (as approved) to 5.8m (increased to 8.6m along the splayed flank).
 - The height of the replacement dwelling is greater than the pre-existing dwelling. The ridge height of the dwelling would increase by approximately 0.6m above the pre-existing dwelling (taken from the side elevations). No increase in ridge height was approved via 24/0184/FUL.
 - Reduction of the rear patio area to accommodate the increase in ground floor footprint.
 - Single rear roof lantern on the ground floor rear projection broken up into two roof lanterns.
 - Addition of rear roof lights and solar panels.
 - Increased number and size of front rooflights.
 - Introduction of bin and cycle stores within the front and rear gardens respectively.
 - Introduction of hard and soft landscaping within both the front and rear garden, including a pergola structure within the rear garden.
 - Introduction of an air source heat pump, sited at the ground floor level adjacent to No. 22 Lynwood Heights.
 - Change in materials to include the use of a rough cast white render, dark stained vertical slatted cladding, black slate tiles and brickwork.
- 3.4 The remainder of the development remains as previously approved.
- 3.5 The new dwelling would have a maximum ground floor depth of 18.7m and a width of 17.6m. The first floor would have a width of approximately 17.6m and a depth of 11.9m. The dwelling would have a gabled roof with a ridge height of approximately 9.2m, an increase of 0.6m from the pre-existing dwelling. The replacement dwelling would have two front gable projections set down from the ridge, the two would be connected by a cat slide roof and a pitched roof between the two projections. There would be an integral garage to the front elevation at the ground floor level. The rear single storey projection would have a part flat, part pitched roof at a total height of 4m (measured from the height of the pitch). Two roof

lanterns are proposed within the flat section of the roof. The raised patio would be set to the rear of the dwelling, contained within its flanks and set 0.3m above the ground level, this would step down to the garden level on western side. There would be windows across the front and, rear and flanks of the new dwelling with a projecting splayed window and juliet balconies to the first-floor rear elevation.

- 3.6 The replacement dwelling would be finished in a mix of dark stained vertical slatted cladding, a white rough cast render and brick with black slate tiles to the main roof.
- 3.7 A bin store is proposed to the eastern side of the site frontage and a cycle store is proposed to the eastern side within the rear garden.
- 3.8 The existing vehicular access is proposed to be retained onto Lynwood Heights. The submitted Proposed Parking Arrangement Plan [APL-DR-P3-XX-49 REV 3] indicates both hard and soft landscaping within the site frontage with provision for two vehicles, a further two spaces are indicated within the garage. The submitted Landscaping Plan indicates that a mix of hard and soft landscaping is also proposed within the rear garden including a tiled patio around the existing swimming pool, areas of lawn/planting and pavers laid around the lawn.
- 3.9 Amended plans were requested and received during the course of the application, omitting reference to the pergola within the rear garden, and to provide details of the location of the Air Source Heat Pump and its specification and to provide justification for the number of solar panels proposed to the rear roofslope. The second dropped kerb has also been omitted from the proposal following the Highways objection.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 National Grid – [No response received]
- 4.1.2 Chorleywood Parish Council – The Committee had no Objection to this application.
- 4.1.3 Hertfordshire Ecology – Overall Recommendation: Application can be determined with no ecological objections (with any informatives/conditions listed below).

Summary of Advice: • Badger, reptile & nesting bird informative.

Supporting documents:

- Preliminary Ecological Appraisal (Greenspace Ecological Solutions, November 2024).
- Biodiversity elevations. Creating a cleaner, greener, healthier Hertfordshire
- Ecological Enhancements.
- Self-build exemption.

Comments:

I am not aware of any existing species or habitat data for this site. The site comprised (prior to demolition) a residential property, and associated garden habitats. I am aware that most of the building has already been demolished, and planning permission is sought for a replacement dwelling and associated landscaping.

A Preliminary Ecological Appraisal (PEA) has been submitted as part of the application. This was carried out post-demolition, therefore refers to the current structure as being of negligible potential for roosting bats. Although the house is not fully visible from google maps, from what is visible, the roof was in good condition, and I would have considered an offence unlikely, and subsequently would not have advised that a bat survey would be necessary for this building to be demolished.

Animal faeces indicative of a badger was located in the garden. The ecology report has outlined that a badger survey should be undertaken prior to the works commencing. However, given the lack of sett excavating opportunities onsite, I do not consider this survey necessary. Alternatively, I advise the following informative relating to badgers should be added to any permission granted:

“Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped”.

The ecology report outlines that there is very limited reptile habitat onsite. Given the nature of the site, lack of connectivity, and since the site has already been highly disturbed by demolishing the building, I do not consider the mitigation in the report is needed. However, in the unlikely event that reptiles are found during the works, **I advise the following informative should be added to any permission granted:**

“If reptiles are found during the works, they should be left to move safely out of the way on their own accord. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water”.

