

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 20 February 2025 at 7.30 pm

Members of the Planning Committee:-

Councillors:

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

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

*Joanne Wagstaffe, Chief Executive
Wednesday, 12 February 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 - 18)

To confirm as a correct record the minutes of the Planning Committee meetings held on 23 January and 30 January 2025.
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. **24/1614/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 19 - 50)

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.
6. **24/1821/RSP – Part Retrospective: change of use of building to 2 x Houses of Multiple Occupation (Sui Generis) at Unit 8, Century Court, Tolpits Lane, Watford, Herts, WD18 9RS** (Pages 51 - 74)

Part Retrospective: change of use of building to 2 x Houses of Multiple Occupation (Sui Generis) at Unit 8, Century Court, Tolpits Lane, Watford.

Recommendation: that planning permission is refused.
7. **24/1826/RSP – Part Retrospective: change of use of building to 2 x Houses of Multiple Occupation (Sui Generis) at Unit 6, Century Court, Tolpits Lane, Watford, Herts WD18 9RS** (Pages 75 - 98)

Part Retrospective: change of use of building to 2 x Houses of Multiple Occupation (Sui Generis) at Unit 6, Century Court, Tolpits Lane, Watford.

Recommendation: that planning permission is refused.
8. **24/1837/FUL – Sub-division of site; construction of two storey detached dwelling, including basement level, solar panels, access, parking and landscaping works at Meldon, Chenies Road, Chorleywood, Hertfordshire WD3 5LY** (Pages 99 - 144)

Sub-division of site; construction of two storey detached dwelling, including basement level, solar panels, access, parking and landscaping works at Meldon, Chenies Road, Chorleywood.

Recommendation: that planning permission be granted subject to conditions.

- 9. 24/1921/RSP – Retrospective: erection of a rear outbuilding at 30 Bourne End Road, Northwood HA6 3BS** (Pages 145 - 160)

Retrospective: erection of a rear outbuilding at 30 Bourne End Road, Northwood.

Recommendation: that planning permission be granted.

- 10. 24/1925/FUL - Construction of a first floor side extension; insertion of rooflights; installation of two AC units on the ground floor; alterations to external materials including render, wall tiles and roof tiles and replacement of block paved driveway at 35 Bedford Road, Moor Park, Northwood, Hertfordshire HA6 2AX.** (Pages 161 - 176)

Construction of a first floor side extension; insertion of rooflights; installation of two AC units on the ground floor; alterations to external materials including render, wall tiles and roof tiles and replacement of block paved driveway at 35 Bedford Road, Moor Park, Northwood.

Recommendation: that planning permission be granted subject to conditions.

- 11. 24/1941/FUL – Conversion of the existing outbuilding for use as an annexe at Fortunes Farmhouse, High Elms Lane, Abbots Langley, Watford, Hertfordshire WD25 0JY** (Pages 177 - 188)

Conversion of the existing outbuilding for use as an annexe at Fortunes Farmhouse, High Elms Lane, Abbots Langley, Watford.

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

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Planning Committee MINUTES

Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 23 January 2025 from 7.30 - 9.36 pm

Present: Councillors Chris Whately-Smith (Chair), Elinor Gazzard (Vice-Chair), Steve Drury, Chris Lloyd, Philip Hearn, Abbas Merali, Debbie Morris, Chris Mitchell, Stephen King and Louise Price

Officers in Attendance:

Matthew Barnes, Planning Solicitor
Clara Loveland, Senior Planning Officer
Emma Lund, Senior Committee Officer
Adam Ralton, Development Management Team Leader
Matthew Roberts, Development Management Team Leader
Kimberley Rowley,

External in Attendance:

Parish Councillor Diana Barber (Batchworth Community Council) and Jon Bishop (Chorleywood Parish Council)

PC92/25 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Harry Davies and Councillor Andrea Fraser.

Councillor Louise Price substituted for Councillor Harry Davies.

PC93/25 MINUTES

The minutes of the meeting held on 12 December 2024 were confirmed as a correct record and signed by the Chair.

PC94/25 DECLARATIONS OF INTEREST

The Liberal Democrat Group declared a non-pecuniary interest in applications 24/1360/FUL and 24/1476/LBC as the agent is a member of the authority and a member of the Liberal Democrat Group.

Councillor Louise Price declared a non-pecuniary interest in agenda item 11 (24/1799/RSP 24 Lynwood Heights, Rickmansworth) as she was acquainted with the applicants' son. Councillor Price left the room whilst the application was considered and did not participate in the debate or vote.

PC95/25 NOTICE OF URGENT BUSINESS

There were no items of urgent business.

PC96/25 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

The application was 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 at Chilcote, 58 Clements Road, Chorleywood.

The application was brought to the Committee at the request of Chorleywood Parish Council, given concerns over the loss of elderly accommodation and privacy issues.

The Planning Officer reported that since the publication of the report amended plans had been received which resolved a minor discrepancy on the plans and included reference to the erection of a 1.8m high privacy screen to the edge of the proposed decking adjacent to the boundary with 56 Clements Road. In light of this, it was proposed to add a condition requiring installation of the privacy screen and for that screen to be maintained in perpetuity thereafter.

Parish Councillor Jon Bishop of Chorleywood Parish Council spoke on the application.

The applicant spoke in favour of the application.

Councillor Lloyd moved and Councillor Morris seconded, that the application be approved subject to conditions and the addition of a further condition relating to the erection of a privacy screen. On being put to the vote this was carried unanimously.

RESOLVED: that the application be approved subject to conditions and the addition of a further condition relating to the erection of a privacy screen.

PC97/25 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

The application was for construction of a pitched roof single storey side extension with accommodation in the roofspace at Solesbridge House, Solesbridge Lane, Chorleywood.

The application was before the Committee as the agent for the application is a Three Rivers District Councillor.

The Planning Officer advised that there were no updates in relation to the application but clarified that the application for planning permission (agenda item 6) and the application for listed building consent (agenda item 7) were separate applications. The application for planning permission was recommended for refusal for the reasons set out in the report and on the grounds of the adverse impact the extension would have on the character and the significance of the listed building. The application for listed building consent related to works which directly impacted the historic fabric of the building or affected its character as a building of special architectural and historic interest. In this case, the works which would attach the proposed extension to the existing building would involve alterations to a single storey projection which was constructed after 1958 and which was a modern structure. The proposed works were not considered to harm the building's special character and so the application for listed building consent was recommended for approval.

Applications 24/1360/FUL and 24/1476/LBC were debated together.

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

- Objections to the application for planning permission had been received from both the Conservation Officer and Society for the Protection of Ancient Buildings.
- The scale and bulk of the proposal, and the obscuring of the view of the listed building were of concern.
- The harm to the heritage asset was not considered to be outweighed by the benefits of the proposal.

Councillor Hearn moved, and Councillor King seconded, that the application be refused for the reasons set out in the officer report. On being put to the vote this was carried unanimously.

RESOLVED: that the application be refused.

PC98/25 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

The application was for listed building consent for construction of pitched roof single storey side extension with accommodation in the roofspace at Solesbridge House, Solesbridge Lane, Chorleywood.

The application was before the Committee as the agent for the application is a Three Rivers District Councillor.

The application was debated with application 24/1360/FUL above.

Councillor Whately-Smith moved, and Councillor Merali seconded, that listed building consent be granted subject to conditions. On being put to the vote, this was carried unanimously.

RESOLVED: that listed building consent be granted subject to conditions.

PC99/25 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

The application was for demolition of an 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.

The application was before the Committee as it had been called in by three members of the Planning Committee, unless officers were minded to refuse, due to plot coverage, siting and parking provision. The application had also been called in by Batchworth Community Council unless officers were minded to refuse, due to concerns over siting and plot coverage.

The Planning Officer gave the following updates:

- The updated Conservation Officer comments had been circulated to members earlier in the week. Following receipt of amended plans the Conservation Officer had maintained an objection, citing that the scheme would result in less than substantial harm to the Moor Park Conservation Area.
- An additional condition was recommended in order to prevent the use of the flat roof on the single storey rear element being used as a terrace.

- Condition 8 was not required as Class A permitted development rights were already to be removed by Condition 5. Condition 8 could therefore be removed.

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

Elaine Tooke of Moor Park (1958) Limited spoke against the application.

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

- The increase in the percentage of plot coverage arising from the proposal was considered to be significant and in excess of the maximum which was considered acceptable within the Moor Park Conservation Area Appraisal, notwithstanding that the latter figure was for guidance only.
- The proposal would involve significant increases to both the full roof ridge height and the property width and depth compared to existing, in what was considered to be a small infill plot.
- The view from the streetscene was currently protected by mature trees and the proposal involved moving the property circa 1.5m closer to the road. The trees fronting the streetscene were not considered to have an amenity value and were proposed for removal. This would be mitigated by replacement planting, details of which would need to be submitted by the applicant. Measures to protect trees during construction would be conditioned.
- Weight should be given to the Conservation Officer's objection and comments that the proposal was not in keeping with the Moor Park Conservation Area Appraisal guidelines.
- There had to date been no objections from neighbouring properties.
- The proposal arguably offered potential for public benefit through the replacement of an older property with a more sustainable and energy efficient building. A Committee Member commented that the benefits of energy efficiency measures could still be achieved in a smaller scale development which was more appropriate to the plot size. Another Committee Member commented that there were carbon costs associated with the demolition and replacement of a building and that the balance of doing so compared to retrofitting an existing property were not clear cut.

Councillor Morris moved, and Councillor Merali seconded, that the application be refused by virtue of the replacement dwelling's scale, width and bulk resulting in an unduly prominent replacement dwelling and overdevelopment of the plot. On being put to the vote this was carried, the vote being 6 in favour and 4 against.

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

PC100/25 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

The application was for the demolition of an 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.

The application was before the Committee as it had been called in by Batchworth Community Council if officers were minded to approve for the reasons set out in the officer report.

The Planning Officer gave the following updates and drew attention to the following points:

- Since publication of the report the Lead Local Flood Authority (LLFA) had raised no objection to the scheme, which it considered a betterment of the existing circumstance. However, it had proposed two conditions which were: (i) a surface water drainage strategy and (ii) a construction phase surface water management plan. Condition 3 within the report already required a pre-commencement surface water strategy; an additional condition was recommended to be attached to any grant of permission to require a construction phase surface water management plan.
- An amendment had been made to the rear second access off Eastbury Road where the gates had now been set back by a further metre (previously proposed at 5m positioning now proposed at 6m positioning). As a result of this the Highways Authority had removed its objection to the scheme on the basis that the setback positioning of the rear gates was no longer of concern and the relocation of the access was considered as relocation of an existing access rather than an additional access. There were therefore now no Highways objections to the proposal.
- Changes made following the previous refusal were summarised as: addition of brickwork to the large glazing to the front gable; lowering of the ridge height by 0.7m; removal of the rear garage from the site; and further setting back of the rear gates to Eastbury Road. Additionally, the front access which was previously proposed as a pedestrian access was now proposed as a vehicular access.

A local resident spoke against the application.

The agent spoke in favour of the application.

Parish 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:

- A pre-commencement condition had been included requiring piling details and methodology to be submitted. Some Committee Members expressed concern about the potential impact of the extent of the piling which would be needed, and the potential impact on neighbouring properties.
- A pre-commencement condition requiring a Construction Management Plan (CMP) to be submitted, including number of vehicles, types, routing, access and traffic management arrangements was conditioned. Notwithstanding this, Committee Members remained concerned about the construction management implications given the size of the development, the amount of spoil to be removed and the busy nature of the surrounding roads and junction. It was recommended that officers should seek further detail with regard to the CMP and look at how the number and timing of lorry movements per day may be restricted and how the impact of construction on neighbours and highway users could be mitigated.
- The rear access arrangements would require the addition of a dropped kerb and removal of part of the verge. This would require the consent of the Highways Authority. Given

that sufficient parking for the size of the property would not be provided in the event that this consent were not given, it was suggested that a requirement to complete the vehicular access should be made a pre-commencement, rather than pre-occupation, condition. It was also suggested that a hard surface should be provided on site adjacent to the new access before works commenced, to allow construction work to take place.

- The proportion of glazing to the front elevation was still substantial despite the amendment and some Committee Members considered that it was still not in character, although Batchworth Lane included properties of a variety of styles.

Councillor Whately-Smith moved, and Councillor King seconded, that planning permission be granted subject to conditions and: amendment to Condition 11 to require fulfillment before works commence rather than before first occupation; amendment to Condition 13 to require hardstanding for parking during construction activities before commencement of works; an additional condition requiring the existing access from Eastbury Road to be closed up, the verge replaced and the dropped kerb raised before first occupation; addition of a permitted development restriction to Condition 10 such that a means of enclosure was not permitted; and amendment to Condition 5 to require temporary screening during the construction phase. On being put to the vote the motion fell, the voting being 1 in favour, 6 against and 3 abstentions.

Councillor Lloyd moved, and Councillor Hearn seconded, that the application be deferred to allow officers to seek further amendments with regards to the extent of glazing, further information on construction management, phasing approach during construction and access arrangements. On being put to the vote this was carried, the voting being 7 in favour and 3 abstentions.

RESOLVED: that the application be deferred to allow officers to seek further amendments with regards to the extent of glazing, further information on construction management, phasing approach during construction and access arrangements.

PC101/25 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

The application was for 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.

The application was before the Committee as part of the application site is under the ownership of the Council.

The Planning Officer reported that there were no updates in relation to the application.

Councillor Whately-Smith moved, and Councillor Lloyd seconded, that planning permission be approved. On being put to the vote this was carried unanimously.

RESOLVED: that planning permission be approved.

PC102/25 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

The application was part retrospective for 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.

The Planning Officer reported that planning permission had been granted for extensions to the property under a previous application. Due to the extent of demolition which had taken place, planning permission was now required for reconstruction along with the extensions. The scheme now before the Committee contained some additions above the extent of the extensions previously approved. These were set out in the officer report, but the Planning Officer summarised that they principally comprised a single storey rear extension which was larger in the current scheme than that previously approved, and an increase to the height of the dwelling of 0.6m.

The agent spoke in favour of the application.

Councillor Price left the meeting room.

Committee Members asked questions about the details of the application which were responded to by officers. In response to a question the Planning Officer advised that the increased ridge height was comparable with neighbouring houses and would not represent a departure from the roof heights of surrounding properties in any significant way.

Councillor Morris moved and Councillor Whately-Smith seconded, that planning permission be granted subject to conditions. On being put to the vote this was carried unanimously.

RESOLVED: that planning permission be granted subject to conditions.

CHAIR

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Planning Committee MINUTES

Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 30 January 2025 from 7.30 - 9.16 pm

Present: Councillors Chris Whately-Smith, Elinor Gazzard, Steve Drury, Philip Hearn, Lisa Hudson, Stephen King, Chris Lloyd, Abbas Merali, Debbie Morris, Sarah Nelmes and Narinder Sian

Also in Attendance:

Councillors Vicky Edwards and Ciarán Reed

Officers in Attendance:

Matthew Barnes, Planning Solicitor
Emma Lund, Senior Committee Officer
Suzanne O'Brien, Principal Planning Officer
Adam Ralton, Development Management Team Leader
Kimberley Rowley, Head of Regulatory Services

External in Attendance:

Parish Councillor Jon Tankard, Abbots Langley Parish Council

PC103/25 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Harry Davies, Andrea Fraser and Chris Mitchell.

Councillor Sarah Nelmes substituted for Councillor Harry Davies, Councillor Lisa Hudson substituted for Councillor Andrea Fraser and Councillor Narinder Sian substituted for Councillor Chris Mitchell.

PC104/25 DECLARATIONS OF INTEREST

There were no declarations of interest.

PC105/25 NOTICE OF URGENT BUSINESS

There were no items of other business.

PC106/25 INFORMATION ONLY: MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 21 NOVEMBER 2024

The minutes of the Planning Committee meeting held on 21 November 2024 were included on the agenda for information only, as a reminder of the Committee's previous discussions in relation to the application.

PC107/25 22/1945/FUL: HYBRID APPLICATION FOR THE CREATION OF A FILM HUB TO INCLUDE DETAILED APPROVAL FOR DEMOLITION OF A NUMBER OF EXISTING BUILDINGS INCLUDING CHILDREN'S FARM BUILDINGS AND CHANGE OF USE OF LANGLEYBURY HOUSE AND AISLED BARN FOR FILMING AND THE CONSTRUCTION OF A CAFE WITHIN THE WALLED GARDEN, NEW CAR PARKING AREA TO NORTH OF SITE, ALTERATIONS TO EXISTING ACCESS POINTS ALONG LANGLEYBURY LANE, CHANGE OF USE OF THE L SHAPED BARN (TO MULTI PURPOSE USE INCLUDING CYCLE HUB, SHOWERS AND VEHICLE STORAGE) AND CHANGE OF USE OF GROUND FLOOR OF THE EXISTING LAUNDRY TO RECEPTION FACILITY, TOGETHER WITH OUTLINE PLANNING APPROVAL (MATTERS RESERVED: SCALE, LAYOUT, APPEARANCE AND LANDSCAPING) FOR CHANGE OF USE OF SITE TO A FILM HUB TO INCLUDE CRAFT WORKSHOP BUILDINGS, SOUND STAGES, SUPPORT WORKSHOPS, PRODUCTION OFFICES, BACKLOTS, FILM AND TELEVISION TRAINING FACILITY BUILDING, OFFICES, ANCILLARY BUILDINGS, PARKING AREAS AND RELOCATION OF LANGLEYBURY CHILDREN'S FARM INCLUDING NEW FARM BUILDINGS.

The application was a hybrid application for the creation of a Film Hub to include detailed approval for demolition of a number of existing buildings including children's farm buildings and change of use of Langleybury House and Aisled Barn for filming and the construction of a cafe within the Walled Garden, new car parking area to north of site, alterations to existing access points along Langleybury Lane, change of use of the L Shaped Barn (to multi purpose use including cycle hub, showers and vehicle storage) and change of use of ground floor of the existing Laundry to reception facility, together with outline planning approval (matters reserved: Scale, Layout, Appearance and Landscaping) for change of use of site to a Film Hub to include Craft Workshop buildings, Sound Stages, Support Workshops, Production Offices, Backlots, Film and Television Training Facility Building, Offices, Ancillary Buildings, parking areas and relocation of Langleybury Children's Farm including new farm buildings. Alterations to existing cycle path and pedestrian network within the site, to include provision of a new pedestrian/cycle access within the site to the A41 at Land to the East of Langleybury Lane, including Langleybury House Estate, Langleybury Lane.

The application was before the Committee as it had been called in by three members of the Planning Committee due to effect on the Green Belt and traffic issues. In addition the proposal represented a departure from the Development Plan.

The Planning Officer provided updates as follows:

- One neighbour objection had been received since the Committee's previous consideration of the application. The resident had objected to the provision of more sound stages in the area; loss of Green Belt; and that there was no consideration to biodiversity, wildlife and the environment. The objector considered that increased traffic and emissions would endanger children's safety. They had no objection to the redevelopment of the Mansion and outbuildings or knocking down the old school, nor an objection to the development of the buildings if they were sympathetically designed to enhance the area. The comments raised were similar to others which had been addressed in the original committee report.
- An addendum report had been provided which included conditions and Heads of Terms which Members, without prejudice, had requested at the 21 November Committee Meeting. The addendum covered the changes in the 2024 NPPF which were relevant to the application. It was considered that the weight attached to the benefits of the scheme as set out in the November committee report still did not amount to benefits which outweighed the harm to the Green Belt (and other harm resulting from the proposed development, including heritage harm). As such, very special circumstances were not considered by officers to exist. Officers also considered that regardless of the position on Green Belt policy, the less than substantial harm to heritage assets was not sufficiently outweighed by public benefits. The officers' reasons for refusal as set out in Section 9 of

the Committee Report (Appendix A) were therefore considered to still be relevant and unchanged by the revisions to the National Policies set out in the 2024 NPPF.

- Appendix B of the addendum report set out a comprehensive list of planning conditions. These were separated into conditions covering the detailed part of the application (starting with the letter D), outline part of the application (starting with letter O), and site wide requirements (starting with S-W).
- Following publication of the reports, further revisions to the triggers of a number of the conditions had been requested by the applicant. The revisions proposed removal of the relocation of the Children's Farm and the creation of the School and Farm Parking Area from the pre-commencement requirement. This would allow the Children's Farm and creation of the school and farm parking area to be delivered without waiting for the formal discharge of a number of conditions. This change was agreed where the details secured by these conditions did not relate to the Children's Farm or School Parking area. The change was relevant to the following conditions:

Detailed conditions:

- 4 – External Materials
- 6 – Conservation Management Plan
- 7 – Landscaping

Site Wide conditions:

- 5 - Travel Plan
- 7 - Minerals Extraction
- 14 - Sustainability
- 21 - cycle Parking
- 23 - Offsite Highways Improvements
- 24 - rights of way improvements
- 25 - Traffic Monitoring

- A number of conditions had also been revised to include phasing, which would allow the information to be submitted per phase of development. The following conditions would be amended:

Outline Conditions:

- 1 – Reserved matters

Site Wide Conditions:

- 3 – Landscape Management
- 29 - Lighting Management Plan
- 30 – Construction Environmental Management Plan
- 31 – Landscape and Ecological Management Plan
- 32 – Badger Walk Over
- 49 – Surface Water Drainage
- 50 – Foul Water Drainage

- Outline Condition O6 (Levels) should also be revised to read no higher (rather than no lower) than the levels as shown on the plans.
- If members were minded to approve the application, it was recommended that this would be subject to the conditions attached at Appendix B to the report, with the amendments outlined above, and with authority to be delegated to the Head of Regulatory Services to

make any minor alterations which may be needed (e.g. adjustment of drawing reference numbers).

- The addendum also provided a summary of the Heads of Terms. These had been drafted with, and agreed by, the applicant and included clear triggers in relation to the delivery of a number of the planning benefits associated with the proposed development. These included the delivery of the following prior to the first occupation or first use of the site for filming in connection with this planning permission:
 - Demolition and removal of all materials from site of the existing buildings associated with the use of the existing Children's Farm;
 - Demolition and removal of all materials from the site of the existing School Buildings and temporary structures;
 - Construction and completion of the Café (building reference 08-01);
 - Laundry Building conversion works to be completed, fitted out and ready for first use;
 - L-shaped Barn conversion works to be completed, fitted out and ready for first use;
 - Construction and completion of Children's Farm, fitted out and provision of access and associated Children's Farm Fields;
 - Implementation of the School and Farm Car Parking Area and associated access (sited on land to the north of the Children's Farm, hereby permitted) and ready for first use.
 - Carrying out the work subject to the pending listed building consents – excluding the occupation of the Children's Farm and Farm Parking Area.

The Heads of Terms also sought to secure the delivery of the Propellor Stages within three years from the first occupation or first use of the site for filming in connection with the permission.

- The following monetary contributions had been agreed between the parties and would also be secured within a S106:

Monitoring – £20,000 contribution. This contribution would be required to facilitate the long-term future monitoring of the Training and Management Plan and any required action plans, monitoring of the Conservation Management Plan and Parking Management Plan.

BNG Monitoring - £20,000 contribution. This sum is based on the habitat enhancements proposed and 50 year monitoring duration.

Wayfinding - £10,000

To provide and promote active travel opportunities locally the additional of new wayfinding signage to the site and public open space as well as the updating of existing signage across the area. This will be in the region of 10 signs across the area.

Shared Bike scheme - £45,000 (indicative sum)

To provide a shared bike scheme at the site with connected bays at the train station and other key strategic sites in the area and the provision of bikes to serve these bays.

These sums were considered to be reasonable and directly associated with the development and as such would be S122 CIL compliant.

The Planning Officer concluded by summarising that if members were minded to grant planning permission, the Committee would need to be satisfied, in coming to that decision, that:

- special regard had been given to the desirability of preserving the listed building, its setting, and any features of special architectural interest which it possessed;

- the public benefits of the scheme, which could include heritage benefits set out in paragraph 8.5.20 of the Committee report (for example, the demolition of the existing school buildings; upgrade works to the listed buildings and setting and establishment of a long term use of the Listed Buildings with the potential for the Mansion House to be removed from Historic England At Risk Register) and all the other benefits identified above and in the body of the main report outweighed the identified low to mid less than substantial harm that the development would have on the setting of the heritage assets; and
- the planning benefits of the scheme, if secured by planning conditions and by a Section 106 agreement for those planning obligations summarised in the Heads of Terms document, would clearly outweigh:
 - the harm to the Green Belt by reason of inappropriateness;
 - the harm to openness of the Green Belt in both spatial and visual terms;
 - the development's conflict with the purposes of including land within the Green Belt;
 - other harms resulting from the low to mid less than substantial harm to the heritage assets;
 - adverse impacts on the character and landscape of the area;
 - the loss of an allocated housing site; and
 - any harm potentially arising from the relatively unsustainable location.

The Committee would also need to be clear that the overall benefits of the development would significantly and demonstrably outweigh the harms caused by the scheme such that very special circumstances exist, and that planning permission should be granted subject to the conditions set out at Appendix B (subject to any minor revisions as agreed by the Head of Regulatory Services) and the prior completion of a Section 106 agreement securing the Heads of Terms.

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

Committee members asked questions about the details of the application, proposed planning conditions and Heads of Terms, which were responded to by officers. The Committee's discussions included the following:

- There was the potential for the Education and Skills Plan monitoring to be periodically reported to Members if considered expedient.
- In debate, differing views were expressed in relation to the balance between the harm to the heritage asset and to the Green Belt and the benefits which the proposal offered. Some Members considered that the proposal would have a positive impact on the heritage asset and setting through its regeneration and the protection which would be provided for the 'at risk' listed Langleybury House, as well as the loss of the existing school building. Additionally, that it would offer significant benefits in terms of the importance of the film industry to the area, the education benefits for children and young people, employment opportunities, significant biodiversity net gain, benefits to the school and children's farm and improved car parking facilities. Some Members expressed the view that these would outweigh the harm to the heritage asset and/or represented justification for very special circumstances for development in the Green Belt and that the proposed conditions and Heads of Terms provided sufficient assurance that the benefits would be secured.
- Alternative views were also expressed that it would cause an unacceptable level of harm through development on the Green Belt, urbanisation of the countryside, environmental and community impact, large scale development in a rural area which would change its character, impact of the view across the valley, and detrimental impact of increased noise

and light pollution on wildlife and biodiversity. Some Members expressed the view that these cumulative harms may not outweigh the scheme's benefits.

- Members sought further information about the weightings which officers had attributed to the harms and benefits of the scheme. Some Members considered that the car park and highways safety benefits had been under-weighted and that these represented significant benefits for the community.
- A 28% biodiversity net gain would be delivered which would require habitat reporting over a 50 year period. This was significantly in excess of the 30 years which was required by legislation.
- The plans were indicative for the outline application but would be constrained by parameter plans as part of the reserved matters application if planning consent were granted. Landscaping details and car park layout would also form part of the reserved matters application.
- Several Committee Members expressed concerns about traffic implications, and in particular an increase in traffic in the narrow lanes in Sarratt. It was noted that the Construction Management Plan would govern the routes used by construction vehicles and journey timings during the construction phase. The routing of operational vehicles would be more difficult to control; however, a condition could be added to secure an operational management plan and requiring signage which requested that HGV operational vehicles turn right on exiting the site.
- On balance, and following detailed debate, a majority of Committee Members considered that the application would provide public benefits which outweighed the heritage harm and which together formed very special circumstances which outweighed the harm to the Green Belt and to the heritage assets, the character of the area, and the harm identified within the original report relating to the site being in a relatively unsustainable location and the loss of the site for housing.

The applicant spoke in favour of the application.

Councillor Whately-Smith moved, and Councillor Morris seconded, that the Committee resolve to delegate authority to the Head of Regulatory Services, following (i) receipt of notification by the Secretary of State to not call-in the application and (ii) the completion of a S106 agreement securing the Heads of Terms set out in Appendix C of the report, to make any minor amendments necessary to the planning conditions and grant planning permission subject to the conditions set out in Appendix B of the report and an additional condition requiring an operational management plan.

On being put to the vote the motion was carried, the voting being 8 in favour, 1 against and 2 abstentions.

RESOLVED: that authority is delegated to the Head of Regulatory Services, following (i) receipt of notification by the Secretary of State to not call-in the application and (ii) the completion of a S106 agreement securing the Heads of Terms set out in Appendix C of the report, to make any minor amendments necessary to the planning conditions and grant planning permission subject to the conditions set out in Appendix B of the report and an additional condition requiring an operational management plan.

CHAIR

PLANNING COMMITTEE - Thursday 20th February 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: 28.02.25

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.

Update: At the January Planning Committee meeting, Members resolved to defer consideration of this planning application for Officers to seek further clarification in respect of the extent of glazing, and to request information on construction management including a phasing approach.

The planning agent has provided a draft construction management plan (February 2025). The draft CMP includes details of off-peak deliveries/collections, proposes to install the rear access from Eastbury Road for use during the construction of the development and the provision of wheel washing facilities. The CMP seeks to address many of the concerns raised by Councillors such as traffic management considerations in Section 7 of the CMP (page 19). It is considered that further information should be secured by condition and therefore Condition 6 has been amended to seek further information to be provided within a full CMP. Officers consider that the draft CMP shows that many of the principle areas of concern can be addressed via condition.

The planning agent has provided a letter and a set of amended elevational drawings changing the front elevation materials. The new front elevation includes a reduction in the glazing to the gable design of the building by introducing brick into this area. Notwithstanding this change, the conclusions drawn in paragraph 7.3.7 of this report remain relevant.

Paragraph 7.8 5 below has been updated to account for the receipt of comments from the LLFA which were verbally reported at the January committee meeting. Condition C3 remains as previously proposed, which requires a surface water drainage strategy to be submitted for approval. A new C4 has been introduced which reflects the LLFA's request for a construction-stage surface water management plan.

Paragraphs 4.1.1 and 7.9.5 below have been updated to account for revised comments from HCC which were verbally reported at the January committee meeting. Condition C8 has been amended to require the new vehicular access from Eastbury Road to be installed before any works take place. This follows discussions at the committee meeting and would ensure that access is available for construction activities. A new condition (Condition 19) has been added to require the existing access to be closed up.

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 catslide 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 – Initial 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 Revised comments received on 15th January 2025: Objection removed

“My initial concerns regarding the positioning of the vehicle gates from the edge of the highway would be overcome with a 5.5m setback.

Regarding the second dropped kerb proposal - Initially my response reflected the Residential Dropped Kerbs Policy’s view on secondary access: HCC as Highway Authority is unlikely to approve a second vehicular access unless there has been demonstrated to be a benefit to the safe and free functioning of the adjacent highway (residential dropped kerbs policy. The provision of a second access point would create a potential additional conflict point between pedestrians and vehicles entering/exiting the site. I viewed the proposal as a new secondary access as opposed to a relocation of existing access due to the carriage driveway nature of the existing access arrangement compared to the proposed separate access.

Upon reflection, I would not object to the relocation of the secondary access in this instance as there is no net increase in vehicle access points therefore the potential conflict points are not increased. Additionally, the location of the new proposed kerb is further way from the Eastbury Rd/Batchworth Lane junction and therefore is a safer arrangement than the current. As a result, HCC would overturn the initial refusal based on secondary access providing the existing dropped kerb on Eastbury Road be reinstated to full height kerb/pedestrian footpath and a vehicle gate setback is achieved.”

4.1.3 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.

4.1.4 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.”

- 4.1.5 Hertfordshire County Council – Lead Local Flood Authority – No objection received, conditions recommended.

“Thank you for your re-consultation to the LLFA on 21 November 2024 regarding 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 with associated heatpump, access, bin and bike store, parking and landscaping works and vehicle cross over.

The LLFA is not a statutory consultee for minor applications and therefore, we can only provide recommendations to the LPA.

We understand the design has been updated to incorporate feedback on the previous application, including no longer placing a garage in the route of the flow path (with the potential risk of diverting flows) and inclusion of additional SuDS measures such as SuDS planters to further bolster flood resilience. The proposed SuDS features such as the permeable paving, SuDS planters and attenuation storage are likely to provide betterment from the existing scenario.

If the LPA is minded to grant permission, we would suggest the following conditions be attached to consent.

Condition 1: Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of source control 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 including supporting calculations for the 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year), 3.33% AEP (1 in 30 year) plus climate change, the 1% AEP (1 in 100 year) and the 1% AEP (1 in 100) plus climate change critical storms. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Three Rivers District Council.

Condition 2: Prior to the commencement of the development a construction phase surface water management plan for the site will be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to and during the construction phase.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site.

Informative

We would advise the LPA that basements are very vulnerable to flooding”.

4.1.6 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 have been received and raise no objection and consider that the proposal would provide a “betterment from the existing scenario”. However, the LLFA recommend two conditions related to surface water drainage be included within a grant of planning permission. 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 and a construction phase surface water management plans 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 An initial objection comment from the Highway Officer was 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 the Highways Officer was reconsulted during this application and removed their objection to the proposal given that there would be no net increase in vehicles access points and the vehicular gate set back has been achieved.

7.9.6 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.

7.9.7 Given the revised comments revised from the Highways Officer and 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 REV A. 21048 FP4 01.04 REV A ; 21048 FP4 01.05 REV A; 20148 FP4 01.06; 21048 FP4 01.07; 21048 FP4 01.08; 21048 FP4 01.09; 21048 FP4 01.10 REV A; 21048 FP4 01.11 REV A.

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).

Construction phase surface water management plan

C4 Prior to the commencement of the development hereby permitted, a detailed construction phase surface water management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details during and throughout the construction phase of the development.

Reason: This is a pre-commencement condition to prevent flooding during the construction phase 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

C5 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

C6 Notwithstanding the details contained within the submitted draft Construction Management Plan dated February 2025, prior to the commencement of the development hereby permitted, a detailed 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, including the access points to be used for specified construction activities and the use of banksmen;
- Traffic management requirements;
- Plan showing construction and storage compounds (including areas of hard surfacing 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;
- The provision of screening including site hoarding, including its location, type and height;

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

C7 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).

Vehicular Access

- C8 Prior to the commencement of the development hereby permitted, the proposed 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 first 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: This is a pre-commencement condition that is required 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)

External Material Details

- C9 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

- C10 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

- C11 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

- C12 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.

Privacy Screening

- C13 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

- C14 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

- C15 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

C16 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

C17 The rear "inverted flat roof" to the rear of 'Master Bedroom 1' and 'Bedroom 02' and shown on plan number 21048 FP4 01.03 REV A 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

C18 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

Part 2

- Class A – gates, fences, walls etc

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 to restrict the insertion of any means of enclosure that could cause harm to highway safety or 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).

Closure of the existing access

C19 Within three months of the commencement of works in connection with this planning permission the existing vehicular access to the site from Eastbury Road shall be permanently closed, the existing dropped kerb raised and grass verge reinstated as shown on plan number 21048 FP4 01.02 REV A.

Reasons: 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)

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@threeivers.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-built 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.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.
- 110 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>
- 111 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.

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PLANNING COMMITTEE – 20 February 2025

24/1821/RSP – Part Retrospective: Change of use of building to 2 x Houses of Multiple Occupation (Sui Generis) at Unit 8, Century Court, Tolpits Lane, Watford, Herts, WD18 9RS

Parish: Batchworth Community Council
Expiry of Statutory Period: 04 February 2025
Extension of Time Agreed: 28 March 2025

Ward: Moor Park and Eastbury
Case Officer: Matthew Roberts

Recommendation: That planning permission is **refused**.

Reason for consideration by the Committee: The application was called in by three members of the planning committee unless officers are minded to refuse, given concerns in respect of compliance with space standards, parking provision, amenity space and overlooking into the ground floors. Whilst the application is recommended for refusal, it is not solely on the grounds referred to by those calling in the application. As such, the application has been called in by the Head of Regulatory Services to enable further discussion on the areas of concern highlighted by members.

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

[24/1821/RSP | Part Retrospective: Change of use of building to 2 x Houses of Multiple Occupation \(Sui Generis\) | Unit 8 Century Court Tolpits Lane Watford Hertfordshire WD18 9RS](#)

1 Relevant planning and enforcement history of the application site

- 1.1 8/432/89: Erection of six Industrial units and associated car parking. Permitted.
- 1.2 00/01161/FUL: Variation of condition 2 planning reference 8/0432/89 to allow units 7 and 8 to include B1(a), B1(b), B1(c), B2 and B8 uses. Permitted.
- 1.3 16/1709/PDR: Prior Notification: Change of use from Office (Class B1) to 16 Residential units (Class C3). Withdrawn.
- 1.4 23/1731/PDM: Prior approval: Change of use of existing ground floor office (Use Class E(g)) to one dwelling (Use Class C3). Permitted, not implemented in accordance with approved plans.
- 1.5 24/1020/PDM: Prior Approval: Change of use from commercial, business and service (Use Class E) to 4no. residential dwellings (Use Class C3). Withdrawn.
- 1.6 24/0024/COMP: Works not in accordance with 23/1731/PDM - Creation of self contained units. Pending consideration.

2 Description of Application Site

- 2.1 The application site includes part of a two storey brick built building with a hipped roof which forms part of a wider collection of similar style buildings known as Century Court, accessed via a service road from Tolpits Lane.
- 2.2 The application site is located to the southern end of the two storey building and currently contains residential accommodation at ground floor level whilst works had commenced to provide residential accommodation at first floor level but this floor remains unoccupied. Both floors are served by a ground floor entrance and lobby area. The application site also includes parking bays to the front of the building.

- 2.3 Century Court comprises 6 detached buildings including Ved House (formally Unit 3) set amongst parking courts and internal roads. The majority are in commercial use, although Unit 6 (subject to 24/1826/RSP), Unit 8 (host building), Century House (formally Unit 1) and Ved House are in residential accommodation. Century Court is located between the Moor Park Industrial Centre and Moor Lane Crossing, the latter of which is separated by a line of trees and hedging.
- 2.4 The application site is also part of the wider Tolpits Lane Employment Area, an established allocated employment cluster located on the edge of Watford, positioned between the Metropolitan railway line to the west, the Ebury Way cycle route to the north with Croxley Common Moor (SSSI) beyond and Tolpits Lane (A4145) to the south.
- 2.5 The wider employment area contains a variety of commercial, residential and industrial premises. To the west of the application site is Ved House (1-10) with Century House to the south west. To the immediate north and attached to the application site is Unit 7.
- 2.6 The application site is located within an allocated employment site within the council's Site Allocations LDD referenced E(b) and is controlled by an Article 4 direction which prevents the loss of commercial buildings. The site is surrounded by, but excluded from, the Metropolitan Green Belt, and is adjacent to Croxley Common Moor (SSSI), located to the north. To the south of Tolpits Lane, there is a Grade II listed building, known as Tolpits House.

3 Description of Proposed Development

- 3.1 This application seeks part retrospective planning permission for the change of use of the building to 2 x Houses of Multiple Occupation (Sui Generis).
- 3.2 This application seeks to provide for 2 x 4 bed House of Multiple Occupation (HMOs); one at ground floor level and one at first floor level. The submitted information states that each HMO could be occupied by 8 persons.
- 3.3 As part of the proposal, it is proposed that each independent sleeping accommodation including en-suite (x4) would be served by a communal living, kitchen and dining area and a separate bathroom. At present the ground floor is served by 4 independent flats with their own independent facilities (bed, bathroom and cooking facilities).
- 3.4 The ground floor would therefore include 4 bedrooms ranging from 12sqm to 18sqm in size each with an en-suite.
- 3.5 The first floor would include a similar arrangement to the ground floor to them.
- 3.6 As existing, all windows have temporary obscure films applied.
- 3.7 The submitted details suggest that 4 parking spaces would serve the 2 x HMOs, with a further disabled space provided. The development would also be served by bin storage areas and new secured bike storage for 6 bikes, both to be positioned along the existing pedestrian path / disabled access to the east of the building.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Concerns raised]

BCC are concerned that the applicant is seeking to justify this application based on a provision of social housing. If officers are minded to approve BCC requests that the provision of social housing on this site remains in perpetuity as a condition for approval.

4.1.2 TRDC Local Plans: [Objection]

Representation: The proposal relates to Change of use of building to 2 x Houses of Multiple Occupation (Use Class C4). At ground floor and first floor level respectively the building would be converted to a HMO.

The application site is located in the Tolpits Lane employment site, an allocated employment area in the Site Allocations LDD (adopted 2014) (site E(b)). Policy SA2 of the Site Allocations LDD states that allocated employment sites will be safeguarded for business, industrial and storage or distribution uses. The proposal therefore does not comply with Policy SA2 in this regard, given the change of use from office to residential. Furthermore, Policy CP6 of the Core Strategy (adopted 2011) states that sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within the key employment area. The proposal is located within a key employment area and therefore the proposed change of use does not comply with Policy CP6.

The South-West Herts Economic Study Update (2024) found that as of July 2023 there was 162,000 sqm of available office space in south-west Hertfordshire, of which 124,000sqm was identified as vacant. However, the economic study specifically refers to Three Rivers as having different market conditions in terms of office space, concluding that the authority “should prioritise the protection of office space as far as possible”. It is also important to note that an Article 4 Direction has been made by the Secretary of State to remove permitted development rights regarding the change of use from class E use (Commercial, Business and Service uses) to C3 use (dwellinghouses), which came into effect on 29th March 2024. The Tolpits Lane Employment Area, in which the application site is located, forms part of the land specified in the Article 4 Direction.

The application site has not been allocated as a housing site by the Site Allocations Local Development Document (2014) and as such is not currently identified as part of the District’s housing supply. The site should therefore be considered as a windfall site. Policy CP2 of the adopted Core Strategy (adopted 2011) states that applications for windfall sites will be considered on a case by case basis having regard to:

- i. the location of the proposed development, taking into account the Spatial Strategy*
- ii. the sustainability of the development and its contribution to meeting local housing needs*
- iii. infrastructure requirements and the impact on the delivery of allocated housing sites*
- iv. monitoring information relating to housing supply and the Three Rivers housing target.*

The Spatial Strategy states that new development will be directed towards previously developed land in the urban area of the Principal Town (Rickmansworth) which is identified as one of the most sustainable locations in the District. The site is located in the Tolpits Lane employment site, an allocated employment area in the Site Allocations LDD (adopted 2014) (site E(b)) and is therefore previously developed land. The development would result in the net gain of 2 dwellings (to be used as HMO’s). The Council cannot currently demonstrate a five-year supply of housing land as required by the NPPF and currently has a 1.7-year housing land supply. The delivery of up to 2 dwellings would make a limited but positive contribution to housing provision within the District.

Policy CP4 of the Core Strategy requires 45% of all new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. Policy CP4 sets out that the Council will “as a guide, seek 70% of the affordable housing provided to be social rented and 30% to be intermediate”.

On 24th May 2021, the Government published a Written Ministerial Statement (WMS) to set out the Government’s plans for the delivery of First Homes defining the product and changes to planning policy. Following publication of the WMS, Planning Practice Guidance

(PPG) was updated to reflect the WMS and formed a material consideration in decision making. As a result of the introduction First Homes and changes to national policy, the Council released a First Home Policy Position Statement. This Policy Position Statement amended the tenure mix for affordable housing under Policy CP4 of the Core Strategy (2011) as:

- 25% First Homes
- 70% social rented, and
- 5% intermediate

However, changes were made to national policy following the publication of the newest version of the NPPF in December 2024. Within paragraph 6 of the NPPF, reference to the Written Ministerial Statement on Affordable Homes (24th May 2021), which contained policy on First Homes, has been removed and the prescriptive requirement that 10% of the total number of homes to be available for affordable home ownership as set out in former paragraph 66 has been deleted. As such, the Council will be reviewing its Policy Position Statement. It is advised that development complies with Policy CP4 as written, apportioning 70% of the affordable housing provision as social rented and 30% as intermediate.

4.1.3 TRDC Environmental Protection: Awaiting response.

4.1.4 TRDC Environmental Health: [Concerns raised]

From our visit it was identified both buildings were already being used as self-contained flats, providing accommodation for people, including vulnerable individuals such as Children. Having reviewed the applications 24/1826/RSP & 24/1821/RSP I have the following comments.

Fire Safety

During our visit, the sleeping accommodations circled in red was confirmed as being part of the means of escape. I raised my concerns around this and after having consulted with the Fire Safety Inspector at Hertfordshire Fire and Rescue Service, it was agreed that the use of this room for both sleeping accommodation and the means of escape is not acceptable. This is because you should not have to enter another room to exit the building. Also, as a means of sleeping accommodation there is no guarantee this room will be accessible in the event of a fire. Based the advice, I have taken this into consideration when working out the room sizes.

Concerns

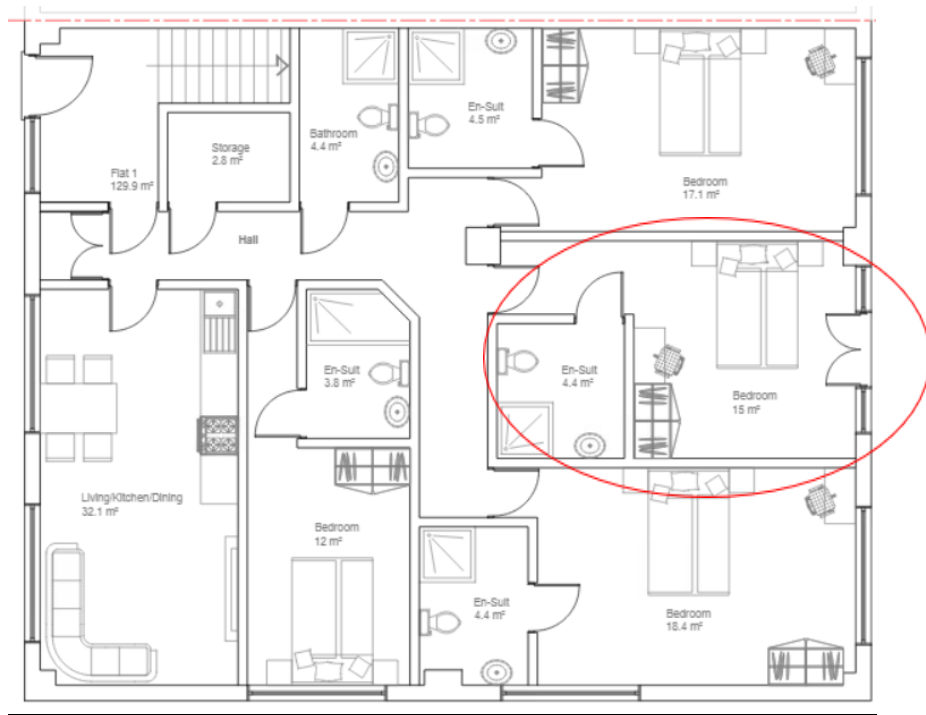
While HMO's do offer a more affordable rent, when we visited, we noted children occupying the building. The idea of children sharing amenities with occupiers who are not in the same household concerns me in terms of suitability and safeguarding. HMO's are not appropriate for children and should not be used.

Location

The location of the building as an HMO is not ideal given it is surrounded by active commercial sites and office space. However, looking at the Noise Impact Assessment submitted with 23/1731/PDM, the impact of the location was found as negligible to low impact. In theory the impact around noise shouldn't change, despite there being more occupiers.

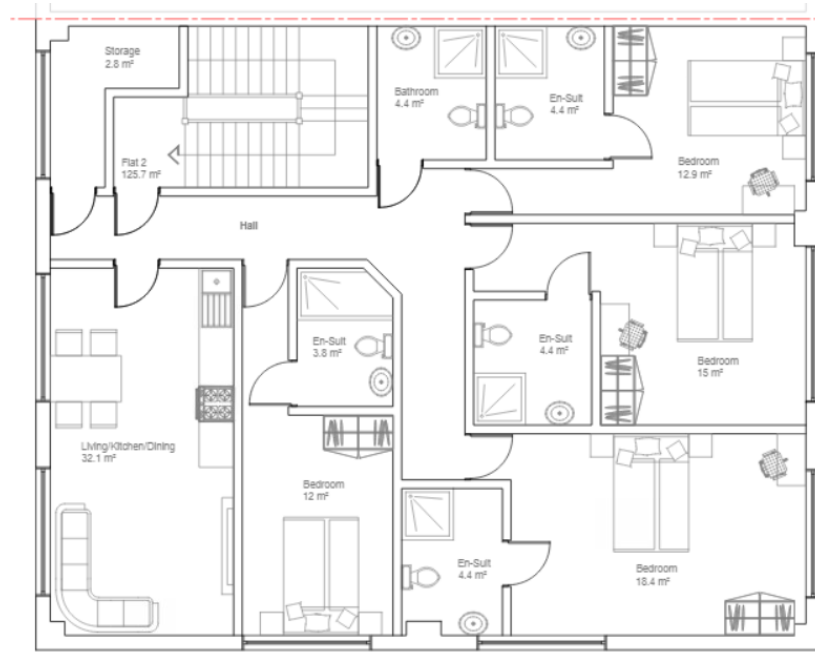
24/1821/RSP – Unit 8

Ground Floor



Currently the ground floor provides 4 units of sleeping accommodation with ensuite provision. All units share the communal kitchen/dining/living and there is the provision of an additional bathroom. Based on the floor space, there is adequate for a maximum of 5 people to occupy.

First Floor



The first floor offers 4 units of sleeping accommodation with ensuite provision. All units share the communal kitchen/dining/living and there is the provision of an additional bathroom. Based on the floor space, the floor space is adequate for a maximum of 6 people to occupy.

4.1.5 Hertfordshire County Council (HCC): Highways 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 reason:

The potential to support and promote sustainable forms of travel is limited and the proposed site lacks the opportunity for sustainable travel to be made possible. The proposals are therefore contrary to the National Planning Policy Framework and Hertfordshire's Local Transport Plan (LTP4, 2018), specifically Policy 1: Transport User Hierarchy and Policy 5: Development Management.

Comments/Analysis

It is noted that previous applications for dwellings in Units 6 and 8 were also recommended for refusal by HCC as the Highway Authority due to the same sustainability concerns, but the applications were ultimately approved by the LPA.