There is some nesting bird habitat onsite, albeit most looks as if it will be retained. All wild birds, their nests, eggs and young are afforded protection and in general terms it would be an offence to kill, injure or displace breeding birds and their young. **To reduce the risk of an offence being committed a precautionary approach is required and, consequently, I recommend the following Informative is added to any consent:**

“In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not Creating a cleaner, greener, healthier Hertfordshire possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed”.

Ecological enhancements have been included in the development plan, which I endorse.

Biodiversity net gain: In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for biodiversity net gain, which came into effect on 12th February 2024, every grant of planning permission, subject to some exceptions, is to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The biodiversity gain planning condition does not apply in relation to the following exemption which the applicant states the application meets:

Self-Build and Custom Build Applications and consisting of no more than 9 dwellings on a site no larger than 0.5 hectares.

The Ecology Service (LEADS) has not undertaken any scrutiny of the validity of the claimed exemption but taking it on face value in this instance the requirement for mandatory 10% biodiversity gain does not apply.

- 4.1.4 Landscape Officer – No objection, would request a remedial soft landscaping plan once the development has been finished.
- 4.1.5 Hertfordshire County Council Highways – [Initial objection overcome following amendments]

4.1.5.1 Initial comments: [Objection]

Proposal

Part Retrospective: Demolition of the existing dwelling and construction of a replacement two-storey detached dwelling with roof accommodation served by roof lights; installation of solar panels and an air source heat pump. Landscaping alterations and rear patio; provision of hardstanding and new vehicular crossover; retention of existing swimming pool; associated cycle and refuse storage

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reason:

The proposed access arrangements are not in accordance with Hertfordshire County Council specifications as documented in the Residential Dropped Kerbs Policy and has the potential to interfere with the free and safe flow of highway users on the adjacent highway. The proposals are therefore contrary to policy guidelines as outlined in the National Planning Policy Framework (NPPF) and Hertfordshire Local Transport Plan (LTP4).

Comments/Analysis

Description of Proposal

Part Retrospective: Demolition of the existing dwelling and construction of a replacement two-storey detached dwelling

Site and Surroundings

Lynwood Heights is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. As per the Place and Movement Network within the PMPDG, Lynwood Heights is classified as a P2/M1. The site is located in a residential area to the north of Rickmansworth.

Highway Impact

The application proposes to create a vehicular access into the site in addition to the existing dropped kerb access. As per the Residential Dropped Kerbs Policy, secondary residential accesses are not permitted. Any secondary access would be considered as an additional conflict point between highway users and gives priority to vehicles crossing over the footway, infringing upon the highway user hierarchy, and therefore, Policies 1 and 5 of LTP4. Thus, the additional access would not be permitted as it infringes upon LTP4 policies and the Residential Dropped Kerb Policy. It is noted that without the additional access at the site, HCC does not have any concerns relating to the proposed dwelling.

Conclusion

HCC as the Highway Authority have reviewed the supporting documents and drawings and wishes to raise an objection to the application. This is due to highway concerns as the

proposals are contrary to the design standards contained in the Residential Dropped Kerbs Policy and infringes upon Policies 1 and 5 of LTP4.

4.1.5.2 Further comments following amended plans: [No objection]

Proposal

Part Retrospective: Demolition of the existing dwelling and construction of a replacement two-storey detached dwelling with roof accommodation served by roof lights; installation of solar panels and an air source heat pump. Landscaping alterations and rear patio; provision of hardstanding and new vehicular crossover; retention of existing swimming pool; associated cycle and refuse storage

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments/Analysis

Description of Proposal

Part Retrospective: Demolition of the existing dwelling and construction of a replacement two-storey detached dwelling

Site and Surroundings

Lynwood Heights is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. As per the Place and Movement Network within the PMPDG, Lynwood Heights is classified as a P2/M1. The site is located in a residential area to the north of Rickmansworth. The closest bus stop to the site is located approximately 550m from the site and Rickmansworth train station is 1.5km from the site.

Access and Parking

The amended plan, drawing number APL-DR-P3-XX-49 Rev 3, indicates that the proposed secondary access is no longer to be included and the proposed dwelling shall make use of the existing access at the site. Therefore, no highway works are proposed as part of the amended application. The proposed dwelling does not impact upon the available visibility from this access and the dwelling shall not create an appreciable increase in trips using the access.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that four parking spaces are proposed at the site and a turning area has been provided on the driveway. Cycle parking should be made available within the private garden of the dwelling as required.

Refuse and Waste Collection

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location and residents should not carry waste for more than 30m to this location. These distances are unlikely to be exceeded at the site and it is assumed the existing arrangement for the previous dwelling shall be used for the proposed.

Emergency Vehicle Access

In accordance with Manual for Streets Paragraph 6.7, the entirety of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. This is the case at this site with all of the proposed dwelling being within this 45m.