Description of Proposal

Part Retrospective: Change of use of building from offices (Class E) to 2 x Houses of Multiple Occupation (Class C4)

Site and Surroundings

Tolpits Lane is a classified A main distributor route, or P2/M2 (e.g. Multi Function Road) according to the Place and Movement Planning Design Guide (PMPDG), subject to a 40mph speed limit which is highway maintainable at public expense. The units were originally used as office space located within an industrial estate, mostly comprising of workshops and other offices. The industrial estate is approximately 3.5km from the centre of Watford and 2.5km from the centre of Rickmansworth.

Highway Impact

Following consideration of the location of the site and the surrounding highway network, the potential to promote and encourage the use of sustainable travel to and from the site are limited and poor.

There is not a footway along Tolpits Lane and owing to the speed and classification of the route, it would not be considered safe or appealing for all users to walk anywhere via this route. The other potential walking route from the site would follow the Ebury Way which is not maintained by highways and is not a right of way, meaning access rights cannot always be guaranteed, and options for improvements are highly limited. Furthermore, the Ebury Way is a rural route which would not be considered appropriate for use by all, especially those with mobility impairments or those pushing buggies. Additionally, the distance to the closest bus stop is approximately 1.7km, using the Ebury Way route, this walking distance would be considered too far within Planning for Walking (2015), issued by the Chartered Institution of Highways and Transportation (CIHT). Croxley Green train station is approximately 1.1km from the site however this is accessed via Croxley Common Moor using a public right of way. Again, this route would not be considered appropriate for all pedestrians and would be considered undesirable at night or in bad weather due to the unlit and unsealed nature of the route. The proposed site would therefore be reliant upon private motor vehicle use which is contrary to Policies 1 and 5 of Hertfordshire's LTP4; and does not offer options for all to access sustainable travel, infringing upon the NPPF also.

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 concerns as the proposals are contrary to policies within LTP4 and NPPF.

4.1.6 National Grid: [No comments received]

4.2 **Public/Neighbour Consultation**

- 4.2.1 Number consulted: 37
- 4.2.2 No of responses received: 1
- 4.2.3 Site Notices: Not required.
- 4.2.4 Press Notice: Expired: Not required.
- 4.2.5 Summary of Responses:
 - Lack of need for the development
 - Overshadowing and loss of privacy
 - Poor quality or size of accommodation

5 Reason for Delay

- 5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

Legislation

- 6.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).
- 6.2 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.
- 6.2 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.3 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.

Policy / Guidance

- 6.4 NPPF:
 - 6.4.1 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”.
- 6.5 Development Plan:
 - 6.5.1 The Three Rivers Local Plan:
 - 6.5.1.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM1, DM6, DM9, DM10, DM13 and Appendices 2 and 5.
 - 6.5.2 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include: CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12.

- 6.5.3 Site Allocations Local Development Document (adopted November 2014) - The Site Allocations LDD was adopted on 25 November having been independently accessed by the Secretary of State. Relevant policies include: Policy SA2: Employment Site Allocations – Site Reference E(b) – Tolpits Lane.
- 6.6 Other:
- 6.6.1 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015)
- 6.6.2 The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.6.3 Planning Practice Guidance (NPPG)
- 6.6.4 The South-West Herts Economic Study Update (2024)
- 6.6.5 Article 4(1) Direction 2024 – Modified by SOS – Tolpits Lane Employment Area (“the Article 4 Direction”).
- 6.6.6 Hertfordshire Local Transport Plan (2018).

7 Planning Analysis

7.1 Overview:

- 7.1.1 Following a report to the council in 2024, an enforcement case was opened via reference 24/0024/COMP. Further to a site visit and on-going discussions with relevant parties, the view was taken by officers that Prior Approval 23/1731/PDM for the change of use to a single dwellinghouse had not been lawfully implemented. Instead, based on the available evidence the ground floor of the building had been converted to 4 independent flats, rather than a single, 5 bed dwelling. In addition, works were underway to create 4 further independent flats at first floor level.
- 7.1.2 Prior Approval 23/1731/PDM was granted during a time when the Article 4 Direction was not in force, as was the case at Unit 6 which had not been lawfully implemented and is subject to planning application 24/1826/RSP and enforcement case 24/0023/COMP. However, the Article 4 Direction was re-enacted on 9 February 2024 by the Secretary of State (SOS). As such, from February 2024 onwards no Prior Approval applications seeking a change of use to residential can be permitted by the council within the Tolpits Lane Employment Area as the Article 4 Direction removes permitted development rights under of Part 3, Schedule 2, Class MA of the General Permitted Development Order 2015 (as amended), which ordinarily would allow for a change of use from Class E (commercial, business and service) to residential (Class C3). Instead, an application for planning permission must be made to allow for the appropriate planning assessment to be made.
- 7.1.3 For local context and in addition to the above and prior to the initial enactment of the Article 4 Direction in 2017, a Prior Approval was granted at Ved House for 10 residential flats via 16/2759/PDR and 12 residential units at Century House (formally Unit 1) via Prior Approval 17/0481/PDR, both of which have been implemented. In respect of Ved House, planning permission was granted at appeal (APP/P1940/W/23/3320530) on 7 February 2024 for the construction of two additional storeys to provide for a further 9 one-bed residential flats. This permission has not yet commenced and expires on 7 February 2027. The occupiers of Ved House and Century House do not benefit from external amenity spaces.
- 7.1.4 In respect of the ground floor of Unit 8, the current use as 4 independent flats is unauthorised development. By virtue of section 57(4) of the Town and Country Planning Act, in the absence of the council issuing an enforcement notice, planning permission will be required to change the use of the ground floor back to offices (or any other use falling

within Class E), as the original planning permission granted by the GPDO which permitted the ground floor to be a single dwelling was spent as a result of the unlawful change of use.

7.1.5 As noted above, currently the ground floor of Unit 8 is used as 4 independent flats; however, this application seeks the use of the ground and first floor as 2 x HMOs.

7.1.6 The following sections consider the acceptability of the proposed scheme against the relevant material considerations.

7.2 Principle of development:

7.2.1 The application site falls within the Tolpits Lane employment area (Site Ref E(b) of the Site Allocations Local Development Document).

7.2.2 Policy SA2 of the Site Allocations Local Development Document makes clear that employment sites such as Tolpits Lane are safeguarded for business, industrial and storage or distribution uses. This policy is an important mechanism for delivering the overall vision and objectives for the spatial development of the area as set out within the Core Strategy. The policy enshrines the principle that particular forms of development can be located on identified sites. To safeguard the allocation, the area is subject to the Article 4 Direction which controls the change of use of buildings to residential dwellings. The Article 4 Direction was re-applied and approved by the Secretary of State in early 2024 which underlines the strategic importance of the allocation and enables the ability to focus employment sites in accordance with Policy SA2.

7.2.3 Policy CP6 of the Core Strategy states that the sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within the key employment areas within the district.

7.2.4 Prior to the unauthorised change of use, the ground floor of the building could have lawfully been used for purposes relating to Class E which included the following uses:

- a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
- b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- c) for the provision of the following kinds of services principally to visiting members of the public—
 - (i) financial services,
 - (ii) professional services (other than health or medical services), or
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- g) for—
 - (i) an office to carry out any operational or administrative functions,
 - (ii) the research and development of products or processes, or
 - (iii) any industrial process,

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

- 7.2.5 As part of the current application the Local Plans team have commented that the application to convert the building to HMOs would fail to comply with Policy SA2 of the Site Allocations LDD and Policy CP6 of the Core Strategy. Whilst the policies are relatively dated, the South-West Herts Economic Study Update (2024) found that as of July 2023 there was 162,00sqm of available office space in south-west Hertfordshire, of which 124,00sqm was identified as vacant. However, the study specifically refers to Three Rivers as having different market conditions in terms of office space, concluding that the authority “should prioritise the protection of office space as far as possible”. From case officer site visits, it appeared that the majority of buildings were in use, noting that Class E provides a greater range of uses than when the building was originally built. Arguably, the area was planned for commercial uses, and this was re-enforced by the re-enactment of the Article 4 Direction.
- 7.2.6 Notwithstanding, Policy CP2 of the Core Strategy is also relevant and states that in assessing applications for development not identified as part of the District’s housing supply including windfall sites, the council will have regard to policies and parameters set out in the Core Strategy with applications considered on a case by case basis having regard to:
- i. The location of the proposed development, taking in account the Spatial Strategy
 - ii. The sustainability of the development and its contribution to meeting local housing needs
 - iii. Infrastructure requirements and the impact on the delivery of allocated housing sites
 - iv. Monitoring information relating to housing supply and the Three Rivers housing targets.
- 7.2.7 The Strategic Objectives within the Core Strategy seek to make efficient use of previously developed land which includes the application site. The site falls outside any of the settlements set out within the Core Strategy.
- 7.2.8 In terms of the sustainability of the site, the application site is not within a Key Centre, but as stated by the Planning Inspector in the Ved House appeal decision, is connected to development that links with the outskirts of Holywell, Watford. In this particular appeal at paragraph 25 the Inspector acknowledged that Tolpits Lane did not include a footpath or streetlights preventing its safe use for pedestrians or cyclists, however, the estate already includes residential development and is adjacent to Moor Lane Crossing which connects to the Ebury Way, although not a right of way, provides walking and cycling routes to Watford and Rickmansworth. The Inspector also referred to the fact that Croxley Green railway station is around one kilometre from the site via a right of way, providing an accessible option for pedestrians and cyclists. As such, the Inspector concluded that the site would be relatively accessible to nearby local centres through sustainable travel options.
- 7.2.9 In terms of the district’s housing needs, the council cannot demonstrate five years’ worth of supply; currently at 1.7 years. Given the supply, the council has drawn up an Action Plan (June 2024) which analyses the reasons for the under-delivery and how housing need can be increased. The council is also required to apply the presumption in favour of sustainable development which means, either a) approving development proposals that accord with an up-to-date development plan without delay; or b) granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Notwithstanding, the delivery of 2 dwellings (2 x HMOs) would make a limited but positive contribution to housing provision within the district.
- 7.2.10 There is clearly a conflict between Policy SA2 and Policy CP2. The NPPF at paragraph 128 states that “Local planning authorities should also take a positive approach to applications

for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.” However, as detailed above, the application site is an allocated site and thus paragraph 128 is not engaged.

7.2.11 In summary, the residential use of the building as 2 x HMOs would fail to comply with the strategic aims of Policy SA2 of the Site Allocations LDD and Policy CP6.

7.3 Affordable Housing:

7.3.1 Policy CP4 of the Core Strategy states in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision of affordable housing off site. The council have adopted an Affordable Housing Supplementary Planning Document (June 2011) (SPD) which provides further guidance on the application of the affordable housing policies in the Core Strategy.

7.3.2 The SPD states that; “The principle is that any residential use that involves individual units of self contained residential accommodation, with their own front doors, will be regarded as residential and Policy CP4 will apply. This includes sheltered or age restricted accommodation where it provides self contained accommodation, even if there is a warden or administrator on site some or all of the time. However, if the residential accommodation has shared facilities and is not therefore self contained, as in the case of some supported housing and residential care homes, it is regarded as an institutional use and Policy CP4 will not apply.”

7.3.3 Whilst recognising that a small HMO is a residential use, each occupant would in effect be sharing kitchen facilities meaning that their occupation would not truly be self-contained. There is also a separate bathroom which would be available to all occupants of the HMO to use in addition to their en-suites. Given the nature of the units, it is highly likely that rents levels would be relatively low, when compared to market housing.

7.3.4 For these reasons, as a matter of planning judgement it is not considered that Policy CP4 applies to the development based on the above circumstances.

7.4 Quality of Accommodation for future occupants

7.4.1 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.

7.4.2 At Chapter 12 of the NPPF at paragraph 135 it states that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The NPPF adds that planning policies should make use of the nationally described space standard, where the need for an internal space standard can be justified. The Council’s local planning policies are silent on space standards.

7.4.3 Notwithstanding, the described standards are for new dwellings, not HMOs.

7.4.4 In respect of HMOs, there are mandatory national minimum sleeping room sizes, in force via The Mandatory Conditions Regulations 2018 which states that the licence holder must:

“...ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres.”

7.4.5 The proposed rooms to be used for sleeping accommodation within the ground and first floor are shown to be no lower than 12sqm with the largest at 18.4sqm. Each area of

sleeping accommodation would be supported by an en-suite, with communal facilities in the form of a kitchen, dining and lounge area and bathroom. In terms of laying of internal accommodation, both the ground and first floor would have the same layout, meaning the communal area at first floor is below the communal area at ground level.

- 7.4.6 Each area of sleeping accommodation would be served by large windows and thus would have acceptable levels of natural light. However, as existing, all windows have temporary obscure films applied which limits their natural light and outlook. Both Century House and Ved House in residential accommodation have obscure glazing to the lower parts of the windows with clear glazing at the upper parts to facilitate natural light. If the same was to be provided from Unit 8, the windows would need to be replaced unless temporary films would be adequate. In the event of an approval, this arrangement could be secured by condition.
- 7.4.7 Concerns have been raised regarding fire safety as the fire escape route would utilise sleeping accommodation. In this regard the Environmental Health Officer has commented that based on the floor space available (disregarding the room proposed to be used as a fire exit), the floor space at ground level is adequate for a maximum of 5 people to occupy, rather than the 8 people proposed. At first floor level, it is considered that 6 people could occupy this HMO rather than 8 people.
- 7.4.8 In terms of location, Unit 8 is surrounded primarily by commercial development with more industrial uses found towards the east, approximately 25m away. The building is immediately adjoined by parking bays to the west, low level soft landscaping and a disabled path. The industrial uses to the east, beyond the internal service road, include a car mechanics, cross fit premises and other storage facilities, each of which have a relatively large open frontages for parking purposes and other ancillary functions.
- 7.4.9 In terms of the noise associated with the use, Policy DM9 of the Development Management Policies LDD states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development and would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not. No noise assessment has been submitted to support the application, however, during the consideration of 23/1731/PDM an 'Acoustic Design Statement' was provided as one of the limited areas of assessment for the Prior Approval application was to consider the "impacts of noise from commercial premises on the intended occupiers of the development."
- 7.4.10 The above-mentioned statement referred to a) Crossfit Watford as the most dominate noise source, which opens between 6.30am until 9pm Monday to Friday and 9am to 12pm Saturday and Sunday and b) Johnson Motors, which is open between 8am until 5.30pm Monday to Friday only. The assessment considered the noise associated with both uses with the external doors / roller shutters.
- 7.4.11 The conclusions of the assessment were that the existing double glazing serving the units would be appropriate mitigation to avoid unacceptable noise issues. This was accepted by the Council's Environmental Health department during the assessment of 23/1731/PDM and no material changes to the adjacent uses have occurred since the determination of the Prior Approval. This mitigation has been installed as part of the conversion works. The Environmental Health Officer has referred to the past decision within their consultee comments and has no objection to the proposal in respect of noise and disturbance.
- 7.4.12 In terms of overlooking into the rooms at ground floor level, the areas of sleeping accommodation are to the side and rear of the building, adjacent to soft landscaping. It is not considered that this relationship is different to other dwelling types which immediately front a path or are adjacent to a road. Notwithstanding, as per Century House and Ved House, obscure glazing could be applied to the lower parts of the windows, whether by

temporary films or new purpose made windows to all ground floor rooms to mitigate such concerns.

- 7.4.13 There would be no external amenity area for the occupants with only very limited space to provide any, to the east in place of the shrub planting. However, residential uses do exist within Century Court with no amenity space such as at Ved House, whereby the Inspector in a recent appeal decision at paragraph 16 stated that:

“Occupiers of the flats would not have direct access to external amenity space. Nonetheless, this is similar to the existing provision for occupiers of the existing building. Furthermore, the site is within a 5-minute walk of Croxley Common Moor, providing good access to local amenity space for future occupiers.”

- 7.4.14 It would appear in the case of Ved House that strong (my emphasis) reliance was placed on the fact that the building was already used for residential purposes. In the case of the host building, the current residential use is unauthorised so it should not be assumed that the lack of amenity space is acceptable in principle. Other residential buildings within the wider Tolpits Lane employment area have private amenity spaces in the form of balconies which offer external space to sit out and utilise, whether for respite or to place washing etc with the use of external spaces considered important following the pandemic. Whilst reference in the appeal decision is made to nearby Croxley Common Moor, which can be accessed by Moor Lane Crossing by foot, it would not be very accessible based on the absence of any footpath along Tolpits Lane meaning its usability by future occupants is likely to be slim. The inability to provide external amenity space is primarily down to the fact that the building’s original purpose was to provide for commercial development. Even if amenity space was provided, it would be viewed within the context of a primarily commercial and industrial environment which would lessen its attractiveness and therefore usability. It is considered that the lack of private or communal amenity space as a result of the site’s locality would reduce the quality of housing being provided which arguably would be at odds with Policy CP12 of the Core Strategy and paragraph 135 of the NPPF, the latter of which seeks to promote health and well-being.

- 7.4.15 Whilst acknowledging the acceptable internal sizes of the proposed sleeping accommodation (the number of occupants of which can be controlled in the event of an approval), the occupants’ access to a sizable internal communal area and the fact that no further mitigation is required to negate noise impacts from nearby uses, the absence of any external amenity areas / space would however fail to provide adequate living conditions for future occupants nor seek to provide a high standard of amenity for future users, contrary to Policy CP12 of the Core Strategy and the NPPF (2024).

- 7.4.16 The level of harm associated with the impact to living conditions would be tempered by virtue of the fact that other buildings within Century Court are used for residential purposes without external amenity standards and access, albeit poorly accessible, is located in close proximity. Therefore, it is considered that moderate harm to the living conditions of future occupants would arise from the proposed development.

7.5 Impact on Character and Appearance

- 7.5.1 Policy CP1 of the Core Strategy 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’. Development should make efficient use of land but should also respect the ‘distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials’; ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’ and ‘incorporate visually attractive frontages to adjoining streets and public spaces’.

- 7.5.2 The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 of the Framework states that decisions should ensure that developments a) function well and add to the overall quality of the area over the lifetime of the development, b) are visually attractive, c) are sympathetic to local character and history, d) establish or maintain a strong sense of place, e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and f) create places that are safe, inclusive and accessible and which promote health and well-being.
- 7.5.3 The application site is located within a commercial environment which is dominated by a corridor of commercial, residential, industrial and office type development which varies in design and scale. Within the immediate vicinity of the application site is a collection of 6 similar designed detached two storey buildings principally in commercial use which are laid out amongst tree lined parking courts and are of a noticeable different character to the more industrial part of the wider estate which surrounds Century Court.
- 7.5.4 No external changes are proposed to the building which ensures that its appearance, which is consistent with the other buildings within Century Court, is maintained.
- 7.5.5 The proposed bins would be largely hidden from existing soft landscaping and their continued external presence would be acceptable, although a dedicated bin store would be preferred. The cycle enclosures would be minor forms of development and details would be secured by condition in the event of an approval.
- 7.5.6 In light of the above, subject to conditions (in the event of an approval), it is considered that the proposed development would integrate within the area and would not have a detrimental impact on its overall character and appearance, thereby according with Policies CP1 and CP12 of the Core Strategy and the NPPF (2024).
- 7.6 Impact on designated heritage assets
- 7.6.1 The application site is not located within a conservation area however the surrounding area does contain a listed building; Tolpits House, a Grade II listed building which is located towards the south of the application site.
- 7.6.2 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision-maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.6.3 Policy DM3 of the Development Management Policies LDD states that there will be a presumption in favour of the retention and enhancement of heritage assets.
- 7.6.4 Paragraph 212 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Whilst paragraph 213 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.
- 7.6.5 Given the proposed use and the fact that no external changes are taking place to the building, it is not considered that the development would result in any adverse impacts to the significance of this asset. The development would accord with Policy DM3 and the NPPF.
- 7.7 Impact on neighbouring buildings

- 7.7.1 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities.
- 7.7.2 As no extensions or alterations are to take place, there would be no impact on adjoining premises.
- 7.7.3 In terms of the residential use of the building, it is not considered that it would have a detrimental impact on adjacent commercial premises. The parking bays would continue to be used as parking spaces for future occupants and therefore the use of the building would not be readily apparent when considering its immediate context.

7.8 Impact on highway safety, sustainable travel and parking levels

- 7.8.1 Policy CP10 of the Core Strategy states that all development proposals should be designed and located to minimise the impacts of travel by motor vehicle on the district.
- 7.8.2 The NPPF at paragraph 116 it states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Access

- 7.8.3 The access into the site would remain as per its previous use, via Tolpits Lane. No changes to the access requirements are proposed or required to enable its proposed use.

Trip Generation

- 7.8.4 When considering that the previous use of the building was as offices, it is not considered that its use by a maximum of 16 residents (as proposed but likely to be lower in the event of an approval) would be detrimental to the highway network.

Parking levels

- 7.8.5 In terms of parking, the submitted details indicate that each HMO would house 8 persons (2 per bedroom). The Parking Standards as set out within Appendix 5 of the Development Management Plan LDD states that for houses in multiple occupation, there shall be 0.5 spaces per tenancy.
- 7.8.6 The application site is shown to incorporate 4 car parking spaces plus 1 disability parking space, totalling 5 spaces. If, as a worse case scenario, each occupant is subject to a single tenancy, there would be a parking requirement of 4 spaces per HMO ($0.5 \times 8 = 4$), therefore a total of 8 spaces would be required across the development. As such, there would be an undersupply of parking. However, following discussions with the Local Plans team, it is considered that the parking requirement should be 0.5 spaces per bedroom. When taking this approach only 4 spaces are required across the development.
- 7.8.7 For disabled spaces, Appendix 5 states that residential schemes with more than 10 spaces should provide 1 disabled space per 4 spaces. The scheme proposes 1 disabled space which is acceptable.
- 7.8.8 In terms of cycle parking, three enclosed bike stores totalling storage for 6 bikes would be provided. When considered against the cycle standards provided at Appendix 5 for an HMO (1 long term space per unit) there would be a slight oversupply.

Sustainability of site

- 7.8.9 Policy CP10 of the Core Strategy seeks that development will need to demonstrate that it is integrated with the wider network of transport routes, including public rights of way and cycle paths where appropriate.
- 7.8.10 The Highway Authority have commented and objected that given the location of the site and the surrounding highway network, the potential to promote and encourage the use of sustainable travel to and from the site are limited and poor. This is on the basis that there is not a footway along Tolpits Lane and owing to the speed and classification of Tolpits Lane (a main distributor route) subject to a 40mph speed limit. There are no bus stops within the locality either.
- 7.8.11 In terms of connections, the Ebury Way can be accessed via Olds Approach, however, as above, there is no footpath along Tolpits Lane and the Ebury Way is also a rural route and therefore may not be suitable for all residents. A public right of way exists (17) from Moor Lane Crossing across Croxley Common Moor towards the Grand Union Canal which enables accessibility towards Croxley Green train station. Again, this route has its limitations given the type of path and gradient, but it does provide an option.
- 7.8.12 Within the appeal decision at Ved House, at paragraph 15 the Inspector stated:
- “An objection was made by County Highways on the basis of that the proposal would not support sustainable travel as the site is poorly located. However, the proposal seeks to extend an existing residential use, Also, whilst providing limited access to sustainable travel, the site is connected to existing pedestrian routes and cycleways, within a built up area. These provide some, albeit limited, accessibility benefits.”*
- 7.8.13 Additionally, at paragraph 25 of the same appeal decision the Inspector stated:
- “The site is not within a Key Centre, but connected to development that links with the outskirts of Holywell. Tolpits Lane is a classified A main distributor road with a 40mph speed restriction. It does not include a footpath or streetlights preventing its safe use for pedestrians or cyclists. However, the estate already includes residential development and is adjacent to Moor Lane Crossing. This road connects to Ebury Way, although not a right of way, provides walking and cycling routes to Watford and Rickmansworth. Furthermore, Croxley Green railway station is around one kilometre from the site via a right of way, providing an accessible option for pedestrians and cyclists. As such, the site would be relatively accessible to nearby local centres through sustainable travel options.”*
- 7.8.14 Notwithstanding the above and the future ability to make use of cycle storage, the users of the HMO would highly likely be reliant on motor vehicles. Given the location of the application site, there are limited opportunities available to offer further options for all to access sustainable travel. However, whilst the proposal is for new housing there are other residential developments within the vicinity so when considering this and the comments made by the Inspector, it is not considered that the location of the site would be unacceptable.
- 7.9 Impact on trees / landscaping
- 7.9.1 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 requires that ‘...the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with surrounding networks of green open spaces’
- 7.9.2 Policy DM6 of the Development Management Policies LDD states that development proposals should seek to retain trees and other important landscape and nature

conservation features whilst including new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

7.9.3 There are no individual protected trees within or adjacent to the site, nor is the site a conservation area. Shrubs and small hedging exist within the parking areas and these are to be maintained.

7.9.4 Refuse and recycling

7.9.5 In terms of waste management, Policy DM10 states 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.

7.9.6 The bins are currently provided placed externally, although further details have been requested.

7.9.7 The comments from Environmental Protection are awaited; however, there is scope to provide a bin store / storage area if required.

7.10 Wildlife considerations

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 A Biodiversity Checklist was submitted with the application and 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 bats (or other 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 as the development does not impact a priority habitat and impacts less than 25sqm of on-site habitat or 5 metres of linear habitat such as hedgerows. It is accepted that BNG is not applicable.