Conclusion

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 9 No of responses received: 4 [3 Objections, 1 Neutral, 2 objection comments received from same resident]

4.2.2 Site Notice / Press Notice: [Not required]

4.2.3 Summary of Responses:

Neutral

Sparrow boxes replaced with more appropriate bird boxes;
4 swift bricks should be required to be integrated into the walls of the new building as these are long lasting and require no maintenance;
If walls already complete, require long life swift boxes to be installed instead;

Such provision will amount to real biodiversity enhancements to the site compared to the present proposals.

Objection(s)

Spacing to boundary less than 1m in parts;

Gap between building line and boundary fence needs to be sufficient distance in keeping with legal requirements;

Will applicant be reminded of their obligations under the Party Wall Act in the event of approval;

Solar panels not in keeping with aesthetics of area;

5 new windows on side elevation facing 22 Lynwood Heights, only 1 is proposed to be obscurely glazed. Anything other than obscure glazing on this side will materially and adversely impact privacy currently enjoyed. Assume same condition will be imposed as under 24/0184/FUL;

Concerns about lack of clarity of location of ASHP, request further clarity on this point and what measures the applicant proposes to minimise noise;

Insist condition imposed under 24/0184/FUL regarding the flat roof not being used as a balcony / terrace for amenity purposes be re-imposed to ensure continued privacy;

If fence/boundary treatment between No. 22 and application site is to be modified would be grateful for input;

Choice of cladding would be more visually in keeping if retained in a natural finish rather than dark staining;

No tree protection for T7 in 19 Spencer Walk as indicated on plans, surely tree needs to be protected so roots are not compromised;

Rear addition now larger and more akin to 23/2022/PDE;

if the fence/ boundary treatment between us and the applicants is to be changed/ modified we would appreciate some input into this please;

Appreciate some adequate sight line provision incorporated to prevent a potential collision from new access;

If the division fence is realigned/replaced between us and no.24 further down the garden we would appreciate an input into this as it was agreed with the applicants a while back that the existing fence is not quite in the correct alignment as the group of TPO'd trees on that boundary line should be wholly within our garden which currently they are not.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Environment Act 2021.

6.2 Planning Policy and Guidance

National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2024 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM9, DM10, DM11, DM13, Appendix 2 and Appendix 5.

Chorleywood Neighbourhood Development Plan (Referendum Version August 2020). Policy 2 is relevant.

Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 Planning Analysis

7.1 Overview

- 7.1.1 The pre-existing dwelling on the site has been substantially demolished, for which planning permission was not given under application 24/0184/FUL. Notwithstanding this, the size, extent, positioning and design of the previously approved extensions carry weight in the assessment of this application as these could have been built out at the site. As highlighted below, in this case, there are no principal requirements for retaining the existing dwelling on the land, and therefore, it is important to consider the size, extent, positioning and design of any new dwelling which is proposed to be put back. The primary differences identified in this application compared with the extensions granted relate to an increase in ground floor depth, an increase in total height, addition of rear solar panels and rooflights, increased size and number of front rooflights, inclusion of a cycle/bin store, hard and soft landscaping alterations, a new vehicular access to the frontage, the introduction of an air source heat pump and alterations to the proposed materials to include the use of a mix of rough cast white render, dark stained vertical slatted cladding, black slate tiles and brickwork.
- 7.1.2 Given that the principle of the remainder of the development has been established via 24/0184/FUL, this application will therefore focus on the different elements of the new dwelling.

7.2 Principle of Demolition

- 7.2.1 The previous planning permission granted extensions to the existing dwelling; however, it has been substantially demolished.
- 7.2.2 The application site does not lie within a Conservation Area and the building was not a Listed or Locally Listed Building. As such, there are no overriding policy requirements to retain the existing dwelling subject to a suitable replacement.

7.3 Design and Impact on the Street Scene

- 7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.
- 7.3.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.3.3 As set out in Appendix 2, new development should not be excessively prominent in relation to adjacent properties or general street scene and should not result in a loss of light to the windows of neighbouring properties nor allow for overlooking.
- 7.3.4 Applications for new development will be assessed on their own merits. In addition to any other policies of the Local Plan which may apply, new development must:
- (i) Not be excessively prominent in relation to adjacent properties or to the general street scene.
 - (ii) Make provision for the appropriate number of car parking spaces and/or garages in accordance with the Council's parking standards.
 - (iii) Respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors, and materials.
 - (iv) Not result in loss of light to the windows of neighbouring properties nor allow overlooking.
- 7.3.5 The guidelines at Appendix 2 also set out that development at first floor level and above should be set in from flank boundaries by a minimum of 1.2 metres. This distance may be increased in low density areas or where development would have an adverse effect on an adjoining property. In high density areas, an absolute minimum of 1 metre will be considered.
- 7.3.6 Appendix 2 of the DMP LDD also sets that increases to ridge height will be assessed on their own merits at the time of a planning application. Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council. Two storey front extensions will be assessed on their individual merits but should not result in loss of light to windows of a neighbouring property nor be excessively prominent in the streetscene. Appendix 2 also sets out that with regards to single storey rear extensions the maximum depth generally considered acceptable to detached dwellings is 4m. This distance may be reduced if the extension would adversely affect the adjoining properties or is unduly prominent.

- 7.3.7 Policy 2 of the Chorleywood Neighbourhood Development Plan sets out that all developments must demonstrate how they are in keeping with, and where possible enhance, the Special Characteristics of Chorleywood, based on a proportionate site and contextual analysis which includes details of the suitability of the site and its location for the development. This neighbourhood plan policy also sets out development proposals should seek to maintain local distinctiveness through the built environment, in terms of buildings and public spaces, and enhance the relationships and linkages between the built and natural environment.
- 7.3.8 As highlighted above, the key differences identified in this application compared with the extensions previously granted relate to an increase in ground floor depth, an increase in total height, addition of rear solar panels and rooflights, increased size and number of front rooflights, inclusion of a cycle/bin store, hard and soft landscaping alterations, a new vehicular access to the frontage, the introduction of an air source heat pump and alterations to the proposed materials to include the use of a mix of rough cast white render, dark stained vertical slatted cladding, black slate tiles and brickwork. These will be considered in turn below.
- 7.3.9 The proposed ground floor of the new dwelling would hold a substantial depth at a maximum of 18.7m. To the rear, this would be some 5.8m (reaching up to 8.6m along the splayed flank wall) beyond the rear wall of the now substantially demolished dwelling. When considering Appendix 2, this would be more than the guidance which considers 4m to generally be an appropriate depth for single storey rear extensions. Furthermore, it would have a part flat, part gabled roof and would have two roof lanterns projecting above the height of the flat roof section which increases its disproportionate nature to some degree. The rear would also have a deep splayed flank wall which would follow the existing splayed boundary with No. 22. The requirement for the extensive splayed wall indicates that the extension would sit awkwardly within the plot. Notwithstanding these factors, due to the positioning of the rear projection, it would not be readily visible from the wider street, with only limited oblique views of it between the application dwelling and No. 19. It would also be read in conjunction with the backdrop of the new two storey dwelling which would be both wider and higher. The plot is also large, and on balance it is concluded that owing to the site circumstances and in view of the approval can accommodate a rear projection of this scale. It is also noted that a ground floor extension of this depth, height and design could have been implemented at the site before the demolition of the dwelling through the prior approval 23/2022/PDE for which some weight can be afforded.
- 7.3.10 The height of the new dwelling is greater than the pre-existing dwelling and the extensions that were approved via 24/0184/FUL. The dwelling would have a ridge height of 9.2m, sitting approximately 0.6m higher than the pre-existing dwelling. The dwelling would remain lower than No. 19 and higher than No. 22. In principle, owing to the spacing maintained and that the general pattern of the street in terms of ridge heights is preserved it is not considered that the height of the new dwelling would detract from the character of the streetscene such to justify a refusal in this regard.
- 7.3.11 The principle of the flank spacing has been established through the application for extensions via 24/0184/FUL. The spacing to the boundaries remains the same as approved, a spacing of 1.2m is retained to both boundaries at first floor level and above. Whilst there is a reduction in spacing where the boundary splays with No. 22 it is acknowledged that the footprint in this regard has already been established and the splay would not be readily visible from the streetscene. Thus appropriate spacing is considered to be maintained and as such it is not considered that the dwelling would appear unduly prominent or incongruous within the streetscene. The front gable projections would remain set down from the ridge line and would be set in from both flanks such that it would be read as a subservient projection to the front of the dwelling. The design and appearance of the dwelling is not considered to give rise to an unduly prominent addition nor appear incongruous within the context of the plot or wider streetscene.