7.12 Sustainability

7.12.1 Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 5% less carbon dioxide emissions than 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.

7.12.2 The application has not been supported by an Energy Statement. It is considered that prior to the alteration to change the use from flats to an HMO an energy statement could be provided with the measures incorporated. Therefore, in order to comply with Policy DM4, a condition would be applied in the event of an approval.

7.13 Infrastructure Contributions

7.13.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015.

7.13.2 The Charging Schedule sets out that the application site is within 'Area A' within which the charge per sqm of residential development is £180/sqm.

7.14 Other material considerations / Planning Balance

7.14.1 The NPPF at paragraph 11 states the plans and decisions should apply a presumption in favour of sustainable development. For decision making in this means (c) approving development proposals that accord with an up-to date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granted planning permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

(ii) **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.**

7.14.2 The above assessment has found that the development a) fails to safeguard the comply with the strategic aims of Policy SA2 of the Site Allocations LDD and b) would harm the living conditions of future occupants as a result of the lack of external amenity space.

7.14.3 The council cannot demonstrate 5 years' worth of housing at 1.7 years worth of supply. This application would allow for an uplift of 2 x 4 bed HMOs, which is the equivalent to 2 dwellings. The uplift in housing would provide limited benefits to housing supply, but the type of housing would provide an alternative form of housing. The Gov.uk website highlights that HMOs form a vital part of the private rented sector, often providing cheaper accommodation for people whose housing options are limited, often occupied by the most vulnerable people in our society. Whilst the type of housing is acknowledged, on the basis that the standard of accommodation to be provided is considered to be sub-standard the weight applied to the gain in housing delivery is reduced.

7.14.4 There would be further limited economic benefits arising from the works and by the future occupants supporting local economies.

7.14.5 In relation to the loss of commercial floorspace, this is considered to result in significant harm. No fallback position exists to implement the Prior Approval as a single dwellinghouse. Whilst there is a conflict between local planning policies to provide commercial development and housing development, the latter of which there is a significant need, the importance of the employment allocation cannot be understated and in this instance the standard of

housing would be sub-standard, largely down to its location within an employment area which places constraints on what can be provided.

- 7.14.6 To conclude, it is considered that the adverse impacts would significantly and demonstrably outweigh the benefits and thus planning permission should be refused.
- 7.14.7 By refusing the application, it is recognised that enforcement action *may* follow which would in effect require the existing use at ground level only to cease and return both the ground and first floor back to their previous lawful use (Use Class E). This would require the re-housing of the current occupants and consideration into their human rights would need to be taken into account.

8 Recommendation

- 8.1 That planning permission is **REFUSED**, for the following reasons:

R1: The change of use of the building to 2 x Houses of Multiple Occupation (HMOs) would result in the loss of commercial floorspace within an allocated employment area, Site E(b) of the Site Allocations Local Development Document. The loss of the commercial floorspace would therefore be contrary to the strategic aims of Policy SA2 of the Site Allocations Local Development Document (adopted 2014) and Policy CP6 of the Core Strategy (adopted October 2011).

R2: The change of use to provide 2 x Houses of Multiple Occupation (HMOs) by virtue of their lack of external amenity space would fail to provide adequate living conditions for future occupants nor seek to provide a high standard of amenity for future users, contrary to Policy CP12 of the Core Strategy (adopted October 2011) and the NPPF (2024).

8.2 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.

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Unit 8 Photographs



Units 6 to 8



Front of Unit 8



Rear of Unit 8



Example of layout of one flat



Example of one of the first floor units



Other buildings such as Ved House within Century Court



Century House (formally Unit 1)

PLANNING COMMITTEE – 20 February 2025

24/1826/RSP – Part Retrospective: Change of use of building to 2 x Houses of Multiple Occupation (Sui Generis) at Unit 6, Century Court, Tolpits Lane, Watford, Herts, WD18 9RS

Parish: Batchworth Community Council
Expiry of Statutory Period: 04 February 2025
Extension of Time Agreed: 28 March 2025

Ward: Moor Park and Eastbury
Case Officer: Matthew Roberts

Recommendation: That planning permission is **refused**.

Reason for consideration by the Committee: The application was called in by three members of the planning committee unless officers are minded to refuse, given concerns in respect of compliance with space standards, parking provision, amenity space and overlooking into the ground floors. Whilst the application is recommended for refusal, it is not solely on the grounds referred to by those calling in the application. As such, the application has been called in by the Head of Regulatory Services to enable further discussion on the areas of concern highlighted by members.

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

[24/1826/RSP | Part Retrospective: Change of use of building to 2 x Houses of Multiple Occupation \(Sui Generis\). | Unit 6 Century Court Tolpits Lane Watford Hertfordshire WD18 9RS](#)

1 Relevant planning and enforcement history of the application site

- 1.1 8/432/89: Erection of six Industrial units and associated car parking. Permitted.
- 1.2 16/1709/PDR: Prior Notification: Change of use from Office (Class B1) to 16 Residential units (Class C3). Withdrawn.
- 1.3 23/0152/PDM: Prior Approval: Change of use from existing office (Use Class B1) to (Use Class C3) dwelling. Permitted, not implemented in accordance with approved plans
- 1.4 24/1020/PDM: Prior Approval: Change of use from commercial, business and service (Use Class E) to 4no. residential dwellings (Use Class C3). Withdrawn.
- 1.5 24/0023/COMP: Works not in accordance with 23/0152/PDM - Creation of self-contained units. Pending consideration.

2 Description of Application Site

- 2.1 The application site includes part of a two storey brick built building with a hipped roof which forms part of a wider collection of similar style buildings known as Century Court, accessed via a service road from Tolpits Lane.
- 2.2 The application site is located to the northern end of the two storey building and currently contains residential accommodation at ground floor level and office accommodation at first floor level, each served by a ground floor entrance and lobby area. The application site also includes parking to all sides of the building and a bin store.
- 2.3 Century Court comprises 6 detached buildings including Ved House (formally Unit 3) set amongst parking courts and internal roads. The majority are in commercial use, although Unit 6 (host building), Unit 8 (subject to 24/1821/RSP), Century House (formally Unit 1) and Ved House are in residential accommodation. Century Court is located between the Moor

Park Industrial Centre and Moor Lane Crossing, the latter of which is separated by a line of trees and hedging.

- 2.4 The application site is also part of the wider Tolpits Lane Employment Area, an established allocated employment cluster located on the edge of Watford, positioned between the Metropolitan railway line to the west, the Ebury Way cycle route to the north with Croxley Common Moor (SSSI) beyond and Tolpits Lane (A4145) to the south.
- 2.5 The wider employment area contains a variety of commercial, residential and industrial premises. To the south west of the application site is Ved House (1-10) with Unit 4 to the north west. To the immediate south and attached to the application site is Unit 7 with Unit 5 positioned to the north on the other side of the internal road.
- 2.6 The application site is located within an allocated employment site within the council's Site Allocations LDD referenced E(b) and is controlled by an Article 4 direction which prevents the loss of commercial buildings. The site is surrounded by, but excluded from, the Metropolitan Green Belt, and is adjacent to Croxley Common Moor (SSSI), located to the north. To the south of Tolpits Lane, there is a Grade II listed building, known as Tolpits House.

3 Description of Proposed Development

- 3.1 This application seeks part retrospective planning permission for the change of use of the building to 2 x Houses of Multiple Occupation (Sui Generis).
- 3.2 This application seeks to provide for 2 x 4 bed House of Multiple Occupation (HMO); one at ground floor level and one at first floor level, the latter replacing what is currently an office. The submitted information states that each HMO could be occupied by 8 persons.
- 3.3 As part of the proposal, it is proposed that each independent sleeping accommodation (bedrooms) would be served by a communal lounge and dining area and separate bathroom. At present the ground floor is served by 4 independent flats.
- 3.4 The ground floor would therefore include 4 sleeping areas (bedrooms) ranging from 12sqm to 18sqm in size each with an en-suite.
- 3.5 The first floor would include a similar arrangement to the ground floor.
- 3.6 As existing, all windows have temporary obscure films applied to them.
- 3.7 The submitted details and as confirmed by the applicant, 11 parking spaces (3 of which would be EV charging) would serve the HMOs, with a further 2 disabled spaces provided. The development would also be served by the existing bin storage area and new secured bike storage for 6 bikes.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Concerns raised]

BCC are concerned that the applicant is seeking to justify this application based on a provision of social housing. If officers are minded to approve BCC requests that the provision of social housing on this site remains in perpetuity as a condition for approval.

4.1.2 TRDC Local Plans: [Objection]

Representation: The proposal relates to Change of use of building to 2 x Houses of Multiple Occupation (Use Class C4). At ground floor and first floor level respectively the building would be converted to a HMO.

The application site is located in the Tolpits Lane employment site, an allocated employment area in the Site Allocations LDD (adopted 2014) (site E(b)). Policy SA2 of the Site Allocations LDD states that allocated employment sites will be safeguarded for business, industrial and storage or distribution uses. The proposal therefore does not comply with Policy SA2 in this regard, given the change of use from office to residential. Furthermore, Policy CP6 of the Core Strategy (adopted 2011) states that sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within the key employment area. The proposal is located within a key employment area and therefore the proposed change of use does not comply with Policy CP6.

The South-West Herts Economic Study Update (2024) found that as of July 2023 there was 162,000 sqm of available office space in south-west Hertfordshire, of which 124,000sqm was identified as vacant. However, the economic study specifically refers to Three Rivers as having different market conditions in terms of office space, concluding that the authority “should prioritise the protection of office space as far as possible”. It is also important to note that an Article 4 Direction has been made by the Secretary of State to remove permitted development rights regarding the change of use from class E use (Commercial, Business and Service uses) to C3 use (dwellinghouses), which came into effect on 29th March 2024. The Tolpits Lane Employment Area, in which the application site is located, forms part of the land specified in the Article 4 Direction.

The application site has not been allocated as a housing site by the Site Allocations Local Development Document (2014) and as such is not currently identified as part of the District’s housing supply. The site should therefore be considered as a windfall site. Policy CP2 of the adopted Core Strategy (adopted 2011) states that applications for windfall sites will be considered on a case by case basis having regard to:

- i. the location of the proposed development, taking into account the Spatial Strategy*
- ii. the sustainability of the development and its contribution to meeting local housing needs*
- iii. infrastructure requirements and the impact on the delivery of allocated housing sites*
- iv. monitoring information relating to housing supply and the Three Rivers housing target.*

The Spatial Strategy states that new development will be directed towards previously developed land in the urban area of the Principal Town (Rickmansworth) which is identified as one of the most sustainable locations in the District. The site is located in the Tolpits Lane employment site, an allocated employment area in the Site Allocations LDD (adopted 2014) (site E(b)) and is therefore previously developed land. The development would result in the net gain of 2 dwellings (to be used as HMO’s). The Council cannot currently demonstrate a five-year supply of housing land as required by the NPPF and currently has a 1.7-year housing land supply. The delivery of up to 2 dwellings would make a limited but positive contribution to housing provision within the District.

Policy CP4 of the Core Strategy requires 45% of all new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. Policy CP4 sets out that the Council will “as a guide, seek 70% of the affordable housing provided to be social rented and 30% to be intermediate”.

On 24th May 2021, the Government published a Written Ministerial Statement (WMS) to set out the Government’s plans for the delivery of First Homes defining the product and changes to planning policy. Following publication of the WMS, Planning Practice Guidance (PPG) was updated to reflect the WMS and formed a material consideration in decision making. As a result of the introduction First Homes and changes to national policy, the

Council released a First Home Policy Position Statement. This Policy Position Statement amended the tenure mix for affordable housing under Policy CP4 of the Core Strategy (2011) as:

- 25% First Homes
- 70% social rented, and
- 5% intermediate

However, changes were made to national policy following the publication of the newest version of the NPPF in December 2024. Within paragraph 6 of the NPPF, reference to the Written Ministerial Statement on Affordable Homes (24th May 2021), which contained policy on First Homes, has been removed and the prescriptive requirement that 10% of the total number of homes to be available for affordable home ownership as set out in former paragraph 66 has been deleted. As such, the Council will be reviewing its Policy Position Statement. It is advised that development complies with Policy CP4 as written, apportioning 70% of the affordable housing provision as social rented and 30% as intermediate.

4.1.3 TRDC Environmental Protection: Awaiting response.

4.1.4 TRDC Environmental Health: [Concerns raised]

From our visit it was identified both buildings were already being used as self-contained flats, providing accommodation for people, including vulnerable individuals such as Children. Having reviewed the applications 24/1826/RSP & 24/1821/RSP I have the following comments.

Fire Safety

During our visit, the sleeping accommodations circled in red was confirmed as being part of the means of escape. I raised my concerns around this and after having consulted with the Fire Safety Inspector at Hertfordshire Fire and Rescue Service, it was agreed that the use of this room for both sleeping accommodation and the means of escape is not acceptable. This is because you should not have to enter another room to exit the building. Also, as a means of sleeping accommodation there is no guarantee this room will be accessible in the event of a fire. Based the advice, I have taken this into consideration when working out the room sizes.

Concerns

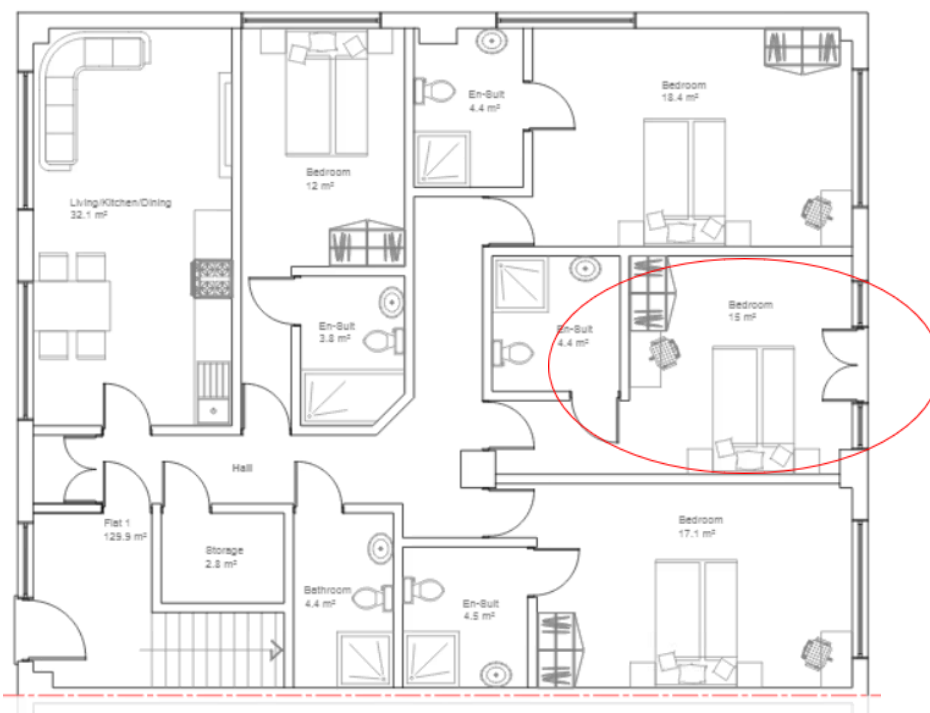
While HMO's do offer a more affordable rent, when we visited, we noted children occupying the building. The idea of children sharing amenities with occupiers who are not in the same household concerns me in terms of suitability and safeguarding. HMO's are not appropriate for children and should not be used.

Location

The location of the building as an HMO is not ideal given it is surrounded by active commercial sites and office space. However, looking at the Noise Impact Assessment submitted with 23/1731/PDM, the impact of the location was found as negligible to low impact. In theory the impact around noise shouldn't change, despite there being more occupiers.

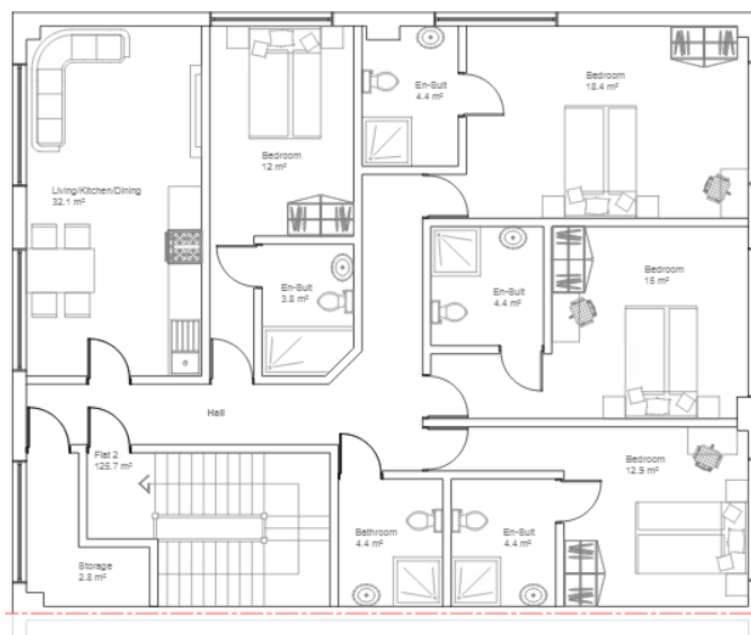
24/1826/RSP – Unit 6

Ground Floor



Currently the ground floor provides 4 units of sleeping accommodation with ensuite provision. All units share the communal kitchen/dining/living and there is the provision of an additional bathroom. Based on the floor space available (disregarding the room circled in red, the floor space is adequate for a maximum of 5 people to occupy.

First Floor



The First Floor offers 4 units of sleeping accommodation with ensuite provision. All units share the communal kitchen/dining/living and there is the provision of an additional bathroom. Based on the floor space, it is adequate for a maximum of 6 people to occupy.

4.1.5 Hertfordshire County Council (HCC): Highways 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 reason:

The potential to support and promote sustainable forms of travel is limited and the proposed site lacks the opportunity for sustainable travel to be made possible. The proposals are therefore contrary to the National Planning Policy Framework and Hertfordshire's Local Transport Plan (LTP4, 2018), specifically Policy 1: Transport User Hierarchy and Policy 5: Development Management.

Comments/Analysis

It is noted that previous applications for dwellings in Units 6 and 8 were also recommended for refusal by HCC as the Highway Authority due to the same sustainability concerns, but the applications were ultimately approved by the LPA.

Site and Surroundings

Tolpits Lane is a classified A main distributor route, or P2/M2 (e.g. Multi Function Road) according to the Place and Movement Planning Design Guide (PMPDG), subject to a 40mph speed limit which is highway maintainable at public expense. The units were originally used as office space located within an industrial estate, mostly comprising of workshops and other offices. The industrial estate is approximately 3.5km from the centre of Watford and 2.5km from the centre of Rickmansworth.

Highway Impact

Following consideration of the location of the site and the surrounding highway network, the potential to promote and encourage the use of sustainable travel to and from the site are limited and poor. There is not a footway along Tolpits Lane and owing to the speed and classification of the route, it would not be considered safe or appealing for all users to walk anywhere via this route. The other potential walking route from the site would follow the Ebury Way which is not maintained by highways and is not a right of way, meaning access rights cannot always be guaranteed, and options for improvements are highly limited. Furthermore, the Ebury Way is a rural route which would not be considered appropriate for use by all, especially those with mobility impairments or those pushing buggies. Additionally, the distance to the closest bus stop is approximately 1.7km, using the Ebury Way route, this walking distance would be considered too far within Planning for Walking (2015), issued by the Chartered Institution of Highways and Transportation (CIHT). Croxley Green train station is approximately 1.1km from the site however this is accessed via Croxley Common Moor using a public right of way. Again, this route would not be considered appropriate for all pedestrians and would be considered undesirable at night or in bad weather due to the unlit and unsealed nature of the route. The proposed site would therefore be reliant upon private motor vehicle use which is contrary to Policies 1 and 5 of Hertfordshire's LTP4; and does not offer options for all to access sustainable travel, infringing upon the NPPF also.

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 concerns as the proposals are contrary to policies within LTP4 and NPPF.

4.1.6 National Grid: [No comments received]

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 36

4.2.2 No of responses received: 0

4.2.3 Site Notices: Not required.

4.2.4 Press Notice: Expired: Not required.

4.2.5 Summary of Responses: None.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

Legislation

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

6.2 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.

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

6.3 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.

Policy / Guidance

6.4 NPPF:

6.4.1 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”.

6.5 Development Plan:

6.5.1 The Three Rivers Local Plan:

6.5.1.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM1, DM6, DM9, DM10, DM13 and Appendices 2 and 5.

6.5.2 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include: CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12.

6.5.3 Site Allocations Local Development Document (adopted November 2014) - The Site Allocations LDD was adopted on 25 November having been independently accessed by the Secretary of State. Relevant policy includes: Policy SA2: Employment Site Allocations – Site Reference E(b) – Tolpits Lane.

6.6 Other:

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

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

- 6.6.3 Planning Practice Guidance (NPPG)
- 6.6.4 The South-West Herts Economic Study Update (2024)
- 6.6.5 Article 4(1) Direction 2024 – Modified by SOS – Tolpits Lane Employment Area (“the Article 4 Direction”).
- 6.6.6 Hertfordshire Local Transport Plan (2018).

7 Planning Analysis

7.1 Overview:

- 7.1.1 Following a report to the council in 2024, an enforcement case was opened via reference 24/0023/COMP. Further to a site visit and on-going discussions with relevant parties, the view was taken by officers that Prior Approval 23/0152/PDM for the change of use to a single dwellinghouse had not been lawfully implemented. Instead, based on the available evidence the ground floor of the building had been converted to 4 independent flats, rather than a single, 5 bed dwelling.
- 7.1.2 Prior Approval 23/0152/PDM was granted during a time when the Article 4 Direction was not in force, as was the case at Unit 8 which had not been lawfully implemented and is subject to planning application 24/1821/RSP and enforcement case 24/0024/COMP. However, the Article 4 Direction was re-enacted on 9 February 2024 by the Secretary of State (SOS). As such, from February 2024 onwards no Prior Approval applications seeking a change of use to residential can be permitted by the council within the Tolpits Lane Employment Area as the Article 4 Direction removes permitted development rights under of Part 3, Schedule 2, Class MA of the General Permitted Development Order 2015 (as amended), which ordinarily would allow for a change of use from Class E (commercial, business and service) to residential (Class C3). Instead, an application for planning permission must be made to allow for the appropriate planning assessment to be made.
- 7.1.3 For local context and in addition to the above and prior to the initial enactment of the Article 4 Direction in 2017, a Prior Approval was granted at Ved House for 10 residential flats via 16/2759/PDR and 12 residential units at Century House (formally Unit 1) via Prior Approval 17/0481/PDR, both of which have been implemented. In respect of Ved House, planning permission was granted at appeal (APP/P1940/W/23/3320530) on 7 February 2024 for the construction of two additional storeys to provide for a further 9 one-bed residential flats. This permission has not yet commenced and expires on 7 February 2027. The occupiers of Ved House and Century House do not benefit from external amenity spaces.
- 7.1.4 In respect of the ground floor of Unit 6, the current use as 4 independent flats is unauthorised development. By virtue of section 57(4) of the Town and Country Planning Act, in the absence of the council issuing an enforcement notice, planning permission will be required to change the use of the ground floor back to offices (or any other use falling within Class E), as the original planning permission granted by the GPDO which permitted the ground floor to be a single dwelling was spent as a result of the unlawful change of use.
- 7.1.5 As noted above, currently the ground floor of Unit 6 is used as 4 independent flats; however, this application seeks the use of the ground and first floor as 2 x HMOs.
- 7.1.6 The following sections consider the acceptability of the proposed scheme against the relevant material considerations.
- 7.2 **Principle of development:**

- 7.2.1 The application site falls within the Tolpits Lane employment area (Site Ref E(b) of the Site Allocations Local Development Document).
- 7.2.2 Policy SA2 of the Site Allocations Local Development Document makes clear that employment sites such as Tolpits Lane are safeguarded for business, industrial and storage or distribution uses. This policy is an important mechanism for delivering the overall vision and objectives for the spatial development of the area as set out within the Core Strategy. The policy enshrines the principle that particular forms of development can be located on identified sites. To safeguard the allocation, the area is subject to the Article 4 Direction which controls the change of use of buildings to residential dwellings. The Article 4 Direction was re-applied and approved by the Secretary of State in early 2024 which underlines the strategic importance of the allocation and enables the ability to focus employment sites in accordance with Policy SA2.
- 7.2.3 Policy CP6 of the Core Strategy states that the sustainable growth of the Three Rivers economy will be supported by continuing to focus employment uses within the key employment areas within the district.
- 7.2.4 Prior to the unauthorised change of use, the ground floor of the building could have lawfully been used for purposes relating to Class E which included the following uses:
- a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
 - b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
 - c) for the provision of the following kinds of services principally to visiting members of the public—
 - (i) financial services,
 - (ii) professional services (other than health or medical services), or
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
 - d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
 - e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
 - f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
 - g) for—
 - (i) an office to carry out any operational or administrative functions,
 - (ii) the research and development of products or processes, or
 - (iii) any industrial process,

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- 7.2.5 As part of the current application the Local Plans team have commented that the application to convert the building to HMOs would fail to comply with Policy SA2 of the Site Allocations LDD and Policy CP6 of the Core Strategy. Whilst the policies are relatively dated, the South-West Herts Economic Study Update (2024) found that as of July 2023 there was 162,00sqm of available office space in south-west Hertfordshire, of which 124,00sqm was identified as vacant. However, the study specifically refers to Three Rivers as having different market conditions in terms of office space, concluding that the authority “should prioritise the protection of office space as far as possible”. From site visits, it appeared that the majority of buildings were in use, noting that Class E provides a greater range of uses than when

the building was originally built. Arguably, the area was planned for commercial uses, and this was re-enforced by the re-enactment of the Article 4 Direction.