- 7.3.12 The proposed plans indicate that there would be 5 rooflights within the rear roofslope. When viewed in isolation these would be subordinately placed set in from all planes of the roof. These would also not be readily visible from the streetscene and given the proposed width of the roof, it could accommodate the proposed number of rooflights without adding undue clutter. Therefore, the proposed rear rooflights are not considered to detract from the overall character and appearance of the new dwelling or wider street.
- 7.3.13 The proposed plans indicate that the rear roofslope would contain solar panels across its full width and extending full height from eaves to ridge and these would be set around the proposed rear rooflights. Collectively, these would add visual clutter to the rear roofslope and as a result increase its prominence. They would also contribute to an increase in the modernity of the new building. From the elevations submitted the panels would protrude 0.1m from the plane of the roofslope. Justification for the number of solar panels has been provided in the form of a statement produce by Robin Thom (Energy Carbon Specialist) of Sapratings dated 07 January 2025. This justification sets out that each solar panel has an estimated peak capacity of 350 watts. With 40 panels the total installed capacity would be 14,000 watts or c14kWp. The statement sets out that this is essential to meet the projected energy requirements, accounting for daily usage (car charging, cooking, heating) and to charge the 14-kWh battery storage. To conclude the statement sets out that the installation of the panels in a single location would allow for sufficient energy generation, compliance with the Net Zero Carbon Standard and economic and practical advantages due to reduced complexity and costs. Breaking up the array into multiple locations introduces inefficiencies, compromises energy generation, and increases costs and it is therefore recommended to maintain the single location. In view of the above justifications and given that the rear roofslope would not be readily visible from the wider street no objection is raised.
- 7.3.14 The submitted energy report indicates that there would be an air source heat pump. From the original submission the siting and specification of this were unclear. Officers sought amended plans to address this, and it is noted that the ASHP would be sited the ground floor level to the right-hand side of the garage adjacent to the boundary with No. 22 Lynwood Heights. Owing to the set back from the front elevation and the highway and the overall limited scale of the Air Source Heat Pump it is not considered that this would give rise to demonstrable harm to the character or appearance of the dwelling given its limited visibility. Amenity considerations are discussed below.
- 7.3.15 The number of front rooflights have also increased, however these are considered to be proportionately spaced within the roofslope and given the overall width of the roof are not considered to clutter the roof or increase the prominence of the dwelling within the streetscene to an unacceptable degree.
- 7.3.16 The plans for the replacement dwelling also include provision for a bin store and a cycle store. The bin store would be located within the site frontage on the boundary with No. 19. This would have a total height of approximately 1.6m, a depth of 1m and a width of 2.7m. Whilst visible from the site frontage, it would remain set back from the front boundary by approximately 6m, and would be set amongst proposed hedgerow planting. Given its overall limited scale, it is not considered that this would detract from the character of the area. The proposed cycle store would be set within the rear garden of the site, this would have a total height of 1.5m, a depth of 1.1m and a width of approximately 1.9m. This would be set back from the side access gate by some 11m and given its limited scale is not considered to be visible from the wider street.
- 7.3.17 Based on the plans it is understood that the new dwelling will be finished in a mix of a rough cast white render, brick, dark stained vertical slatted cladding and black slate tiles. Whilst retaining some traditional materials/features, such as the render and brick the new dwelling would appear more modern in its design and appearance within the street. It is acknowledged that the wider street contains dwellings with varied materials and therefore there is some scope for a different approach for the new dwelling. It is also noted that the more modern materials would largely be contained to the rear, with the exception of some

cladding detailing to the front which would not be as readily visible from the streetscene. Whilst the plans have been annotated with the proposed materials the exact specification of render, cladding, brick and tiles remain unclear and in the event permission were to be granted these details would be secured by way of condition.

- 7.3.18 Whilst some details of hard and soft landscaping have been provided including to both the front and rear of the site, the details of materials remain unclear, therefore in the event permission were to be granted these details would be secured by way of condition.
- 7.3.19 The dwelling would utilise the existing vehicular access from Lynwood Heights and as such no objections are raised in this regard.
- 7.3.20 In summary, subject to conditions the proposed development would not result in any adverse harm to the character or appearance of the streetscene or area. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013) and Policy 2 of the Chorleywood Neighbourhood Plan (2020).

7.4 Impact on amenity of neighbours

- 7.4.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 7.4.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.4.3 As highlighted above, the key differences identified in this application compared with the extensions previously granted relate to an increase in ground floor depth, increase in total height, addition of rear solar panels and rooflights, increased size and number of front rooflights, inclusion of a cycle/bin store, hard and soft landscaping alterations, a new vehicular access to the frontage, the introduction of an air source heat pump and alterations to the proposed materials to include the use of a mix of rough cast white render, dark stained vertical slatted cladding, black slate tiles and brickwork. These will be considered in turn below.
- 7.4.4 On the side closest to No. 19, the proposed ground floor would extend up to 5.5m deeper than the rear wall of the now substantially demolished dwelling. This would be beyond the guidance set out in Appendix 2 of the DMP LDD. Although greater, it is acknowledged that this neighbour is set slightly further back within its plot and benefits from a rear conservatory. Compared to the built form of this neighbour, it is not considered that the additional 1.5m beyond the guidance would give rise to harm when considering intrusion or loss of light to the occupiers of this neighbouring dwelling. In addition, the dwelling would remain set off the shared boundary with No. 19 by approximately 2.5m which would further reduce the impact on this neighbouring occupier. When considering the impact on No. 22, the ground floor would extend well beyond the rear of this neighbour. However, the extension would be set off the joint boundary and would follow the existing splayed boundary line, such that it would extend away from this neighbour. At its minimum it would maintain 1.2m from the boundary which increases as the boundary splays to a maximum separation distance of approximately 1.9m. The extension on this side would have a flat roof which would also reduce its overall prominence in relation to this neighbouring dwelling. It is also noted that a ground floor extension of this depth, height and design could have been implemented at the site before the demolition of the dwelling through the prior approval 23/2022/PDE for which some weight can be afforded when considering the depth of the rear projection and its impact on neighbouring amenity. As such, it is not considered that this element would

give rise to harm when considering intrusion or loss of light to the occupiers of this neighbouring dwelling