7.2.6 Notwithstanding, Policy CP2 of the Core Strategy is also relevant and states that in assessing applications for development not identified as part of the District's housing supply including windfall sites, the council will have regard to policies and parameters set out in the Core Strategy with applications considered on a case by case basis having regard to:

- i. The location of the proposed development, taking in account the Spatial Strategy
- ii. The sustainability of the development and its contribution to meeting local housing needs
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

7.2.7 The Strategic Objectives within the Core Strategy seek to make efficient use of previously developed land which includes the application site. The site falls outside any of the settlements set out within the Core Strategy.

7.2.8 In terms of the sustainability of the site, the application site is not within a Key Centre, but as stated by the Planning Inspector in the Ved House appeal decision, is connected to development that links with the outskirts of Holywell, Watford. In this particular appeal at paragraph 25 the Inspector acknowledged that Tolpits Lane did not include a footpath or streetlights preventing its safe use for pedestrians or cyclists, however, the estate already includes residential development and is adjacent to Moor Lane Crossing which connects to the Ebury Way, although not a right of way, provides walking and cycling routes to Watford and Rickmansworth. The Inspector also referred to the fact that Croxley Green railway station is around one kilometre from the site via a right of way, providing an accessible option for pedestrians and cyclists. As such, the Inspector concluded that the site would be relatively accessible to nearby local centres through sustainable travel options.

7.2.9 In terms of the district's housing needs, the council cannot demonstrate five years' worth of supply; currently at 1.7 years. Given the supply, the council has drawn up an Action Plan (June 2024) which analyses the reasons for the under-delivery and how housing need can be increased. The council is also required to apply the presumption in favour of sustainable development which means, either a) approving development proposals that accord with an up-to-date development plan without delay; or b) granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Notwithstanding, the delivery of 2 dwellings (2 x HMOs) would make a limited but positive contribution to housing provision within the district.

7.2.10 There is clearly a conflict between Policy SA2 and Policy CP2. The NPPF at paragraph 128 states that "Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs." However, as detailed above, the application site is an allocated site and thus paragraph 128 is not engaged.

7.2.11 In summary, the residential use of the building as 2 x HMOs would fail to comply with the strategic aims of Policy SA2 of the Site Allocations LDD and Policy CP6.

7.3 Affordable Housing:

- 7.3.1 Policy CP4 of the Core Strategy states in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision of affordable housing off site. The council have adopted an Affordable Housing Supplementary Planning Document (June 2011) (SPD) which provides further guidance on the application of the affordable housing policies in the Core Strategy.
- 7.3.2 The SPD states that; “The principle is that any residential use that involves individual units of self contained residential accommodation, with their own front doors, will be regarded as residential and Policy CP4 will apply. This includes sheltered or age restricted accommodation where it provides self contained accommodation, even if there is a warden or administrator on site some or all of the time. However, if the residential accommodation has shared facilities and is not therefore self contained, as in the case of some supported housing and residential care homes, it is regarded as an institutional use and Policy CP4 will not apply.”
- 7.3.3 Whilst recognising that a small HMO is a residential use, each occupant would in effect be sharing kitchen facilities meaning that their occupation would not truly be self-contained. There is also a separate bathroom which would be available to all occupants of the HMO to use in addition to their en-suites. Given the nature of the units, it is highly likely that rents levels would be relatively low, when compared to market housing.
- 7.3.4 For these reasons, as a matter of planning judgement it is not considered that Policy CP4 applies to the development based on the above circumstances.
- 7.4 Quality of Accommodation for future occupants
- 7.4.1 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.
- 7.4.2 At Chapter 12 of the NPPF at paragraph 135 it states that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The NPPF adds that planning policies should make use of the nationally described space standard, where the need for an internal space standard can be justified. The Council's local planning policies are silent on space standards.
- 7.4.3 Notwithstanding, the described standards are for new dwellings, not HMOs.
- 7.4.4 In respect of HMOs, there are mandatory national minimum sleeping room sizes, in force via The Mandatory Conditions Regulations 2018 which states that the licence holder must:
“...ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres.”
- 7.4.5 The proposed rooms to be used for sleeping accommodation within the ground and first floor are shown to be no lower than 12sqm (x 2 bedsits), with the largest at 18.4sqm (x2 bedsits). Each area of sleeping accommodation would be supported by an en-suite, with communal facilities in the form of a kitchen, dining and lounge area. In terms of laying of internal accommodation, both the ground and first floor would have the same layout, meaning the communal area at first floor is below the communal area at ground level.
- 7.4.6 Each area of sleeping accommodation would be served by large windows and thus would have the potential for acceptable levels of natural light. However, as existing, all windows have temporary obscure films applied which limits their natural light and outlook. Both Century House and Ved House in residential accommodation have obscure glazing to the lower parts of the windows with clear glazing at the upper parts to facilitate natural light. If

the same was to be provided from Unit 6, the windows would need to be replaced unless temporary films would be adequate. In the event of an approval, this arrangement could be secured by condition.

- 7.4.7 Concerns have been raised regarding fire safety as the fire escape route would utilise sleeping accommodation. In this regard the Environmental Health Officer has commented that based on the floor space available (disregarding the room proposed to be used as a fire exit), the floor space at ground level is adequate for a maximum of 5 people to occupy, rather than the 8 people proposed. At first floor level, it is considered that 6 people could occupy this HMO rather than 8 people.
- 7.4.8 In terms of location, Unit 6 is surrounded primarily by commercial development to the north, west and south with more industrial uses found towards the east, approximately 25m away. The building is immediately adjoined by parking bays and low level soft landscaping. The industrial uses to the east, beyond the internal service road, include a car mechanics, cross fit premises and other storage facilities, each of which have a relatively large open frontages for parking purposes and other ancillary functions.
- 7.4.9 In terms of the noise associated with the use, Policy DM9 of the Development Management Policies LDD states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development and would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not. No noise assessment has been submitted to support the application, however, during the consideration of 23/0152/PDM an 'Acoustic Design Statement' was provided as one of the limited areas of assessment for the Prior Approval application was to consider the "impacts of noise from commercial premises on the intended occupiers of the development."
- 7.4.10 The above-mentioned statement referred to a) Crossfit Watford as the most dominate noise source, which opens between 6.30am until 9pm Monday to Friday and 9am to 12pm Saturday and Sunday and b) Johnson Motors, which is open between 8am until 5.30pm Monday to Friday only. The assessment considered the noise associated with both uses with the external doors / roller shutters.
- 7.4.11 The conclusions of the assessment were that the existing double glazing serving the units would be appropriate mitigation to avoid unacceptable noise issues. This was accepted by the Council's Environmental Health department during the assessment of 23/0152/PDM and no material changes to the adjacent uses have occurred since the determination of the Prior Approval. The Environmental Health Officer has referred to the past decision within their consultee comments and has no objection to the proposal in respect of noise and disturbance.
- 7.4.12 In terms of overlooking into the rooms at ground floor level, the areas of sleeping accommodation are to the side and rear of the building, adjacent to parking spaces allocated to occupants of the HMOs. It is not considered that this relationship is different to other dwelling types which immediately front a path adjacent to a road (i.e. a terrace house). Notwithstanding, as per Century House and Ved House, obscure glazing could be applied to the lower parts of the windows, whether by temporary films or new purpose made windows to all ground floor rooms to mitigate such concerns.
- 7.4.13 There would be no external amenity area for the occupants with no space available to provide any within the application site. However, residential uses do exist within Century Court with no amenity space such as at Ved House, whereby the Inspector in a recent appeal decision at paragraph 16 stated that:

"Occupiers of the flats would not have direct access to external amenity space. Nonetheless, this is similar to the existing provision for occupiers of the existing building."

Furthermore, the site is within a 5-minute walk of Croxley Common Moor, providing good access to local amenity space for future occupiers.”

- 7.4.14 It would appear in the case of Ved House that strong (my emphasis) reliance was placed on the fact that the building was already used for residential purposes. In the case of the host building, the current residential use is unauthorised so it should not be assumed that the lack of amenity space is acceptable in principle. Other residential buildings within the wider Tolpits Lane employment area have private amenity spaces in the form of balconies which offer external space to sit out and utilise, whether for respite or to place washing etc with the use of external spaces considered important following the pandemic. Whilst reference in the appeal decision is made to nearby Croxley Common Moor, which can be accessed by Moor Lane Crossing by foot, it would not be very accessible based on the absence of any footpath along Tolpits Lane meaning its usability by future occupants is likely to be slim. The inability to provide external amenity space is primarily down to the fact that the building’s original purpose was to provide for commercial development. Even if amenity space was provided, it would be viewed within the context of a primarily commercial and industrial environment which would lessen its attractiveness and therefore usability. It is considered that the lack of private or communal amenity space as a result of the site’s locality would reduce the quality of housing being provided which arguably would be at odds with Policy CP12 of the Core Strategy and paragraph 135 of the NPPF, the latter of which seeks to promote health and well-being.
- 7.4.15 Whilst acknowledging the acceptable internal sizes of the proposed sleeping accommodation (the number of occupants of which can be controlled in the event of an approval), the occupants’ access to a sizable internal communal area and the fact that no mitigation is required to negate noise impacts from nearby uses, the absence of any external amenity areas / space would however fail to provide adequate living conditions for future occupants nor seek to provide a high standard of amenity for future users, contrary to Policy CP12 of the Core Strategy and the NPPF (2024).
- 7.4.16 The level of harm associated with the impact to living conditions would be tempered by virtue of the fact that other buildings within Century Court are used for residential purposes without external amenity standards and access, albeit poorly accessible, is located in close proximity. Therefore, it is considered that moderate harm to the living conditions of future occupants would arise from the proposed development.

7.5 Impact on Character and Appearance

- 7.5.1 Policy CP1 of the Core Strategy 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’. Development should make efficient use of land but should also respect the ‘distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials’; ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’ and ‘incorporate visually attractive frontages to adjoining streets and public spaces’.
- 7.5.2 The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 of the Framework states that decisions should ensure that developments a) function well and add to the overall quality of the area over the lifetime of the development, b) are visually attractive, c) are sympathetic to local character and history, d) establish or maintain a strong sense of place, e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and f) create places that are safe, inclusive and accessible and which promote health and well-being.

- 7.5.3 The application site is located within a commercial environment which is dominated by a corridor of commercial, residential, industrial and office type development which varies in design and scale. Within the immediate vicinity of the application site is a collection of 6 similar designed detached two storey buildings principally in commercial use which are laid out amongst tree lined parking courts and are of a noticeable different character to the more industrial part of the wider estate which surrounds Century Court.
- 7.5.4 No external changes are proposed to the building which ensures that its appearance, which is consistent with the other buildings within Century Court, is maintained.
- 7.5.5 Within the external circulation space around the building there is already an established bin storage area with cycle parking proposed. The bin store and cycle enclosures are minor developments which would not have a harmful impact on the character and appearance of the area. Details of the cycle enclosures could be secured by condition in the event of an approval.
- 7.5.6 In light of the above, it is considered that the proposed development would integrate within the area and would not have a detrimental impact on its overall character and appearance, thereby accords with Policies CP1 and CP12 of the Core Strategy and the NPPF (2024).
- 7.6 Impact on designated heritage assets
- 7.6.1 The application site is not located within a conservation area however the surrounding area does contain a listed building; Tolpits House, a Grade II listed building which is located towards the south of the application site.
- 7.6.2 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision-maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.6.3 Policy DM3 of the Development Management Policies LDD states that there will be a presumption in favour of the retention and enhancement of heritage assets.
- 7.6.4 Paragraph 212 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Whilst paragraph 213 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.
- 7.6.5 Given the proposed use and the fact that no external changes are taking place to the building, it is not considered that the development would result in any adverse impacts to the significance of this asset. The development would accord with Policy DM3 and the NPPF.
- 7.7 Impact on neighbouring buildings
- 7.7.1 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities.
- 7.7.2 As no extensions or alterations are to take place, there would be no impact on adjoining premises.
- 7.7.3 In terms of the residential use of the building, it is not considered that it would have a detrimental impact on adjacent commercial premises. The parking bays would continue to be used as parking spaces for future occupants and therefore the use of the building would not be readily apparent when considering its immediate context.

7.8 Impact on highway safety, sustainable travel and parking levels

7.8.1 Policy CP10 of the Core Strategy states that all development proposals should be designed and located to minimise the impacts of travel by motor vehicle on the district.

7.8.2 The NPPF at paragraph 116 it states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Access

7.8.3 The access into the site would remain as per its previous use, via Tolpits Lane. No changes to the access requirements are proposed or required to enable its proposed use.

Trip Generation

7.8.4 When considering that the previous use of the building was as offices, it is not considered that its use by a maximum of 16 residents (as proposed but likely to be lower in the event of an approval) would be detrimental to the highway network.

Parking levels

7.8.5 In terms of parking, the submitted details indicate that each HMO would house 8 persons (2 per bedroom). The Parking Standards as set out within Appendix 5 of the Development Management Plan LDD states that for houses in multiple occupation, there shall be 0.5 spaces per tenancy.

7.8.6 The application site is shown to incorporate 11 car parking spaces plus 2 disability parking spaces, totalling 13 spaces (three of which are shown as EV charging points). If, as a worse case scenario, each occupant is subject to a single tenancy, there would be a parking requirement of 4 spaces per HMO ($0.5 \times 8 = 4$), therefore a total of 8 spaces would be required across the development. As such, there would be an oversupply of parking. However, following discussions with the Local Plans team, it is considered that the parking requirement should be 0.5 spaces per bedroom. When taking this approach only 4 spaces are required across the development.

7.8.7 For disabled spaces, Appendix 5 states that residential schemes with more than 10 spaces should provide 1 disabled space per 4 spaces. The scheme proposes 2 disabled spaces which is a slight undersupply.

7.8.8 In terms of cycle parking, three enclosed bike stores totalling storage for 6 bikes would be provided. When considered against the cycle standards provided at Appendix 5 for an HMO (1 long term space per unit) there would be a slight oversupply.

Sustainability of site

7.8.9 Policy CP10 of the Core Strategy seeks that development will need to demonstrate that it is integrated with the wider network of transport routes, including public rights of way and cycle paths where appropriate.

7.8.10 The Highway Authority have commented and objected that given the location of the site and the surrounding highway network, the potential to promote and encourage the use of sustainable travel to and from the site are limited and poor. This is on the basis that there is not a footway along Tolpits Lane and owing to the speed and classification of Tolpits Lane (a main distributor route) subject to a 40mph speed limit. There are no bus stops within the locality either.

7.8.11 In terms of connections, the Ebury Way can be accessed via Olds Approach, however, as above, there is no footpath along Tolpits Lane and the Ebury Way is also a rural route and therefore may not be suitable for all residents. A public right of way exists (17) from Moor Lane Crossing across Croxley Common Moor towards the Grand Union Canal which enables accessibility towards Croxley Green train station. Again, this route has its limitations given the type of path and gradient, but it does provide an option.

7.8.12 Within the appeal decision at Ved House, at paragraph 15 the Inspector stated:

“An objection was made by County Highways on the basis of that the proposal would not support sustainable travel as the site is poorly located. However, the proposal seeks to extend an existing residential use, Also, whilst providing limited access to sustainable travel, the site is connected to existing pedestrian routes and cycleways, within a built up area. These provide some, albeit limited, accessibility benefits.”

7.8.13 Additionally, at paragraph 25 of the same appeal decision the Inspector stated:

“The site is not within a Key Centre, but connected to development that links with the outskirts of Holywell. Tolpits Lane is a classified A main distributor road with a 40mph speed restriction. It does not include a footpath or streetlights preventing its safe use for pedestrians or cyclists. However, the estate already includes residential development and is adjacent to Moor Lane Crossing. This road connects to Ebury Way, although not a right of way, provides walking and cycling routes to Watford and Rickmansworth. Furthermore, Croxley Green railway station is around one kilometre from the site via a right of way, providing an accessible option for pedestrians and cyclists. As such, the site would be relatively accessible to nearby local centres through sustainable travel options.”

7.8.14 Notwithstanding the above and the future ability to make use of cycle storage, the users of the HMO would highly likely be reliant on motor vehicles. Given the location of the application site, there are limited opportunities available to offer further options for all to access sustainable travel. However, whilst the proposal is for new housing there are other residential developments within the vicinity so when considering this and the comments made by the Inspector, it is not considered that the location of the site would be unacceptable.

7.9 Impact on trees / landscaping

7.9.1 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 requires that ‘...the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with surrounding networks of green open spaces’

7.9.2 Policy DM6 of the Development Management Policies LDD states that development proposals should seek to retain trees and other important landscape and nature conservation features whilst including new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

7.9.3 There are no individual protected trees within or adjacent to the site, nor is the site a conservation area. Shrubs and small hedging exist within the parking areas and these are to be maintained.

7.9.4 Refuse and recycling

7.9.5 In terms of waste management, Policy DM10 states 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.

- 7.9.6 A bin store exists to the north of the building although via site visit observations by the case officer, a parking space was being used accommodate two containers.
- 7.9.7 The comments from Environmental Protection are awaited.
- 7.10 Wildlife considerations
- 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 A Biodiversity Checklist was submitted with the application and 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 bats (or other 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 as the development does not impact a priority habitat and impacts less than 25sqm of on-site habitat or 5 metres of linear habitat such as hedgerows. It is accepted that BNG is not applicable.
- 7.12 Sustainability
- 7.12.1 Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 5% less carbon dioxide emissions than 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.
- 7.12.2 The application has not been supported by an Energy Statement. It is considered that prior to the alteration to change the use from flats to an HMO an energy statement could be provided with the measures incorporated. Therefore, in order to comply with Policy DM4, a condition would be applied in the event of an approval.
- 7.13 Infrastructure Contributions
- 7.13.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015.

7.13.2 The Charging Schedule sets out that the application site is within 'Area A' within which the charge per sqm of residential development is £180sqm.

7.14 Other material considerations / Planning Balance

7.14.1 The NPPF at paragraph 11 states the plans and decisions should apply a presumption in favour of sustainable development. For decision making in this means (c) approving development proposals that accord with an up-to date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granted planning permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

(ii) **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.**

7.14.2 The above assessment has found that the development a) fails to safeguard the comply with the strategic aims of Policy SA2 of the Site Allocations LDD and b) would harm the living conditions of future occupants as a result of the lack of external amenity space.

7.14.3 The council cannot demonstrate 5 years' worth of housing at 1.7 years worth of supply. This application would allow for an uplift of 2 x 4 bed HMOs, which is the equivalent to 2 dwellings. The uplift in housing would provide limited benefits to housing supply, but the type of housing would provide an alternative form of housing. The Gov.uk website highlights that HMOs form a vital part of the private rented sector, often providing cheaper accommodation for people whose housing options are limited, often occupied by the most vulnerable people in our society. Whilst the type of housing is acknowledged, on the basis that the standard of accommodation to be provided is considered to be sub-standard the weight applied to the gain in housing delivery is reduced.

7.14.4 There would be further limited economic benefits arising from the works and by the future occupants supporting local economies.

7.14.5 In relation to the loss of commercial floorspace, this is considered to result in significant harm. No fallback position exists to implement the Prior Approval as a single dwellinghouse. Whilst there is a conflict between local planning polices to provide commercial development and housing development, the latter of which there is a significant need, the importance of the employment allocation cannot be understated and in this instance the standard of housing would be sub-standard, largely down to its location within an employment area which places constraints on what can be provided.

7.14.6 To conclude, it is considered that the adverse impacts would significantly and demonstrably outweigh the benefits and thus planning permission should be refused.

7.14.7 By refusing the application, it is recognised that enforcement action *may* follow which would in effect require the existing use at ground level only to cease and return to its previous lawful use (Use Class E). This would require the re-housing of the current occupants and consideration into their human rights would need to be taken into account.

8 **Recommendation**

8.1 That planning permission is **REFUSED**, for the following reasons:

R1: The change of use of the building to 2 x Houses of Multiple Occupation (HMOs) would result in the loss of commercial floorspace within an allocated employment area, Site E(b) of the Site Allocations Local Development Document. The loss of the commercial floorspace would therefore be contrary to the strategic aims of Policy SA2 of the Site Allocations Local Development Document (adopted 2014) and Policy CP6 of the Core Strategy (adopted October 2011).

R2: The change of use to provide 2 x Houses of Multiple Occupation (HMOs) by virtue of their lack of external amenity space would fail to provide adequate living conditions for future occupants nor seek to provide a high standard of amenity for future users, contrary to Policy CP12 of the Core Strategy (adopted October 2011) and the NPPF (2024).

8.2 **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.

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Unit 6 Photographs



Front of unit 6



Bin storage



Rear of Unit 6



Other buildings such as Ved House within Century Court



Century House (formally Unit 1)



Example of layout of one flat



Lobby area

PLANNING COMMITTEE - 20 February 2025

24/1837/FUL – Sub-division of site; construction of two storey detached dwelling, including basement level, solar panels, access, parking and landscaping works at MELDON, CHENIES ROAD, CHORLEYWOOD, HERTFORDSHIRE, WD3 5LY

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 23 January 2025
Extension of Time: 28th February 2025

Ward: Chorleywood North And Sarratt
Case Officer: David Heighton

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: The application has been called in by Chorleywood Parish Council for being inappropriate in the Green Belt, out of character with the Chorleywood Common Conservation Area, overbearing in neighbouring properties and increase the level of surface water flooding.

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=SN8KY2QFLZK00>

1. Relevant Planning History

1.1 01/00189/FUL - Two storey side extension. Refused - 24.04.2001.

R1: The site is within the Metropolitan Green Belt where it is the policy of the Local Planning Authority, as set out in the Hertfordshire County Structure Plan Review 1991-2011 (adopted April 1998), the Three Rivers District Plan 1991 and the Three Rivers Local Plan 1996-2011 (modifications), not to allow development unless it is essential for the purposes of agriculture or other uses appropriate to the rural area. No evidence has been presented to indicate that the proposed development would comply with this policy, and the additions and alterations, by reason of their significant size and extent, would be excessive and contrary to the provisions of policy GB1 and GB8 of the Three Rivers District Plan Review 1991 and policy GB1 and GB6 of the Three Rivers Local Plan 1996-2011 (modifications) which control the size of extensions to dwellings in the Green Belt.

1.2 02/01481/FUL - Two storey side and rear extension, two storey rear extension, external alterations and detached double garage. Permitted - 21.03.2003.

1.3 03/1349/FUL - Replacement dwelling and garage. Permitted - 10.11.2003.

1.4 04/0729/FUL - Creation of basement. Withdrawn - 26.07.2004.

1.5 04/1007/FUL - Amendment to planning permission 03/1349/FUL: Erection of replacement dwelling with basement and changes to fenestration detail and detached garage. Permitted - 12.08.2004.

1.6 05/1273/FUL - Demolition and erection of replacement dwelling with basement and detached double garage. Permitted and implemented - 01.11.2005.

1.7 13/1165/FUL - Two storey side extension, single storey rear extension and enlargement of second floor to include enlarged crown roof, dormer windows to rear and rooflights to flank roof slopes. Refused - 09.09.2013.

R1: The development, by reason of its excessive width, scale, bulk and massing and spread of development across the plot, would result in a disproportionate addition above

and over the original building and create a prominent addition relative to the existing building to the detriment of the openness of the Metropolitan Green Belt. The development would be an inappropriate form of development within the Metropolitan Green Belt. No very special circumstances exist, as such the proposal is contrary to Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- 1.8 14/0694/FUL - Two storey rear extension. Permitted, implemented - 02.06.2014.
- 1.9 15/1694/RSP - Part Retrospective: Single storey extension to detached garage to replace existing timber structure. Withdrawn - 10.11.2015.
- 1.10 15/2566/RSP - Part Retrospective: Single storey extension to detached garage to replace existing timber structure. Permitted - 26.02.2016.

2. Site Description

- 2.1 The application site contains the driveway and rear garden of a detached dwelling known as Meldon, located on the northern side of Chenies Road (A404) behind residential properties Oldstocks and Carsu, and accessed via a 50m long drive from Chenies Road,
- 2.2 Within the wider site (as enclosed in blue on the submitted location plan), the dwelling known as Meldon was constructed circa 2005 which has been constructed in close proximity to the north western boundary and is two storey's in height with a basement and sizeable detached garage to the south east. The detached garage measures 5.7m in width and depth and has a height of 5m with a pitched roof.
- 2.3 The rear boundaries of Carsu adjoins the front boundary of the application site. To the south east are residential properties forming Clockhouse Mews and to the north west of the wider site is the curtilage of The Walnut Orchard. The rear boundary, a 3m high boundary wall, of both the application site and the wider site adjoins the south western boundary of Chorleywood Lawn Tennis Club.
- 2.4 In terms of policy designation, the application site falls within the Metropolitan Green Belt and Chorleywood Common Conservation Area. The boundary of the Chilterns National Landscape (CNL) cuts through part of the western side of the garden of Meldon but the site itself is outside the CNL.

3. Development Description

- 3.1 The applicant is seeking full planning permission for the sub-division of site; construction of a two storey detached dwelling, including basement level, solar panels, access, parking and landscaping works.
- 3.2 The existing dwelling known as Meldon would remain with the existing garden subdivided to provide for the new dwelling and associated driveway and garden. The existing detached garage serving Meldon would be demolished. As a result of the sub-division, Meldon would have a remaining plot depth of approximately 45m whilst the proposed plot would have a minimum depth from the front boundary of the application site of approximately 39m.
- 3.3 The proposed dwelling would be sited such that it would face towards the rear boundary of Carsu, as per the existing arrangement at Meldon with Old Stocks. The proposed dwelling would be situated on a similar building line to Meldon, set back approximately 11m from the rear boundary with Carsu and 60m from highway of Chenies Road. It would be set in approximately a minimum of 6.6m from the south eastern flank boundary of the site at ground floor level and a minimum of 9.1m at first floor level. The proposed dwelling would be approximately 13.6m in width and 12.5m in depth. It would have front and rear two

storey projections and a single storey projection with pitched roof to the south eastern flank, which would have a depth of 6m.

- 3.4 In terms of design, the dwelling would have a hipped to crown roof form; with the roof form having a maximum height of 8.4m. Solar panels would be installed flush with the roof to the southeastern flank. To the front and rear projections would have hipped roofs. The proposed dwelling would be constructed in materials similar to that of the existing dwelling, with a cream coloured render, grey concrete roof tiles and white framed uPVC windows.
- 3.5 The proposed dwelling would be accessed via the existing driveway utilising the existing access with Chenies Road, with the addition of new hardstanding which would form the driveway / frontage area providing provision for three car parking spaces.
- 3.6 The existing dwelling would be served by a resultant amenity area of approximately 350sqm whilst the new dwelling would be served by approximately 360sqm
- 3.7 Revised drawings were received during the course of the application which removed the car port, reduced the width of the proposed dwelling by 1.5m and depth by 1m. The crown roof has also been reduced from 6m by 4m to 4m by 2.7m and confirmation was provided that the proposed solar panels would be flush with the roof. Further soft landscaping details have been introduced to the driveway, reducing the hardstanding including further proposed planting to the boundaries of the site.

4. Statutory Consultation

4.1 Chorleywood Parish Council: [Objection]

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

The proposed development is in the Green Belt and would amount to inappropriate development in the Green Belt under paragraphs 153 & 154 of the National Planning Policy Framework, CP11 of the Three Rivers District Core Strategy and DM2 of the Three Rivers District Development Management Policies.

The proposed development is out of character with the Chorleywood Common Conservation Area which is characterised by large dwellings in spacious plots. By subdividing the plot, this new dwelling and existing dwelling would be cramped in the new plots, completely out of character of area. As such, the proposed development would be contrary to DM3 of the Three Rivers District Development Management Policies.

The plot is in close proximity to Chorleywood House, a Locally Listed asset, and would have an adverse impact on the setting of Chorleywood House. This would be contrary to Policy 1.5 of the Chorleywood Neighbourhood Plan.

The proposed new dwelling would be overbearing in neighbouring properties by virtue of its height, mass and bulk, particularly those in Heritage Walk and Clockwork Mews. The bulk and mass are further exacerbated by the size of the crown roof for the new dwelling. As such the proposed new dwelling would be contrary to the requirements of Appendix 2 of the Three Rivers District Development Management Policies.

There are concerns that the proposed development would increase the level of surface water flooding in the area.

If the application is permitted, it is essential that a detailed Construction Management Plan is conditioned to recognise that access to the site is via a shared drive and that access for

neighbouring properties must remain unhindered and the shared drive must be protected from damage.

4.2 Conservation Officer: [Objection]

This application is for: Relocation of existing garage and sub-division of site; construction of two storey detached dwelling, including basement level, with associated Juliet balconies, solar panels, access, parking and landscaping works.

This application follows a previously withdrawn application reference 24/0181/FUL.

The application site is within Chorleywood Common Conservation Area. There is an adopted Chorleywood Common Conservation Area Appraisal (CAA) adopted in 2010, which divides the Conservation Area into a number of character areas. The application site is located within Character Zone A - the area along Rickmansworth Road/Chenies Road. Character Zone A several notable buildings of red brick and knapped flint.

Chorleywood House, a Regency mansion which was later modified, is a locally listed building to the south-east of the application site. The application site may have been farmland associated with the House, but they are clearly separated now, and the application site appears as a side garden of domestic/ancillary character.

The site is in the north-western corner of the Conservation Area, directly on the boundary and is not mentioned in the CAA. This area is generally characterised by larger detached houses set back from the road along Chenies Road/A404.

The site currently contains a single detached dwellinghouse and garage and is the single dwelling on a small cul-de-sac. The area of the development proposal is a side/rear garden which contains a garage and appears relatively open. Currently there are glimpsed views along the access road past 'Carsu' towards the trees/landscaped boundary at the rear of the 'Meldon' site. There are no PRow's in proximity to the site.

The site, by allowing views to open space to the rear, makes a neutral to minor positive contribution to the character of the Conservation Area.

The proposal consists of a large detached dwellinghouse, with a basement, ground and first floor and a flat crowned roof section. Based on the submission it appears slightly larger in scale, although of a similar design to the existing Meldon although the submission states they are of the same scale. The submission states that the proposed property building line is to be set back 1.5 metres from the current property, with a ridge height 800mm lower than Meldon and that there is a 5-metre distance between the 2 properties and a minimum of 6.4 metre distance from the main house to the southern boundary. The width of the proposed property relative to the site would be large, with the house being fairly cramped in the site. While there is sufficient space for the rear garden of approximately 20m depth and the submission states that trees will be preserved, it is likely that there will be post-development pressure to remove trees due to the scale of the dwellinghouse, amenity requirements etc.

The materials described, including ivory rendered block work, plain concrete grey tiles would be similar to the existing neighbouring property Meldon, but not of a type or quality that would improve the character and appearance of the Conservation Area.

Overall, while the garden land subject to the application does not strongly contribute to the Conservation Area, the glimpsed views to the rear allows appreciation of the outer suburban green setting and currently is in keeping with the larger well-spaced detached housing.

The proposal, due to its scale in the relatively cramped site, would screen existing views of green landscaping to the rear and be likely to result in their removal.

It would therefore not preserve or enhance the character of the Conservation Area and would result in less than substantial harm.

The proposal 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' 'Great weight' should be given to the heritage asset's conservation as per paragraph 212. The proposal will provide an additional dwelling and so the harm should be weight against the public benefits of the proposal in accordance with paragraph 215 of the NPPF, December 2024.

4.3 Thames Water: [Advisory comments]

WASTE:

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.

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.

WATER:

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.

4.4 Landscape Officer: [No objection, subject to condition).

I would advise a condition requiring a tree protection method statement.

4.5 National Grid: No response received.

5. Public Consultation

5.1 Site/Press Notice:

Site Notice - Posted: 03.12.2024 Expired: 24.12.2024.
Press Date – Published: 13.12.2024 Expired: 06.01.2025.

5.2 No. consulted: 15.

5.3 No. received: 9 (Objections)

5.4 Summary of responses

- Inappropriate development in the Green Belt.
- Overdevelopment/cramped.
- Out of character, not in scale with existing buildings.
- Overbearing.
- Bulk and mass exacerbated by crown roof.
- Overlooking.
- Impact on privacy.
- Loss of Trees.
- Would result in poor drainage, sewerage and flooding.
- Shared drive – Construction Traffic Management Plan.

6. Reason for Delay

6.1 Committee cycle.

7. Relevant Planning Policy, Guidance and Legislation

7.1 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).

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.

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 Policy/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, 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, DM2, DM3, DM6, DM9, DM13 and Appendices 2 and 5.

Chorleywood Neighbourhood Development Plan (Referendum Version August 2020). Policy 1 and 2 are relevant.

Other:

Chorleywood Common Conservation Area Appraisal (adopted February 2010).

Chorleywood Common Article 4 Direction.

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

8. Analysis

8.1 Principal of Development

8.1.1 The proposed development would result in a net gain of one residential dwelling. The site is not identified as a housing site in the Site Allocations Document and therefore would be considered as a windfall site. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with the relevant national and local policies. The site is a residential garden within a built up area. As such, the application site is not previously developed land. Nevertheless, development of garden land is not prohibited, subject to consideration against national and local planning policies.

8.1.2 Policy CP2 of the Core Strategy advises that in assessing applications for development not identified as part of the District's housing land supply including windfall sites, applications will be considered on a case by case basis having regard to:

- i. The location of the proposed development, taking into account the Spatial Strategy
- ii. The sustainability of the development and its contribution to meeting local housing needs,
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites, and;
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

8.1.3 The application site is located in Chorleywood which is identified as a Key Centre in the Three Rivers Settlement Hierarchy. Policy PSP2 states that development in key centres such as Chorleywood will be expected to provide approximately 60% of the District's housing supply over the plan period. Given the site is within a key centre, within a residential location, lack of 5 year land supply, there is no in principle objection to residential development subject to compliance with other material considerations.

8.2 Affordable Housing.

8.2.1 **Appendix A** of this report sets out the position of the Council and evidence relating to the Application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.

8.2.2 As there is a net gain of one unit the proposed development would be liable for a commuted sum payment towards affordable housing in line with Policy CP4 and the Affordable Housing Supplementary Planning Document (SPD). This site lies within Highest Value Three Rivers market area where the figure is £1250 per square metre. The calculated affordable housing payment is £322,500 based on a habitable floor space of 258 square metres. Including indexation, £213,217 (November 2024) the required commuted sum would be £535,717.

8.2.3 The application was accompanied by a Viability Statement which sets out that an affordable housing contribution would not be viable. This approach is fully in accordance with Policy CP4 and the SPD. This was assessed by the Council's Independent Consultant who concluded that the appraisal carried out which includes the benchmark land value of £150,000 shows a deficit of £19,843. The report concluded that the scheme is not able to

support an affordable housing payment and remain viable and that if the council were minded to grant planning approval the application should not be required to provide an affordable housing contribution.

8.2.4 Therefore, in summary, the proposed development would not contribute to the provision of affordable housing within the District, however, it has been demonstrated that such provision would not be viable. The development therefore complies with the requirements of Policy CP4 of the Core Strategy and the Affordable Housing Supplementary Planning Document (June 2011).

8.3 Impact on Green Belt

8.3.1 The NPPF at Paragraph 154 states that development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) including buildings for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) **limited infilling in villages;**
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

8.3.2 Policy CP11 of the Core Strategy (adopted October 2011) states that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt and Policy DM2 of the DMP LDD broadly reflects the guidance as set out in the NPPF.

8.3.3 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF at paragraph 153 states that when considering proposals, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not

exist unless harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 8.3.4 In respect of the proposal, it is considered that the exception detailed at paragraph 154(e) of the NPPF is most relevant. As such, it is important to firstly consider whether the application site falls within a village; in this instance, Chorleywood. The NPPF does not specify a village must be designated as such in the development plan, or specify what the limits of the village should be. Having regard to appeal decisions, it is accepted that the definition of a village is a matter of planning judgement and even if a site falls outside a designated settlement boundary, this is not definitive as to whether a site falls within a village or not. The surrounding area includes a public house, a Church, secondary school and all are considered to form part of the wider settlement of Chorleywood. Furthermore, within a walking distance of approximately 200m (use of Chorleywood Common) access can be gained to the main defined centre of Chorleywood, which accommodates a far greater range of services. Having regard to the above, it is considered that the plot of the new dwelling can, by virtue of the surrounding site circumstances, be considered to fall within a village.
- 8.3.5 Notwithstanding the above, in order for the development to not comprise inappropriate development within the Green Belt, the plot for the new dwelling would need to support "limited infilling."
- 8.3.6 In this instance, only one dwelling is proposed which is limited and in terms of infilling it would be built between the existing dwelling and the built form development as mentioned above. In respect of whether the development would be "infilling", there is no definition of limited infilling, but it is considered to constitute a "small gap" having regard to both the scale and form of the development, interpreted in the context of the overall aim of the Green Belt. The plot for the new dwelling would lie adjacent to the existing dwelling, adjacent to built form development immediately to the south west and the properties to the south east as well as tennis courts at the rear, which therefore fills a gap. It is also adjacent to linear forms of development along Chenies Road, which all form part of Chorleywood.
- 8.3.7 As a result of the new dwelling's location and having regard to its locational context, relationship with adjacent built form development and scale, it is considered to represent limited infilling within a village. The new dwelling would therefore constitute appropriate development within the Green Belt and thus by virtue of its appropriateness would not harm the openness of the Green Belt.
- 8.3.8 In summary, the proposal would not constitute inappropriate development in the Green Belt. Consequently, the proposal would be considered acceptable with changes with Policy CP11 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the NPPF (2024).

8.4 Impact on Design, Character and Heritage Assets

- 8.4.1 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 (adopted October 2011) 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'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

8.4.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

- i. Tandem development;
- ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
- iii. The generation of excessive levels of traffic;
- iv. Loss of residential amenity;
- v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)

8.4.3 The site is within the Chorleywood Common Conservation Area and therefore Policy DM3 of the Development Management Policies LDD is 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. The new dwelling is situated in "Character Zone A" as set out within the Chorleywood Common Conservation Area Appraisal. The appraisal sets out that the area is characterised by large detached dwellings.

8.4.4 Policies 1 and 2 of the Chorleywood Neighbourhood Plan are also relevant to this application. Policy 1 states that 'development proposals in conservation areas should preserve or enhance the character or appearance of the conservation area and use materials that are appropriate as defined in the relevant conservation area appraisal document'. Policy 2 states: 'All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design.' Policy 3 is also relevant and advises that there is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. It also advises that in exceptional cases, a limited scale of backland development may be acceptable, subject to the following criteria:

- i) neighbouring residential amenity and privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided;
- ii) vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light, Access Roads between dwellings and unnecessarily long access roads will not normally be acceptable.
- iii) development on backland sites must be more intimate in mass and scale and lower than frontage properties; and
- iv) features such as trees, shrubs and wildlife habitat must be retained or re-provided.

8.4.5 The Design Guidelines as set out within Appendix 2 of the Development Management Policies LDD (adopted July 2013) states that new development must not be excessively prominent in relation to adjacent properties or to the general streetscene. As the site is within the Chorleywood Conservation Area, Policy DM3 is also applicable and requires that there will be a presumption in favour of the retention and enhancement of heritage assets and to putting heritage assets to viable and appropriate uses to secure their future protection.

8.4.6 The application site is located in the far north west of the conservation area, in a remote position at the end of a private road. The garden land subject to the application does not strongly contribute to the Conservation Area.

- 8.4.7 The side/rear garden serving Meldon would be subdivided to create the proposed plot for the new dwelling. Whilst the new dwelling would be located to the rear of Carsu, it would be accessed by the existing driveway serving Meldon and would effectively infill an existing gap which currently exists between Meldon and properties on Heritage Walk. It would not be considered to result in 'backland' development, given the existing dwelling on site. Chenies Road is characterised by large detached dwellings situated within spacious plots.
- 8.4.8 The development pattern of Chenies is of large detached dwellings set within spacious plots predominantly fronting the highway, however, there are various examples of dwellings set substantially back from the highway off an access road. The submitted block plan indicates that the site would be subdivided so that the proposed new dwelling would be located adjacent to the existing dwelling, whilst the existing double garage would be relocated to the western flank of the overall plot. The proposed subdivision and the subsequent siting of the dwelling would result in an acceptable layout, in keeping with the surroundings. As such the proposed dwelling would be in keeping with the immediate area and the underlying varied character of this part of Chenies Road which is characterised by large dwellings.
- 8.4.9 In terms of its plot size, it would not be dissimilar to other dwellings within the vicinity. The plot sizes would retain rear garden areas with ample space, which would be of sufficient size to serve the proposed and the existing dwelling. These would appear in keeping within the immediate setting and surrounding area. In terms of scale and appearance, given that the proposed dwelling would appear two storey in appearance, with a basement level below ground floor level. It would not result in a visually obtrusive form of development. Further, the proposed dwelling would not be widely visible from the streetscene, given the set back nature of the plot and internal soft landscaping.
- 8.4.10 In terms of heritage considerations, the Conservation Officer considers that the proposed development would have an adverse effect on the Conservation Area due to its scale with larger spaced detached housing. Whilst the proposal would partially screen existing views of green landscaping to the rear, there would be a limited view of the proposed dwelling, which would only be glimpsed views from private views and these properties form part of the existing built up area. It is not considered that the side garden area contributes and thus the loss of this space with the additional of a dwelling is considered in keeping with the character of the area. Given comments from the Conservation Officer including from neighbours, the size of the proposed dwelling was reduced including the crown roof to be slightly smaller than the existing dwelling, rather than appear slightly larger. Given the proposed location, the reduction to the width, depth and roof form and increase in spacing to the site boundaries; it is considered that the proposed dwelling would not result in demonstrable harm to the character or appearance of the streetscene or wider Conservation Area. While there may be some views of the proposed dwelling from the Chorleywood tennis courts to the east, the view of the proposed dwelling from within the wider conservation area would be considered as limited given the natural screening around the curtilage of the application dwelling. Given its limited viewpoints the proposal would not have an adverse impact on the Conservation Area and would preserve the character and appearance of the conservation area.
- 8.4.11 In terms of design, the applicant is proposing a two storey dwelling with basement level including a two storey 1m deep front and rear projection and single storey side projection. It is noted that at the time of the previous application, concerns raised by residents noted that the dwelling would appear dominant. However, given the reductions in the proposed mass and bulk of the dwelling and the hipped roof form, with a small crown roof proposed; the dwelling would appear smaller than the existing dwelling on site in terms of both its width and depth with a lower ridge. The submitted indicative streetscene indicates that the height of the proposed dwelling would respond to the existing ridge heights that are present within this area and would have a lower ridge height by 0.8m than Meldon. The basement

would be contained within the footprint of the proposed dwelling and as such there is no objection raised in this regard.

8.4.12 Whilst Heritage Walk and Clockhouse Mews to the southwest generally consists of single storey dwellings with roof accommodation, these dwellings are contained within a separate enclosed area, distinct from the neighbouring two storey dwellings to the northwest. Given the distinct character separation of the above Mews properties with that of the application site, it is not considered that this would result in demonstrable harm to the character or appearance of Heritage Walk or Clockhouse Mews to justify refusal. Due to the height of the proposed dwelling, there would be some limited views of the proposed dwelling through soft landscaping from the rear of Heritage Walk/Clockhouse Mews. However, given that it would be set back from the Street frontage, the proposed enhanced soft landscaping and that the proposed dwelling would be viewed against the existing dwelling, it is not considered that any adverse harm would occur in respect of visual amenity.

8.4.13 In summary, it is considered that the proposed dwelling would not appear unduly prominent within the streetscene and would preserve the character and appearance of the Chorleywood Common Conservation Area Appraisal. The development would be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM, DM3 and Appendix 2 of the Development Management Policies LDD, the Chorleywood Common Conservation Area Appraisal (20110) and the Chorleywood Neighbourhood Plan (2020).

8.4 Impact to Neighbours

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

8.5.2 Appendix 2 of the DMP LDD sets out that rear extensions should not intrude 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. This principle is dependent on the spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties.

8.5.3 The proposed dwelling would be sited adjacent to the existing dwelling with a separation distance of approximately 5m, 2.5m to the shared boundary with the existing neighbouring dwelling on site. It is acknowledged that the proposed dwelling to the rear of the site would not intrude a 45 degree splay line when taken from a point on the shared boundary level with the rear elevation of the existing dwelling. It is not therefore considered that the proposed dwelling would appear overbearing or result in loss of light to the existing dwelling.

8.5.4 The introduction of the dwelling to the side garden of the site would form a similar relationship with the neighbour Carsu to that of Meldon and Oldstocks. However, the new dwelling would be set back a further 1.5m from the existing dwelling, Meldon. Furthermore, given the amended reduced proposed dwelling, the spacing, being set in at a minimum of 9.1m to the southeastern flank boundary at 1st floor level and a minimum of 10.8m from the front projection to the southwestern front boundary. The existing vegetation is also proposed to be enhanced between the proposed dwelling and this neighbour at Carsu and the neighbouring dwellings at Heritage Walk and Clockhouse Mews. Furthermore, in terms of the orientation of the sun, the proposed dwelling will be set to the north of the Mews properties, which would further negate any impact in terms of the impact of light. It is

therefore not considered that the proposed dwelling would not appear overbearing or result in loss of light to neighbouring properties.

8.5.5 The Design Criteria states that windows of habitable rooms at first floor level should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7m (from internal floor level) and obscure glazed. High level windows with a sill height of 1.7m or more may be acceptable where a secondary light source is necessary. Ground floor windows should be located away from flank boundaries. Where flank windows to ground floor habitable rooms have to be incorporated, the boundary must be satisfactorily screened by a fence, wall or evergreen hedge.

8.5.6 Glazing is proposed at first floor level within the south eastern flank elevation of the proposed dwelling. This glazing at first floor level would serve a habitable bedroom. However, it is noted that this fenestration would be secondary glazing, which is noted on the drawing as being obscurely glazed, which would also be subject to a condition requiring that this flank window would be obscurely glazed and non-opening below a height of 1.7m. It therefore would therefore not result in any unacceptable overlooking. The rear and front glazing would overlook the rear amenity and front driveway. Distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other. The back to back distance from the front projection to rear elevation of Carsu, at approximately 30m would not result in unacceptable adverse impacts on the residential amenity. Therefore, subject to condition to prevent any overlooking to the flanks at first floor level towards it is considered that the proposed development would accord with the Design Criteria at Appendix 2 of the Development Management Policies LDD.

8.5.7 It is acknowledged that objections have been raised to the development, stating that it would result in an alteration to outlook and would result in overlooking. It is acknowledged that the dwelling would be visible to some of these neighbours. However, the proposed dwelling would be located approximately a minimum of 10.8m from the common flank boundary with these neighbours, separated by enhanced screening in the form of evergreen vegetation. Further these properties would not be located directly in front of the neighbour, which would prevent it from being unduly overbearing to these neighbours. With regard to overlooking, as noted, there would be windows located in the front elevation, however, they would not result in direct overlooking given the relationship. The first floor flank window would be obscured. Given the relationship it is not considered that any direct harm would occur and thus no objection is raised.

8.5.8 The proposal would include an extension of the existing driveway along the southern boundary of the site. Given that the driveway would service one additional dwelling, it would not generate significant levels of vehicular movements to result in harm to neighbouring amenity. A condition is also recommended requiring details of proposed boundary treatments to be submitted.

8.5.10 In summary, given the site circumstances, the development would not result in any significant harm to neighbouring dwellings. The development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

8.6 Impact on Chilterns Landscape

8.6.1 Policy CP9 of the Core Strategy (adopted October 2011) states that the priorities for Green Infrastructure focus on conserving and enhancing the following key assets and the linkages between them:

- The corridors of the River Chess, Colne and Gade and the Grand Union Canal
- The Chilterns Area of Outstanding Natural Beauty

- The Colne Valley Park
- The District's Sites of Specific Scientific Interest, Local Nature Reserves, wildlife sites, key biodiversity habitats, species and areas identified in the Hertfordshire Biodiversity Action Plan and heritage assets and landscape character within areas of Green Infrastructure.

8.6.2 Policy DM7 of the Development Management Policies LDD states that in considering proposals for development within or near the Chilterns Area of Outstanding Natural Beauty; the Council will support development unless the proposal would:

- Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type or form of, development
- Detracts from the setting of the AONB and has an adverse impact on views into and out of the area
- Detracts from the public enjoyment of the AONB landscape.

8.6.3 The proposed new dwelling would be sited in an open part of the site and appear two storey in scale within an urban setting. Given the existing trees and vegetation and proposed planting to the southeastern and southern western boundaries and the set back nature of the application from the highway, the proposed dwelling would not be widely visible within the wider landscape. As such, the proposed dwelling would conserve the special landscape character and distinctiveness and would not detract the setting of the landscape. The proposed development would not be contrary to Policy CP9 of the Core Strategy and Policy DM7 of the Development Management Policies LDD.

8.7 Trees and Landscaping

8.7.1 Policy DM6 of the Development Management Policies LDD that development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997. In addition, 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 Standards.

8.7.2 The application dwelling is located within the Chorleywood Common Conservation Area and as such all trees are afforded protection. There are a number of trees adjacent to the boundaries of the site, many of which appear to be mature trees. These would not be removed, with further enhanced planting proposed as per the proposed landscaping plan. Furthermore, the existing and proposed trees/vegetation provide screening to neighbouring properties. A tree report has been submitted, stating that no trees would be adversely affected by the proposal. The Landscape Officer raised no objections to the development, subject to a condition requiring a tree protection with a method statement. The Conservation Officer raised a concern about future pressures to fell/lop trees. Given the reduction in the width of the proposed dwelling and further set off the boundaries away from trees, it is considered that there would be less pressure to fell/lop and furthermore given the Conservation Area they are naturally protected.