- 7.4.5 The height of the new dwelling is greater than the pre-existing dwelling and the extensions that were approved via 24/0184/FUL. The dwelling would have a ridge height of 9.2mm, sitting approximately 0.6m higher than the pre-existing dwelling. As no increase in ridge height was approved under the previously consented application the replacement dwelling would also be 0.6m higher than the approved scheme for extensions. The dwelling would remain lower than No. 19 and higher than No. 22. In principle, owing to the spacing maintained and that the general pattern of the street in terms of ridge heights is preserved it is not considered that the height of the new dwelling would result in demonstrable harm to the residential amenities of the occupiers of either neighbouring dwelling.
- 7.4.6 The number of solar panels within the rear roofslope appears extensive and would be visible from each neighbour's perspective to some degree. Given that the dwelling itself maintains sufficient spacing to the boundaries, the projection of the panels from the roofslope would be limited and thus it is not considered that this would give rise to an overbearing form of development or harmful loss of light to the occupiers of either neighbouring dwelling such to justify a refusal in this regard.
- 7.4.7 The rear rooflights would be set in from the flanks and have a rear-facing outlook. Any outlook would be directed towards the rear garden of the application site. Whilst the internal floor height which these rooflights will be positioned is not clear, the outlook to neighbouring sites would be at an angle and would provide longer views across the rear end of the gardens. As such it is not considered that these would give rise to unacceptable levels of overlooking such to justify a refusal in this regard.
- 7.4.8 The proposed front rooflights have increased in both size and number from the approved scheme for extensions. The rooflights would remain proportionately spaced within the roofslope, whilst the internal floor height which these rooflights will be positioned is not clear, outlook would be afforded over the application site frontage. As such it is not considered that the outlook from these rooflights would give rise to unacceptable levels of overlooking to any neighbours.
- 7.4.9 The proposed bin/cycle store would be sited adjacent to the boundary with No. 19, these would remain single storey in nature and would be set off the boundary and given their overall limited scale are not considered to appear overbearing or result in a loss of light to neighbouring properties.
- 7.4.10 The proposed air source heat pump would be sited at the ground floor side elevation of the dwelling that faces the boundary with No. 22 Lynwood Heights. Given this neighbour's siting and set off the flank boundary it is not considered that this would give rise to unacceptable harm in terms of overshadowing or loss of light. A product specification was submitted with the application; the applicants agent has clarified that the noise rating of the proposed ASHP would be between 35 to 38dBA, however, the exact product has not been indicated within the specification and the product specification provided indicates a 62dBA, therefore the exact noise rating/decibel level remains unclear. As such, in the event permission were to be granted further details of the air source heat pump including specification and noise output levels would be required by way of a condition, along with any necessary acoustic mitigation measures to protect the residential amenity of the occupiers of this neighbouring dwelling.
- 7.4.11 The proposed juliet balconies remain the same as approved via the extensions and are not considered to give rise to unacceptable overlooking of any neighbouring dwelling beyond that of the approved scheme or the pre-existing first floor fenestrations.
- 7.4.12 The proposed use of materials and the hard and soft landscaping alterations to both the site frontage and rear amenity space are not considered to result in demonstrable harm to

neighbouring occupiers. The raised section of patio would be set in from the boundary with No. 19 Spencer Walk by approximately 5.8m and off the boundary with No. 22 Lynwood Heights by approximately 2m. The height of the patio is approximately 0.5m from the natural ground level, owing to the separation distances and the limited scale of the raised section it is not considered that this would give rise to unacceptable overlooking of either neighbour such to justify a refusal in this regard.

7.4.13 In summary, subject to conditions the proposed development would not result in any adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD.

7.5 Wildlife and Biodiversity

7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

7.5.3 The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

7.5.4 The application is also accompanied by a Preliminary Ecological Appraisal produced by Greenspace Ecological Solutions dated November 2024. The appraisal concludes that there are opportunities to include biodiversity enhancements within the site exist. A number of enhancements are proposed as shown on PLAN NO: APL-DR-P3-XX-45. These include:

- Two insect hotels (Woodstone Insect Block Type) to be installed on retained trees. The integrity of the hotels should be checked every 2-10 years after completion of the scheme.
- A hedgehog house will be placed in the northeast corner of the proposed lawn area. The integrity of the hedgehog house should be checked on an annual basis up to 10 years after the completion of the scheme.
- Four bird boxes will be incorporated into the scheme, it is recommended that two natural cavity nest boxes (1B Schwegler type) be hung from retained trees and 4 sparrow boxes (1sp Schwegler type) be hung on the north elevation of the proposed building. The bird boxes should be hung at heights of 2-3m northwest, north or northeast facing aspects. The bird boxes should be cleaned outside of the nesting bird season (March-September inclusive), through removing old nesting material/debris on an annual basis up to 10 years after the completion of the scheme.
- Two dead wood piles will be installed to the northeast and northwest corners of the site and new planting and other ecological enhancements are also proposed.