8.7.3 It is considered that subject to a tree protection condition, would ensure that trees will be preserved and protected at the application site.

8.8 Highways and Access

8.8.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. Policy DM13 and Appendix 5 of the Development Management Policies LDD advises on off street car parking requirements.

8.8.2 It is noted that there has been a raised concern regarding construction access to the development. It is acknowledged that the access to the site is narrow and as such it is considered suitable that a Construction Management Plan be submitted prior to the commencement of works.

8.8.3 It is acknowledged that the existing hardstanding would be extended and increased to facilitate access to the ne proposed dwelling, which would be limited, include soft landscaping and the provision of soakaways. These would ensure that there would be no discharge of surface water on to the adjacent neighbouring properties.

8.8.4 With regards to car parking Appendix 5 of the DMP LDD sets out that a four or more bedroom dwelling would need to provide 3 assigned spaces within the dwelling's curtilage. Given the proposed carport for the existing dwelling and given the extension of hardstanding to the frontage of the proposed dwelling. It is considered that each dwelling could facilitate 3 assigned spaces and thus no objection is raised in this regard.

8.9 Refuse and Recycling

8.9.1 Policy DM10 (Waste Management) of the DMLDD 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

8.9.2 Any refuse and recycling bins would be collected from the site frontage with Chenies Road, as is the case with Meldon.

8.10 Amenity Space

8.10.1 Appendix 2 of the Development Management Policies LDD sets out the standards for amenity space provision for residential dwellings: 4 bed dwelling - 105 square metres.

8.10.2 The existing dwelling would be subdivided and would retain approximately 350sqm of rear garden amenity space. The proposed new dwelling would similarly have approximately over 360sqm of rear amenity space, which would comply with the above standards. The application site would have sufficient amenity space to meet the requirements set out in Appendix 2 of the Development Management Policies LDD.

8.11 Biodiversity and BNG

8.11.1 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.

8.11.2 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 as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

8.11.3 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.

8.11.4 In this case the biodiversity net gain condition does not apply as the applicant has confirmed that the development would comply with the self-build and custom build exemption, detailed with the submitted application form and Supporting Statement.

8.12 Sustainability

8.12.1 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than 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. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

8.12.2 It is noted that an Energy Statement has been submitted with the application. The statement specifies that more than a 5% reduction would be achieved through the construction fabric of the dwelling in addition to the provision of an air source heat pump and low energy lighting throughout the dwelling and solar panels. The proposed development would therefore meet the provisions of Policy DM4 of the Development Management Policies LDD. A condition shall be attached to ensure that the development is undertaken in accordance with the approved details.

8.13 Permitted Development Removal

8.13.1 To ensure adequate planning control over further development having regard to the limitations of the site and in the interests of the visual amenities of the site and wider area it was considered appropriate to remove the following classes of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification):

Part 1

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

Class B - additions etc to the roof of a dwellinghouse

8.14 Other Considerations

8.14.1 The LPA cannot currently demonstrate a 5-year housing land supply, and therefore paragraph 11 of the NPPF is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking "the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five-year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, "Plans and decisions should apply a presumption in favour of sustainable development...where there are no relevant

development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

8.14.2 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. There would be limited short-term benefits weighing in favour of the scheme as a result of construction activities, and benefits resulting from the expenditure of new residents locally. However, any benefits would be limited given the development is only proposing an uplift of 1 residential unit. There would be some limited social benefits resulting from the provision of a market dwelling.

8.14.3 Notwithstanding the above, as the application is to be approved, the tilted balance does not need to be engaged.

9 Recommendation:

9.1 **That PLANNING PERMISSION BE GRANTED** subject to the following conditions:

C1 Those parts of the development which have not been carried out 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 001 (Location Plan), Proposed Block Plan, Basement & Roof Plan, Ground & 1st Floorplans, Elevations, Side Elevation, Landscaping Plan.

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM3, DM6, DM9 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013), the Chorleywood Common Conservation Area Appraisal (20110) and the Chorleywood Neighbourhood Plan (2020).

C3 The dwelling hereby approved shall be finished in the materials as shown on drawing 'Elevations' and the application form.

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 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and

depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained 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: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area 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 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. Parking of vehicles of site operatives and visitors
- ii. Construction of access arrangements including the routing of vehicles
- iii. Loading and unloading of plant and materials
- iv. Storage of plant and materials used in constructing the development
- v. Wheel washing facilities

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: This condition is a pre-commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (Adopted July 2013).

C6 Prior to first occupation of the new dwelling hereby permitted, the energy saving measures outlined within submitted Energy Assessment Report, by Energy Lab 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).

C7 Prior to the first occupation of the development, details of the siting, and specification for the Air Source Heat Pump including details of any acoustic enclosures shall be submitted and approved in writing by the Local Planning Authority.

The air source heat pump and any necessary enclosure shall be installed only in accordance with the approved details, prior to the first occupation of the development and maintained as such thereafter.

Reason: To prevent unacceptable noise impact and protect residential amenity in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C8 Prior to the first occupation of the new dwelling hereby permitted, a scaled plan indicating the positions, design, materials and type of boundary treatment to be erected within the application site including between the existing and the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected in accordance with the approved details prior to first occupation of the development hereby approved.

Reason: To safeguard the character of the locality in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C9 Prior to the first occupation of the new dwelling hereby permitted, a scheme of hard landscaping, which shall include scaled details of the proposed hardstanding, shall be submitted to and approved in writing by the Local Planning Authority. These elements shall thereafter be implanted only in accordance with the approved details.

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance 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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C10 The soft landscaping as shown on drawing titled "Landscaping Plan" shall be carried out before the end of the first planting and seeding season following the first occupation of the new dwelling or completion of the dwelling, whichever is sooner.

If any of 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 to preserve the character and appearance of the wider application site and surrounding area in accordance with Policies CP1, CP10, CP12 of the Core Strategy (adopted October 2011) and Policies DM and DM6 of the Development Management Policies LDD (adopted July 2013).

- C11 The first floor southeastern flank window hereby permitted, 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 as shown on drawing Elevations (Sept.2024). The window 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).

- C12 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 in respect of the new dwelling on the application site.

Part 1

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

Class B - additions etc to the roof of a dwellinghouse

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, 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).

- C13 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.

9.1 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:

- (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 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.
- 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.

- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- 15 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>.

Appendix A: Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing

Background

- 1.1 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However, on 31st July 2015 the High Court held (*West Berkshire Council v SSCLG* [2015]) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11th May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19th May 2016.
- 1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1st September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 sq metres. However, having undertaken an analysis of up-to-date evidence of housing needs (**The Needs Analysis**), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1st September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.
- 1.3 On 24th July 2018 a new version of the National Planning Policy Framework¹ (the Framework) was published with immediate effect for development management purposes. Paragraph 65 of the Framework advises that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”* Annex 2 of the NPPF defines *“major development”* as *“for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”*
- 1.4 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that :
 - a) *“...All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.”*
 - e) *“In most cases require affordable housing provision to be made on site, but in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.”*

¹ The National Planning Policy Framework was updated in February 2019, July 2021 and December 2023 and retains the policies as stated in Paragraph 1.3 of this document.

- 1.5 The supporting text to Policy CP4 summarises the justification for it:
- Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.
 - A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.
 - The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high.
 - In order to completely satisfy affordable housing requirements, **all** future housing in the district to 2021 would need to be affordable.
- 1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF Paragraph 65 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Conservation and Head of Regulatory Services on the weight that they recommend should be given to NPPF Paragraph 65 for these purposes in light of the Needs Analysis.
- 1.7 Since the adoption of its Core Strategy in 2011 and as of 31 December 2023, Three Rivers has received small site affordable housing contributions amounting to over **£3.2 million**. Utilising those monies has funded the delivery of 55 units of additional affordable housing to date. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.
- 1.8 In addition to the £3.2 million already received, small scale (1-9 unit) schemes have secured to date a further **£1.255- 1.5million (plus indexation)²** of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large-scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.
- 1.9 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 128 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between 1 October 2011 and 31 March 2023, 269 planning

² The sums payable secured by Sec 106 will be subject to indexation, in most cases from June 2011 which will not be calculable until the date of payment. The quoted upper limit includes projected contributions in respect of two alternative planning permissions and an outline PP with all matters reserved. Data is as of April 2024

permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 18 have been permitted to lapse which is only 6.7% of all such schemes³.

- 1.10 Current evidence of housing need in the District is noted below at paragraphs 2.4 to 2.12. It confirms that the needs underlying the adopted development plan policy remain pressing.

Importance of Small Sites to Three Rivers

- 1.11 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: from 1 April 2017 to 31 March 2023, 288 planning applications for residential development involving a net gain of dwellings were determined⁴ by the Council. Of these, 256 applications (89%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to the overall identified needs and adopted development plan objectives. This is dealt with in more detail below.

- 1.12 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

2 Development Plan Policies and the WMS

- 2.1 The content of the Framework is a material consideration in any planning decision, and one which the decision-making authority must weigh against the development plan as the starting point under section 38(6) of the 2004 Planning and Compulsory Purchase Act. The correct approach is to:

- Consider the starting point under the development plan policies
- Have regard to the Framework and its objectives if those development plan policies would be breached – it is officers' view that the Framework should be given considerable weight as a statement of national policy post-dating the Core Strategy
- Consider up to date evidence on housing needs
- Consider whether the Framework should outweigh the weight to be given to the local evidence of affordable housing need and the breach of the adopted development plan policy.

³ The Needs Analyses (December 2019 and December 2020) referred to a lapse rate of 9% for minor developments; manual analysis has since demonstrated that a number of sites included in the 9% lapse figure have been subject to subsequent planning applications which were granted approval. Such sites have therefore still come forward for development despite earlier permissions lapsing. The lapse percentage in this Needs Analysis (April 2024) has therefore been revised to exclude application sites which are subject to later approvals which are either outstanding, under construction or complete.

⁴ Includes refused and approved applications. Excludes prior approval developments.

2.2 This approach reflects the Court of Appeal's judgment in West Berkshire, which held that whilst the government, whether central or local, could state policy "rules" absolutely, decision makers must consider them without treating them as absolute: their discretion to weigh material considerations in the balance and do something different cannot be fettered by policy:

"the exercise of public discretionary power requires the decision maker to bring his mind to bear on every case; they cannot blindly follow a pre-existing policy without considering anything said to persuade him that the case in hand is an exception".

2.3 At paragraph 26 of the judgment, the court cited statements made to the High Court on behalf of the Secretary of State, describing those as being "no more than a conventional description of the law's treatment of the Secretary of State's policy in the decision making process":

"As a matter of law the new national policy is only one of the matters which has to be considered under sec 70(2) and sec 38(6) when determining planning applications... in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the threshold stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy".

As confirmed by the Court of Appeal decision in the West Berkshire case, whilst the WMS, and now the Framework, is clear with regard to the Government's intentions on planning obligations in relation to small sites, the weight to attach to a development plan policy is a matter of discretion for the decision taker. Policies should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary.

In determining an appeal in Elmbridge, Surrey in August 2016 (appeal reference: APP/K3605/W/16/3146699) the Inspector found that *"whilst the WMS carries considerable weight, I do not consider it outweighs the development plan in this instance given the acute and substantial need for affordable housing in the Borough and the importance of delivering through small sites towards this."* The existence of evidence of housing need is important in this context. That general principle has not been changed by the Revised NPPF.

2.4 Officers advise that whilst the Framework is a material consideration, breaches of Policy CP4 should not, in light of ongoing evidence of housing need in the Needs Analysis, be treated as outweighed by the Framework. This conclusion has been reached having had regard to the following relevant factors:

- **General House Price Affordability in Three Rivers**
- **Affordable Housing Supply Requirements in Three Rivers**
- **Affordable Housing Provision in Three Rivers**
- **Extent of residential development schemes proposed which are for sites delivering net gain of less than 10 dwellings**
- **The contribution towards the provision of affordable housing Policy CP4(e) has historically made in respect of small sites**
- **Relevant Appeal Decisions**

- The fact that the adopted development plan policy does not impose burdens where they would render schemes unviable.

General House Price Affordability in Three Rivers

2.5 Due to the District's close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016⁵, the lowest quartile house price in Three Rivers in 2016, representing the cheapest properties in the District was £325,000.00, making it the **fifth**⁶ most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 1 below).

Number	Local Authority Name	Lowest Quartile House Prices (2016)
1	Elmbridge	£375,000.00
2	St Albans	£355,000.00
3	Windsor and Maidenhead	£340,000.00
4	Hertsmere	£330,000.00
5	Three Rivers	£325,000.00

Table 1.

Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS), the lowest quartile house price in Three Rivers in September 2022 was £400,000⁷. The lowest quartile house price of £400,000 places Three Rivers as the **third** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 2 below). Three Rivers' position has worsened and the lowest quartile house price has risen by £75,000 from 2016 to 2022, demonstrating an ongoing worsening affordability position.

Number	Local Authority Name	Lowest Quartile house Prices (2022)
1	Elmbridge	£462,000.00
2	St Albans	£430,000.00
3	Three Rivers	£400,000.00
4	Hertsmere	£396,000.00
5	Windsor and Maidenhead	£395,000.00

⁵ ONS (2022) *Dataset: House price to residence-based earnings ratio Table 6a*

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

⁶ Note that prior to the formation of the Buckinghamshire Council (now a unitary authority), Three Rivers was the seventh most expensive local authority area as two local authorities in Buckinghamshire ranked higher in lower quartile house price than Three Rivers in 2016 (South Bucks - £370,000.00; Chiltern - £335,000.00).

⁷ Office for National Statistics (2023) *Dataset: House price to residence-based earnings ratio Table 6a*
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

6	Epsom and Ewell	£395,000.00
7	Waverley	£385,000.00

Table 2.

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £28,876.00 in 2022⁸, 13.26 times worsening to 13.85 times below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings⁹). In a mortgage market where lenders are traditionally willing to lend 3-4 times a person's income, clearly a lending requirement of 13 to 14 times such an income means that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first-time buyer in 2022 to have a deposit of £284k - £301k or (with a 5% deposit of £20,000) to earn £95,000.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also have been due (subject to COVID related temporary relaxation).

When one considers the median affordability ratio¹⁰ for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income to median quartile house price affordability ratio¹¹ was 13.77, the fourth¹² worst affordability ratio in England and Wales (excluding London), as set out in table 3 below, again when compared against three hundred and three local authorities.

Number	Local Authority Name	Median quartile house price affordability ratio ⁸ (2016)
1	Hertsmere	14.23
2	Mole Valley	14.18
3	Elmbridge	13.86
4	Three Rivers	13.77

Table 3.

Over the period 2016 to 2021, the median quartile house affordability ratio in Three Rivers has worsened with a rise from 13.77 in 2016 to 14.99 in 2023 (see table 4 below). Three Rivers maintains the fourth worst affordability ratio in England and Wales (excluding London), the median affordability ratio has worsened (by 1.22), demonstrating a lack of improvement in Three Rivers' affordability position nationally.

Number	Local Authority Name	Median quartile house price affordability ratio (2022)
1	Elmbridge	16.93

⁸ Office for National Statistics (2023) *Dataset: House price to residence-based earnings ratio Table 6b*
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearninglowerquartileandmedian>

⁹ Office for National Statistics (2023) *Dataset: House price to residence-based earnings ratio Table 6c*
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearninglowerquartileandmedian>

¹⁰ Affordability ratio statistics are revised annually by the ONS to reflect revisions to the house price statistics and earnings data.

¹¹ Office for National Statistics (2023) *Dataset: House price to residence-based earnings ratio Table 5c*
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

¹² Note that prior to the formation of the Buckinghamshire Council (now a unitary authority), Three Rivers had the fifth worst affordability ratio most expensive local authority area as a local authority in Buckinghamshire ranked higher in median affordability ratio than Three Rivers in 2016 (Chiltern – 14.49).

2	Mole Valley	16.78
3	Hertsmere	16.36
4	Three Rivers	14.99
5	Epping Forest	13.75

Table 4.

Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 13.26. In 2022 that had risen to 13.85, showing a worsening ratio over the period from 2016 to 2022¹³.

It is clear from the above that the affordability of housing in Three Rivers is getting worse with time.

Affordable Housing Requirements in Three Rivers

2.6 The Local Housing Needs Assessment (LNHA) (August 2020) is the most recent update to the South West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA) and estimates the need for affordable housing over the 2020-2036 period. The LNHA splits its analysis between affordable housing to rent and affordable housing to buy.

Affordable Housing Need - To Rent

2.7 The South-West Hertfordshire Local Housing Needs Assessment (LNHA) (August 2020) found that at that time there were approximately 1,276 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the numbers of homeless households and in temporary accommodation, households in overcrowded housing, concealed households and existing affordable housing tenants in need. 57% of these households are estimated to be unable to afford market housing without subsidy, which means the revised gross need is reduced to 727 households¹⁴.

2.8 In addition to needs arising from those in unsuitable housing, the LNHA also analyses affordable need to rent arising from newly-forming households within the District. The LNHA estimates 800 new households forming per annum in Three Rivers over the period 2020 to 2036. 45% of these newly-forming households are estimated to be unable to afford market housing (to rent) resulting in 360 new households with a need for affordable housing to rent each year over the period 2020 to 2036¹⁵.

2.9 The LNHA also considers newly arising need for affordable rent from existing households (i.e. households residing in market accommodation now requiring

¹³ Office for National Statistics (2022) Dataset: House price to residence-based earnings ratio Table 6c

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

¹⁴ Table 33: Estimated Current Rented Affordable Housing Need, South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁵ Table 34: Estimated Level of Rented Affordable Housing Need from Newly Forming Households (per annum 2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

affordable housing). The LNHA estimates an additional 77 existing households falling into need for affordable rent per year over the period 2020 to 2036¹⁶.

- 2.10 Taking into account the figures of need noted above and the supply of affordable housing to rent through re-lets, the LNHA calculates the annual affordable housing need to rent over the period 2020 to 2036 as 350 in Three Rivers¹⁷. This need involves households who cannot afford anything in the market without subsidy and is equivalent to 55% of the District's total local housing need requirement calculated by the standard methodology. This indicates the substantial scale of need for this type of affordable housing.

Affordable Housing Need - To Buy

- 2.11 In addition, the LNHA estimates a need of 162 units for affordable home ownership per annum¹⁸ over the period 2020 to 2036, although this is a need which is formed by households identified as being able to afford to rent privately without subsidy.

Total Affordable Housing Need

- 2.12 Combining the need for affordable housing to rent and affordable housing to buy results in the calculation of 512 affordable units per year, equating to approximately 80% of Three Rivers' total local housing need requirement (as calculated by the standard method).

Affordable Housing Provision in Three Rivers

- 2.13 Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this.
- 2.14 Since the start of the plan period from 1 April 2001 to 31st March 2023 (the latest date where the most recent completion figures are available), 5,388 gross dwellings were completed. From this, 1,223 were secured as affordable housing, a total of 22.6%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of a further 1,207 or 22.4% affordable dwellings in order to fulfil the 45% affordable housing requirement up to 31 March 2023. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing.
- 2.15 In the latest monitoring period of 2022/23 (financial year), 13 sites¹⁹ delivered a net gain of one or more dwellings and would therefore be required to contribute to affordable housing under Policy CP4 (either through an on-site or off-site

¹⁶ Table 35: Estimated level of Housing Need from Existing Households (per annum 2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁷ Table 37: Estimated Annual Level of Affordable/Social Rented Housing Need (2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁸ Table 42: Estimated Annual Need for Affordable Home Ownership (2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁹ Sites with completions in the monitoring year 2022/23

contribution). 4 of the 13 schemes contributed to affordable housing provision whilst 9 of the 13 schemes did not contribute:

- Four of the 13 sites delivering a net gain in housing in 2022/23 were determined during the 2014/15 and 2016/17 periods (when the Council was dealing with applications on the basis that the WMS should be given overriding effect regardless of the viability position on specific schemes). Affordable housing provision was forgone on them on this basis, which is now reflected in the low affordable provision as they are built out.
- A further 5 of the 9 sites which did not contribute to affordable housing during the 2022/23 period was the result of viability evidence being submitted during the course of the application which sufficiently evidenced that an affordable housing contribution would render the schemes unviable. These applications were therefore approved in accordance with Policy CP4, making clear that the requirement for affordable housing contributions is subject to viability considerations
- Of the four schemes which did contribute, 3 sites made contributions by way of a commuted sum, secured through Section 106 Agreements/Unilateral Undertakings and 1 provided on-site affordable housing units.

In addition to the 13 sites referenced above, there were a further 3 sites where the overall development resulted in a net gain of one or more dwellings. These sites were granted permission through the prior approval application route, through which affordable housing provision cannot be required

Extent of residential development schemes proposed which are for sites delivering a net gain of less than 10 dwellings

2.16 In 2017/2018 (financial year), there were 67 planning applications determined²⁰ for net gain residential schemes, of which 57 were small site schemes (85%). In 2018/19 (financial year), there were 50 planning applications determined for net gain residential schemes, of which 46 were small site schemes (92%). In 2019/20 (financial year), there were 60 planning applications for net gain residential schemes determined, of which 55 were small sites schemes (92%). In 2020/21 (financial year), there were 38 planning applications for net gain residential schemes determined, of which 33 were small site schemes (87%). In 2021/22 (financial year), there were 39 planning applications for net gain residential schemes determined, of which 36 were small site schemes (92%). In 2022/2023 (financial year), there were 34 planning applications of net gain residential schemes determined, of which 29 were small site schemes (89%). It is therefore clear that a high proportion of small site schemes have been proposed in the District, averaging approximately 90% of applications over the past four financial years.

2.17 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-2023 (financial years) some 449 net dwellings were completed which equates to approximately 41 net dwellings per annum and to 21.8% over the 2011-2023 period. 21.8% is a significant proportion of the overall supply. Whilst such

²⁰ Includes refused and approved applications. Excludes prior approval developments.

numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on-site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to at paragraph 2.21 below:

APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: *"It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings."*

Contributions towards the provision of affordable housing Policy CP4(e) has made in respect of small sites

2.18 As set out at paragraphs 1.7 and 1.8 above, the commuted payments (£3.1 million) spent on the provision of affordable housing which have been collected by the Council to date have made a direct contribution towards the identified affordable housing shortfall in the district: providing some 55 units of affordable housing. Furthermore, as set out at paragraph 1.8 above, small scale (1-9 unit) schemes have (as at February 2023) secured a further **£1.255- 1.5 million** (see footnote 2) in respect of unimplemented but current planning permissions. The Council continues to work with Registered Providers to deliver further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received. It is clear therefore that CP4(e) has made and will continue to make a significant contribution towards the provision of much needed affordable housing in the District in the future.

Adopted development plan policy does not impose burdens where they would render schemes unviable

2.19 As set out at paragraph 1.9 above, Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 128 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. The Council accepts that if, properly tested, viability cannot be established on current day costs and values then a scheme should not currently be required to provide or contribute to affordable housing delivery. Between 1 October 2011 and 31 March 2023 there were 269 planning permissions granted for minor (net gain) residential developments in the District. Of those only 18 have lapsed (6.7%)²¹. This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

Relevant Appeal Decisions

2.20 There have been a number of appeal decisions since the WMS was upheld by the High Court in May 2016. As an example, the Planning Inspectorate has dismissed appeals that were submitted against the decisions made by Elmbridge Borough Council (appeal no: 3146699), Reading Borough Council (appeal ref: 315661), South

²¹ See footnote 3.

Cambridgeshire District Council (appeal ref: 3142834) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729). These were for small scale housing schemes where those Councils had attached greater weight to their affordable housing policy than to the WMS as a consequence of local evidence of substantial affordable housing need. Copies of these three appeals are attached to Appendix 1. The Council considers these appeal decisions to be of continuing relevance post the new Framework.

- 2.21 The Inspectors appointed to determine these appeals stated that the WMS needed to be addressed alongside existing Local Plan policy. Within each case, the Inspectors found that there was substantial evidence of a pressing need for affordable housing within these three local authority areas. On this basis, it was considered that local policy had significant weight and there was strong evidence to suggest that these issues would outweigh the WMS within these three cases.
- 2.22 In March 2017 the Planning Inspectorate issued a response to a letter from Richmond and Wandsworth Councils regarding the perceived inconsistency of approach by the inspectorate in relation to a further five appeal decisions made in 2016, regarding the weight that was made to the WMS. A copy of this letter is attached to Appendix 2.
- 2.23 Out of these five decisions, the Planning Inspectorate considered that three appeal decisions were reasonable, and fairly reflected the Court of Appeal's decision that although great weight should be attached to the WMS as a material circumstance; planning applications must be decided in accordance with the development plan, unless material considerations indicate otherwise.
- 2.24 However, the Planning Inspectorate considered that the decision taken on the two remaining appeals which stated that lesser weight was afforded to local policies because they were now, in part, inconsistent with national policy, was not appropriate. The seventh paragraph in the response from the Inspectorate, summarised the approach that the Inspectorate acknowledges should be taken:

*"...an Inspector to start with the development plan and any evidence presented by the LPA supporting the need for an affordable housing contribution, establish whether the proposal is in conflict with those policies if no contribution is provided for, and, if there is conflict, only then go on to address the weight to be attached to the WMS as a national policy that post-dates the development plan policies."*²²

- 2.25 It is clear therefore that the Planning Inspectorate considered that although the WMS (and now the Framework) was a material consideration, this should be balanced against the policies within a plan along with any further evidence that supports a Local Planning Authority's application of the policy.
- 2.26 The Council's stance has been tested on appeal on numerous occasions (39 decisions as at the date of this document) and the Planning Inspectorate have repeatedly concluded that whilst the NPPF carries considerable weight, it does not outweigh CP4 of the Councils development plan given the acute and substantial need for affordable housing in the District and the important contribution small sites

²² Paragraph 7, Planning Inspectorate Letter, March 2017.

make towards addressing this shortfall. Below are extracts from a few of those decisions:

- **APP/P1940/W/19/3222318, Eastbury Corner, 13 Eastbury Avenue, Northwood, Decision date: 21st June 2019:**

“The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it. Policy CP4 makes it clear that site circumstances and financial viability will be taken into account when seeking affordable housing provision.”