- 7.5.5 In the event permission were to be granted a condition will be added to ensure that the ecological enhancements proposed are implemented in accordance with the submitted plan and appraisal.
- 7.6 Mandatory Biodiversity Net Gain
- 7.6.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).
- 7.6.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to self-build development. However, a condition has been imposed to ensure that the development meets the self-build definition.
- 7.7 Trees and Landscaping
- 7.7.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.7.2 The application site is not located within a Conservation Area however the site is within an area wide TPO [TPO125], as such all trees are afforded protection. The application has been supported by a Tree Protection Survey [PLAN NO: 24-1737-TPP-A, Dated 01.11.24] and an Arboricultural Impact Assessment [24-1737-Report-A, Dated November 2024] both produced by Canopy Consultancy. It is understood that no trees will be removed to enable the development, through the proposed tree protection measures and construction methodology it is considered that it will be possible to minimise the impact of the proposed development on the retained trees. The Landscape Officer has reviewed the proposal and raised no objection subject to a remedial soft landscaping plan to be submitted upon completion of the development.
- 7.7.3 The trees within the site frontage (T1, T2, T3, T4) are set away from the area of proposed development and it is acknowledged that tree protective fencing is proposed around these trees and their root protection areas. Thus, it is not considered that these would be affected as a result of the proposed development.
- 7.7.4 In any case, in the event that permission were to be granted a condition would be added to ensure that the proposal is implemented in accordance with the findings of the Arboricultural Implications Assessment and Tree Protection Survey carried out by Canopy Consultancy. This includes the proposed foundation type close to the tree (T6), to ensure minimal impact on the tree from the works.
- 7.8 Rear amenity
- 7.8.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.8.2 Second floor plans have not been submitted and so it is not clear what the loft space is intended to be used for. Across the ground and first floor there would be a total of 6 bedrooms which would require 147sqm of amenity space. The site would retain

approximately 375sqm of rear amenity space which would exceed the guideline. The proposal is therefore considered acceptable in this regard.

7.9 Highways, Access and Parking

7.9.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

7.9.2 The proposal would increase the number of bedrooms by one, result in a six-bedroom dwelling. Appendix 5 of the DMP LDD sets out that a 4 or more-bedroom dwelling requires 3 assigned spaces within the dwelling's curtilage. The dwelling would retain sufficient spacing within its site frontage to accommodate the required level of parking. The proposal is therefore considered acceptable in this regard.

7.9.3 A new vehicular access was proposed onto Lynwood Heights, resulting in the creation of a carriage driveway. The Highways Officer was consulted on the application and raised an objection to the secondary access, their full comments are available in full within an earlier section of this report. Following comments from the Highways Officer the applicant has omitted the new dropped kerb and will retain the existing vehicular access to the site. Highways were reconsulted on this amendment and advised that they would raise no objection to utilising the existing access. The proposal is therefore considered acceptable in this regard.

7.10 Sustainability

7.10.1 Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 5% less carbon dioxide emissions than the Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.

7.10.2 To prove compliance with the policy, the applicant has submitted an Energy Statement. The Statement sets out that Heat Pumps, Photo Voltaic Panels, Solar Thermal, Wastewater Heat Recovery, Flue Gas Heat Recovery were all modelled and considered for this project as options towards achieving the carbon reduction considerations for planning. The Energy Statement concludes that the measures would result in a 35% reduction in Carbon Emissions to surpass the 5% better than part L building regulations standards.

7.10.3 It is noted that the development seeks to incorporate measures such as solar panels to the rear roofslope and an Air Source Heat Pump. The proposed air source heat pump would be sited on the ground floor side elevation of the dwelling facing No. 22 Lynwood Heights; however, no further details have been submitted at this stage. Whilst on the basis of the information submitted to date it is considered that the new dwelling would comply with this policy requirement further details of the air source heat pump would be secured by way of condition.

7.11 Refuse/Recycling

7.11.1 Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity

- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

7.11.2 When considering the nature of development, it is considered that kerb side collection would be appropriate and in line with the current arrangement of the existing dwelling. The proposal is therefore considered to be acceptable in this regard.

8 Recommendation

8.1 That Part-Retrospective PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1

Those parts of the development hereby permitted that have not yet been carried out shall be begun before the expiration of 3 years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 24-1737-TPP-A (Tree Protection Plan), APL-DR-P3-XX-30 (Proposed Front & Rear Elevations), APL-DR-P3-XX-33 (Proposed Construction Layout & Section), APL-DR-P3-XX-34 (Enlarged Piling Details), APL-DR-P3-XX-40 (Proposed Landscape Notes), APL-DR-P3-XX-42 (Bin Store Plans & Elevation), APL-DR-P3-XX-46 (Biodiversity Elevations), APL-DR-P3-00-20 REV 3 (Amended Proposed Block Plan), APL-DR-P3-00-21 REV 2 (Amended Proposed Ground Floor Plan), APL-DR-P3-01-22 REV 1 (Amended Proposed First Floor Plan), APL-DR-P3-02-23 (Amended Proposed Loft Floor Plan), APL-DR-P3-RL-24 REV 3 (Amended Proposed Roof Plan), APL-DR-P3-XX-31 REV 2 (Amended Proposed Side Elevations), APL-DR-P3-XX-32 REV 1 (Amended Proposed 3D Rear Renditions), APL-DR-P3-XX-39 REV 5 (Amended Proposed Landscape Plan), APL-DR-P3-XX-45 REV 3 (Amended Proposed Biodiversity Plan), APL-DR-P3-XX-49 REV 3 (Amended Proposed Parking Arrangement), PL-DR-00-01 REV 3 (Amended Proposed Block Plan), TRDC01 (Location Plan).

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM4, DM6, DM8, DM9 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version August 2020).

C3 Prior to any further construction works above ground floor slab, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 Before the first occupation of the building hereby permitted the window(s) in first floor side elevations facing No. 19 Spencer Walk and No. 22 Lynwood Heights; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed at first floor level or above in the front, side or rear elevations or roof slopes of the extension hereby approved.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 The flat roof of the single storey rear projection hereby permitted, shall not be used as a raised terrace/balcony for amenity purposes at any time and shall only be accessed for maintenance purposes.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C7 The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of self-build and custom build housing in the 2015 Act:

- i.) The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the unit and who intends to live in the unit for at least 3 years;
- ii.) The Council shall be notified of the persons who intend to take up first occupation of the dwelling in the development hereby permitted at least two months prior to first occupation.

Reason: To ensure that the development be constructed as a self-build dwelling within the definition of self-build and custom build housing in the 2015 Act and in the interest of biodiversity net gain to comply with Schedule 7A to the Town and Country Planning Act 1990.

- C8 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works including ground protection, in accordance with Arboricultural Implications Assessment and Method Statement carried out by Canopy Consultancy, Dated November 2024 and 24-1737-TPP-A (Tree Protection Plan). The protective measures, including fencing, shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the

Development Management Policies LDD (adopted July 2013).

- C9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C10 Within one month of the occupation of the development hereby approved the proposed Ecological Enhancements including the installation of bird and bat boxes shall be implemented in accordance with the detail in the submitted Preliminary Ecological Appraisal report produced by Greenspace Ecological Solutions dated November 2024 and as shown on the Amended Proposed Biodiversity Plan drawing no [APL-DR-P3-XX-45 REV 3] and shall be maintained in such condition thereafter.

Reason: To maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C11 The development hereby permitted shall be implemented in accordance with the Arboricultural Method Statement and Foundations as more specifically shown on drawing number APL-DR-P3-XX-33 and APL-DR-P3-XX-34 and as specified within the submitted Arboricultural Implications Assessment and Method Statement carried out by Canopy Consultancy, Dated November 2024.

Reason: To ensure that appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C12 Prior to the first occupation of the new dwelling, the energy saving measures outlined within the submitted Energy Statement prepared by SAPRatings to achieve the requirements of Development Management Policy DM4 shall be implemented in full and be permanently maintained thereafter.

Reason: To ensure that the development makes as full a contribution to sustainable development principles as possible and in the interests of amenity in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM4 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C13 Prior to the installation of the air source heat pump hereby approved, details including technical specification and noise output shall be submitted to and approved in writing by the Local Planning Authority, along with a full specification of any acoustic mitigation measures required to mitigate any impacts on neighbouring occupiers. The air source heat pump shall thereafter be installed only in accordance with the approved details and shall be permanently retained as such thereafter.

Reason: To ensure that the occupiers of the adjacent neighbouring properties are not subjected to excessive noise and disturbance having regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{b (a)} Making a Non-Material Amendment

{b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development

previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Self and Custom Build Development, meaning development which:

- a) consists of no more than 9 dwellings;
- b) is carried out on a site which has an area no larger than 0.5 hectares; and
- c) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

- 15 Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.
- 16 If reptiles are found during the works, they should be left to move safely out of the way on their own accord. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water.
- 17 In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not Creating a cleaner, greener, healthier Hertfordshire possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.
- 18 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 19 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements

before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

- I10 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
- I11 The applicant is advised that the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.

24 Lynwood Heights

March 2024 (Pre-Determination of 24/0184/FUL)

View from Rear Garden



View from Site Frontage:





June 2024 (Post Determination of 24/0184/FUL)

Following photos from Enforcement Investigation (24/0091/COMP)

View from Rear Garden:



View from Rear Garden:



Boundary with No. 22 Lynwood Heights



View from Site Frontage



View of Rear Garden:



July 2024 - Following photos from applicant

Protective fencing in place on boundary with No. 22 and to rear garden / no equipment on site





This page is intentionally left blank