- **APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley**

Decision Date: 1st November 2019:

“The Council has provided detailed evidence of acute affordable housing need locally: a Needs Analysis was undertaken in May 2016 after the publication of the Written Ministerial Statement which introduced the affordable housing thresholds now included in the Framework. Based on the Needs Analysis, the Council’s evidence highlights the issue of general house price affordability in the District, plus an exceptionally high need for affordable housing exacerbated by a significant shortfall in supply. It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings. A further Needs Analysis following publication of the revised Framework in July 2018 demonstrated that housing stress had increased since 2016. The Council has therefore revisited its position following the update to national policy. There is no evidence before me that affordable housing contributions are acting as a brake on development. Rather, the evidence is that contributions from small sites collected since the policy was adopted in 2011 are delivering affordable housing on the ground. Due to its recentness and the clear conclusions that can be drawn from it, I give this local evidence substantial weight. It underpins the approach in Policy CP4 as an exception to national policy.”

- **APP/P1940/W/19/3230911, 67 & 69 St Georges Drive, Carpenders Park, Decision date 22nd October 2019:**

“The Council has undertaken several needs analyses, the latest being July 2018, to demonstrate the acute shortage of affordable housing in the District, especially in light of high house prices and that much of the District is also constrained by the Metropolitan Green Belt. It further highlights the importance small sites make to the contribution to the overall provision of affordable housing. Up until the end of March 2017 there has only been 22.6% of affordable housing provision which falls short of the policy requirement of 45%. The shortfall demonstrates that the provision of affordable housing is still very much needed, such that Policy CP4 should continue to apply to small sites, despite the Framework and the WMS. In light of the Council’s body of evidence that demonstrates the particular housing circumstances and needs of the District, I attach substantial weight to this local evidence and consider that the national policy position does not outweigh the development plan and Policy CP4 in this instance.”

- **APP/P1940/W/19/3230458, 19 Lynwood Heights, Rickmansworth,**

Decision date 11th October 2019:

“The Council states that its Strategic Housing Market Assessment (2010) has demonstrated that there is a significant affordable housing need locally due to very high house prices and rents and a constricted supply of suitable housing sites. Further, the South West Hertfordshire Strategic Housing Market Assessment (2016) estimated a net affordable housing need of 14,191 in the District between 2013-36 and there is also a worsening situation with regards to affordability. Based on the Councils evidence the District is the 7th most expensive local authority area in England and Wales in 2016 and demonstrates that

its application of Policy CP4 has delivered a significant contribution of over £2.1 million towards the delivery of affordable housing without disrupting the supply of small residential sites. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The robust evidence referred to in footnote 1 and the clear need to deliver affordable housing in the District underpins the Council's approach in Policy CP4 as an exception to national policy and therefore in this case, the Framework's threshold would not outweigh the conflict with the development plan. I therefore attach considerable weight to Policy CP4. I am also referred to a number of recent appeal decisions in the District which support this approach and are therefore relevant to the scheme before me and as such carry considerable weight."

- **APP/P1940/W/18/3213370: No.9 Lapwing Way, Abbots Langley.**

Decision Date 22nd May 2019:

"In considering whether provision should be made for affordable housing, there are two matters that need to be addressed. Firstly, whether in principle the provisions of Policy CP4 are outweighed by more recent Government policy. Secondly, if not, whether for reasons of financial viability a contribution is not required... There is no evidence before me that the application of Policy CP4 has put a brake on small windfall sites coming forward. Indeed, such sites have contributed over £2m to the affordable housing pot since 2011... Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. There are very important factors in support of the continued application of Policy CP4. These factors are not unique to Three Rivers. Government policy does not suggest that areas where affordability is a particular issue should be treated differently. Nonetheless, although a weighty matter, the national policy threshold is not a material consideration which outweighs the conflict with the development plan in this case. In making this policy judgment I have given considerable but not full weight to Policy CP4. I have also had regard to the other appeal decisions in the south-east referred to by the Council where Inspectors considered development plan policies seeking affordable housing against national policy. My approach is consistent with these decisions."

- **APP/P1940/W/19/3229038: 124 Greenfield Avenue**

Decision Date 10th December 2019

"Furthermore, windfall sites make up the majority of the proposals in a District which is constrained by the Green Belt and so delivery of affordable housing from these sites is crucial. The submitted evidence supports the proportion of housing proposals which have been on small sites in the last few years. There is no evidence before me that seeking affordable housing on small sites has precluded small windfall sites coming forward – indeed such sites have contributed a significant amount to the affordable housing pot since 2011... Overall, there is substantial evidence of considerable affordable housing need in the District and it has been demonstrated that small sites make an important contribution to affordable housing delivery in the Borough. I attach very significant weight to this consideration. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance the Framework does not outweigh the relevant development plan policy."

- **APP/P1940/W/19/3238285: Bell Public House, 117 Primrose Hill, Kings Langley Decision Date 9th March 2020**

"Even taking the appellants figures that 22.8% of affordable units have arisen from non major sites, I consider this to be an important and meaningful contribution...even taking the appellant's figures my conclusion remains unaltered."

- **APP/P1940/W/19/3229189: Glenwood, Harthall Lane, Kings Langley**

Decision Date 7th May 2020

"The Council's evidence sets out the acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. They also highlighted a large number of recent appeal decisions for small residential schemes where it has been considered that the exceptional local need should outweigh government policy, as set out in the Framework... Despite the appellant's evidence, which included reference

to a Local Plan Consultation Document (October 2018) and an analysis undertaken by them based on the Council's Housing Land Supply Update (December 2018), it was clear to me, in the light of all the evidence before me, that a pressing need for affordable housing in the area remains. It was also clear that small sites play a key role in ensuring this provision. As such, in this case, I am satisfied that although considerable weight should be given to the Framework, it does not outweigh the development plan policy."

- **APP/P1940/W/20/3249107: 2 Church Cottages, Old Uxbridge Road, West Hyde Decision Date: 21st October 2020**

"The Framework at paragraph 63 sets out that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer. That said, there is clear evidence to suggest that there is an acute need for affordable housing in the Three Rivers District and there have been several appeal decisions which supported this view... I agree that there are special circumstances which justify the provision of affordable housing below the Framework's suggested threshold... As a result, the proposal would be contrary to Policy CP4 of the CS which amongst other matters seeks to increase the provision of affordable homes including by means of a commuted sum payment for sites of between one and nine dwellings... I have also had regard to the obvious benefits in relation to the provision of a much-needed new dwelling. However, the benefits of this are outweighed by the lack of provision for affordable housing"

- **APP/P1940/W/20/3259397 24 Wyatts Road**

Decision Date 8th February 2021

"...I consider that the specific circumstances within this district together with the updated evidence to support Policy CP4 are sufficient, in this case, to outweigh the guidance of the Framework."

- **APP/P1940/W/20/3260602: 8-10 Claremont Crescent, Croxley Green**

Decision Date 18th February 2021

"The Council's case is that Policy CP4 should continue to apply to all housing developments, notwithstanding its lack of consistency with the more recent Framework. In justifying this position, it has provided robust evidence of a high affordable housing need in the district as well as an independent viability assessment in relation to this appeal. Furthermore, a number of similar appeal decisions, cited by the Council, show that Inspectors have considered development plan policies with lower affordable housing thresholds to outweigh national policy given the local evidence of substantial affordable housing need. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance it does not outweigh the relevant development plan policy. In making this judgement, I have given considerable but not full weight to Policy CP4."

- **APP/P1940/W/20/3244533 2 Canterbury Way**

Decision Date 4th March 2021

"Over the plan period there have been times when the Council have applied Policy CP4 of the CS and times when they have not. I accept that this may have implications for the delivery of non-major sites, perhaps encouraging whether or not developers will bring forward proposals. However, it cannot be the only factor which influences whether or not such sites are brought forward. Furthermore, there is no substantive evidence to suggest that if Policy CP4 of the CS was not applied it would significantly increase the supply of housing in the district. Moreover, Policy CP4 of the CS was subject to an assessment of viability alongside all other requirements through the Local Plan process... Overall, on the basis of the evidence before me I am not convinced that the Council's application of Policy CP4 of the CS is directly discouraging developers from bringing forward small sites due to the need to provide or contribute towards affordable housing or demonstrate that it viably cannot... housing affordability in the district is acute such that, based on the specific circumstances of this case and the evidence presented, I find on balance the proposal should make appropriate provision for affordable housing."

- **APP/P1940/W/20/3260554: Land adjacent to 2 Coles Farm**

Decision Date 15th June 2021

“The appellant’s comments regarding the importance of small sites is noted as is the Council’s lack of a five-year housing land supply. Despite this, the proposal is required to secure a contribution towards the provision of affordable housing, however, at the point of determination no executable undertaking is before me... The proposal would be contrary to CS Policy CP4 and the Affordable Housing Supplementary Planning Document 2011 which require all new development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing.”

- **APP/P1940/W/21/3276715: Land adjacent to 62-84 & 99-121 Sycamore Road, Croxley Green Decision Date: 10th March 2022**

“Small housing sites have an important role in helping to deliver new housing in the district, including meeting a pressing need for affordable housing. For small housing sites of one to nine dwellings, paragraph e) of Policy CP4 of the CS allows for the possibility of commuted payments towards provision of off-site affordable housing. The Council indicates the indexation of such sums from a date of June 2011 to be the norm in most cases, to reflect the adoption date of the Three Rivers Affordable Housing Supplementary Planning Document (SPD), including its commuted payment formula, and so ensure that the contribution remains the same in real terms over time. Since the Council’s decision, a Planning Obligation by way of Unilateral Undertaking (UU) which proposes provision for affordable housing has been submitted by the appellant. The UU5 proposes an indexation date of 1st February 2022, and not 1st June 2011 as sought by the Council. As such, the UU does not make provision for adjustment of the affordable housing sum in proportion to any increase in the Retail Prices Index during the period of more than a decade since the adoption of the SPD. In this respect, I have no certainty that the proposed affordable housing contribution would be adequate to meet local need. I therefore conclude that the proposed development would not make adequate provision for affordable housing. As such, it would not accord with Policy CP4 of the CS which seeks to meet local need for more affordable housing in the district.”

- **APP/P1940/W/21/3277747: 3 Grove Cottages, Pimlico**

Decision Date: 16th March 2022

“Policy CP4 of the Core Strategy addresses the provision of affordable housing and under it the Council has identified a requirement for a commuted affordable homes contribution of £58,650 to be paid. The appellant has indicated a willingness to make such a contribution. A draft Unilateral Undertaking (UU)3 submitted with the planning application includes an obligation intended to secure the making of an affordable housing contribution. I am content that there is a need for an affordable housing contribution to be made, with the Council having justified why such a contribution should be paid, even though the development would not be a ‘major’ one for the purposes of paragraph 64 of the Framework.”

- **APP/P1940/W/21/328373448: Altham Gardens, South Oxhey**

Decision Date: 29th April 2022

“The latest statistics indicate that the Council has a shortage in its supply of housing land. Although the statistics do not specify affordable housing, the SPD indicates that there is a requirement for affordable housing in and around the Three Rivers Area and given the scale of the shortfall, it is reasonable to assume that it includes affordable housing. Given the policy requirement and the identified shortage of housing generally I am satisfied that the need for the contribution sought by the Council arises from the development and satisfies the three tests in Regulation 122(2) of the CIL Regulations 2010.”

- **APP/P1940/W/22/3291286: 27 Gable Close, Abbots Langley**

Decision Date: 30th August 2022

“I am mindful that the Framework suggests that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

However, the Council has provided clear and compelling evidence to demonstrate an acute need for affordable housing in the District, including reference to numerous other appeal decisions which have supported the Council's case. There is no substantive evidence before me which would lead me to a different conclusion, including with regard to the primacy of the development plan. There would therefore be an expectation that the appeal scheme would contribute financially towards the provision of affordable housing."

- **APP/P1940/W/21/3284630: The Puffing Field, Windmill Hill**

Decision Date: 23rd September 2022

"The Council's evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. On the evidence before me, I have no substantive reason to disagree with this position."

- **APP/P1940/W/22/3291193: Rear of The Woodyard, Sarratt**

Decision Date: 27th October 2022

"The Council's evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. The requirement for and the amount of the affordable housing contribution are detailed in the Council's submissions."

- **APP/P1940/W/22/3291601: Meadow Farm, Hyde Lane, Nash Mills**

Decision Date: 10th May 2023

The Council's evidence sets out a robust assessment of the identified need for affordable housing, the reasons for a lower threshold than that required by national policy, and why small sites are so important in contributing to the provision of such housing in the district. Accordingly, I attach substantial weight to this evidence and consider that affordable housing provision is required in this case

- **APP/P1940/W/22/3313385: Greenways, Seabrook Road, Kings Langley**

Decision Date: 8th August 2023

As set out in Policy CP4 of the Core Strategy and amplified in the Affordable Housing Supplementary Planning Document (the SPD), all new housing is required to contribute to the provision of affordable housing in the District, without exceptions. Due to the scale of the appeal scheme, the use of a commuted payment, secured by a Section 106 agreement, towards provision off-site would be appropriate.

- **APP/P1940/W/23/3315063: Dell Cottage, Dog Kennel Lane, Chorleywood**

Decision Date: 20th June 2023

In relation to affordable housing, Policy CP4 of the Core Strategy requires that contributions to affordable housing will be sought for all new housing development with the use of commuted payments towards off site provision considered for small sites. The submitted UU obligates the appellant to pay an agreed sum to the Council prior to the commencement of development on the site. In accordance with paragraph 57 of the Framework, I have considered the UU against the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. I am satisfied that the provisions are necessary to make the appeal scheme acceptable in planning terms and are fairly and reasonably related in scale to the proposed development, thereby meeting the three tests identified above

- **APP/P1940/W/23/3320530: Ved House, Topilts Lane, Rickmansworth**

Decision Date: 7th February 2024

The Council's Housing Needs Analysis [2023] provides an up-to-date and robust assessment of the Council's affordable housing need. This demonstrates that the need for annual affordable housing need for rent and to buy represents 80% of the district's total housing need. The Council identifies that it has been securing a provision of 22.5% affordable housing units between 2001 and 2022, substantially below its policy requirement. Furthermore, the Council has demonstrated that around 89% of applications received for residential development, over a recent 5-year period, have been small sites. The

contributions collected from these have enabled the Council to deliver a significant number of affordable dwellings. The Council's Housing Needs Analysis is of significant weight in my assessment of this proposal and supports the need for an affordable housing contribution and explains its importance

Conclusion

2.27 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Having regard to the Framework as a material consideration of significant weight, officers' view is that the local evidence of affordable housing need continues to deserve significant weight in deciding whether, for the purposes of Section 38(6), the revised Framework policies weigh sufficiently against the Core Strategy Policy CP4. Having undertaken this assessment in 2017 and further reviewed it post the new NPPF in 2018, in December 2019, December 2020, February 2022, February 2023 and April 2024 with regard to more up to date evidence, where available, officers are of the view that the Framework does not outweigh the weight to be attached to the local evidence of affordable housing need. That evidence shows that the need for affordable housing in Three Rivers is great and the contribution that small sites have made has been significant. Furthermore, comparisons between 2016 and 2021 ONS data shows that the affordability of housing in Three Rivers is deteriorating year on year and the need for affordable housing is growing. As such proposals for the residential development of sites of 10 dwellings or less (not "major development") will currently be expected to contribute towards the provision of affordable housing in accordance with Policy CP4 as a condition of grant. The Council will keep this evidence under review.

Appendix 1: Appeal Decisions 3146699 (Elmbridge Borough Council), 315661 (Reading Borough Council), 3142834 (South Cambridgeshire District Council) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729), Three Rivers District Council (3222318, 3221363, 3225445, 3230999, 3230911, 3230458, 3213370, 3229038,, 3238285, 3229189, 3249107, 3259397, 3260602, 3244533, 3260554, 3276715, 3277747, 328373448, 3291286, 3284630, 3291193, 3291601, 3313385, 3315063, 3320530)

Appendix 2: Letter from the Planning Inspectorate to Richmond and Wandsworth Councils, March 2017

Sources Used:

1. Core Strategy (October 2011)

<http://www.threerivers.gov.uk/egcl-page/core-strategy>

2. Annual Monitoring Report 2022/2023 (December 2023)

<http://www.threerivers.gov.uk/egcl-page/annual-monitoring-report>

3. Affordable Housing Supplementary Planning Document (June 2011)

<http://www.threerivers.gov.uk/egcl-page/supplementary-planning-documents>

4. South West Hertfordshire Local Housing Needs Assessment (August 2020)

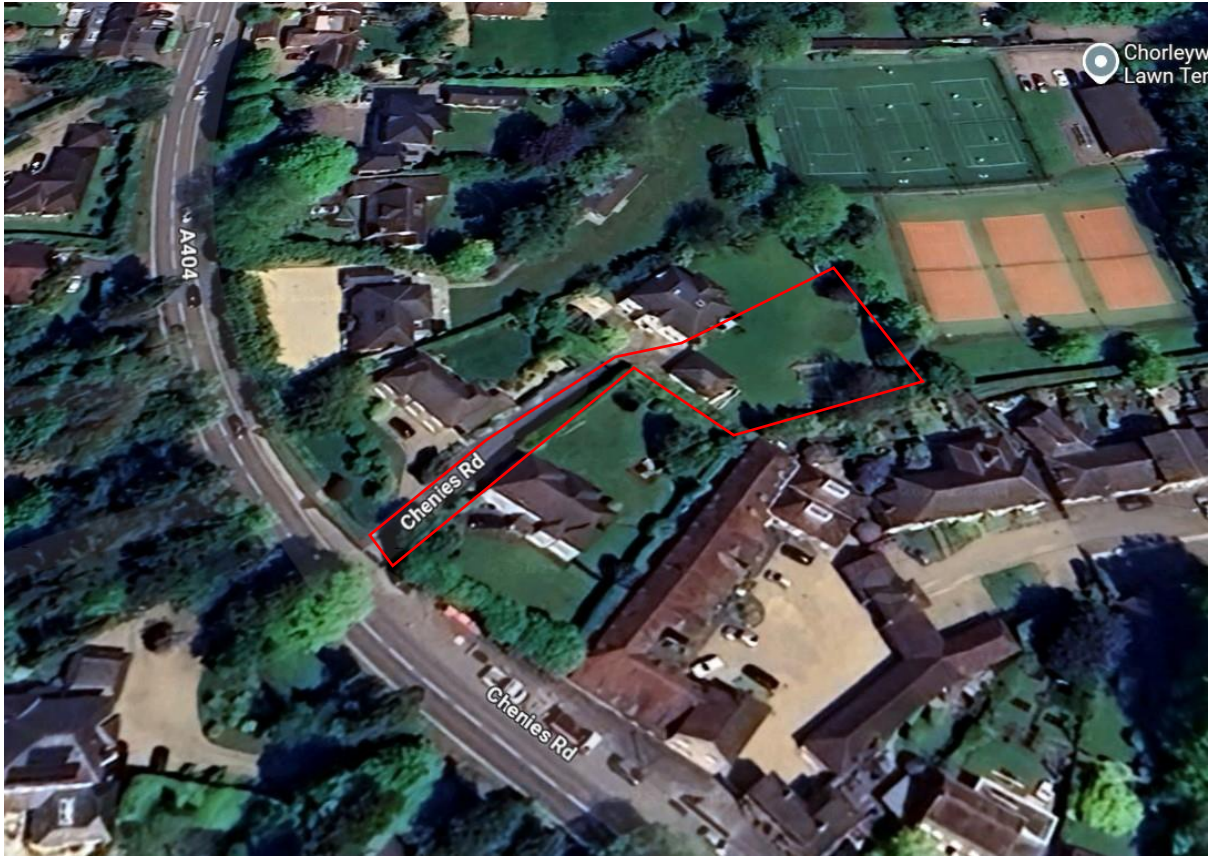
<https://www.threerivers.gov.uk/egcl-page/new-local-plan-evidence-base>

5. Office of National Statistics Housing Data 2002-22

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidentbasedearningslowerquartileandmedian>

April 2024

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Access drive



Existing drive



Garden area



View from Mews



Rear garden towards Mews

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PLANNING COMMITTEE - Thursday 20th February 2025

24/1921/RSP – Retrospective: Erection of a rear outbuilding at 30 Bourne End Road, Northwood, HA6 3BS

Parish: Batchworth Community Council
Expiry of Statutory Period: 17.02.25

Ward: Moor Park And Eastbury
Case Officer: Nicholas Withers

Recommendation: That planning permission be granted.

Reason for consideration by the Committee: Called in by Batchworth Community Council if Officers are minded to approve for the reasons set out at paragraph 4.1.1.

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

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?keyVal=SNWNFDQFM5G00&activeTab=summary>

1 Relevant Planning History

- 1.1 W/985/68 – Garage and Conservatory
- 1.2 98/0614 - Single storey front extension, single storey rear extension and first floor side and front extension – Permitted and implemented.
- 1.3 23/1397/FUL - Partial demolition of existing dwelling and construction of part single, part two storey front and rear extensions; garage conversion to habitable accommodation; alterations to roof including increase in ridge height and creation of crown roof, loft conversion with rear dormer window and rooflights; provision of front portico, external insulation and alterations and additions to fenestration; external materials including render; replacement of roof tiles, doors and windows; construction of raised rear patio – Permitted, not implemented.
- 1.4 23/2004/FUL - Partial demolition of existing dwelling and construction of part single, part two storey front and rear extensions; garage conversion to habitable accommodation; alterations to roof including increase in ridge height and creation of crown roof, loft conversion with rear dormer window and rooflights; provision of front portico, rear Juliet balconies, external insulation and alterations and additions to fenestration; external materials including render; replacement of roof tiles, doors and windows; construction of rear patio – Permitted, not implemented.
- 1.5 23/2100/CLPD - Certificate of Lawfulness Proposed Development: Construction of outbuilding – Permitted and implemented.
- 1.6 24/0682/FUL - Partial demolition of existing dwelling and construction of part single, part two storey front and rear extensions; garage conversion to habitable accommodation; loft conversion including increase in ridge height, creation of crown roof with rear dormer and side rooflights; provision of front portico, rear juliet balconies, external insulation and alterations and additions to fenestration; external materials including render; replacement of roof tiles, doors and windows; construction of rear patio. Permitted 26.06.2024.

2 Description of Application Site

- 2.1 The application site consisted of a two-storey detached dwelling located on Bourne End Road, Northwood. Bourne End Road is a residential street characterised by dwellings of

varied design, scale and finish many of which have been extended and altered. The dwelling on site is currently being extended following the implementation of planning permission 24/0682/FUL.

- 2.2 To the front of the dwelling there is a driveway which can provide parking provision for at least 3 cars. To the rear, there is a large rear garden space that is oblong in shape. There is a mixture of boundary fencing and to the rear these consist of mesh wire fencing. At the rear of the garden there is existing thick hedgerow/tree line that separates the plots on Bourne End Road with plots on The Fairways.
- 2.3 The neighbouring dwelling to the south, No.28 Bourne End Road is a two-storey detached dwelling which has a multi-brick finish at ground floor level and is finished in white render at first floor level. This neighbouring dwelling is set minimally forward of the host dwelling and is set on a higher land level.
- 2.4 The neighbouring dwelling to the north, No.32 Bourne End Road is a two-storey detached dwelling which has a multi-brick finish at ground floor level and is finished in white render at first floor level. This neighbouring dwelling has a similar front building line as the host dwelling and is set on a lower land level.

3 Description of Proposed Development

- 3.1 This application seeks retrospective planning permission for the erection of a rear outbuilding. The outbuilding has been built and is sited in the rear of the garden. It is located 52m from the front boundary of the application site and 1.8m from the rear boundary.
- 3.2 The outbuilding is single storey in height with a pitched roof design. It has a width of 12.2m, a depth of 6.3m, an eaves height of 2.9m and a ridge height of 4.3m. It is finished in white render with a tiled roof with 4 rooflights included on the rear roofslope.
- 3.3 The outbuilding is set in from the flank boundaries by 1.6m with the neighbouring property No. 28 Bourne End Road and 1.2m with the neighbouring property No. 32 Bourne End Road.
- 3.4 Internally, the outbuilding is designed to be incidental to the enjoyment of the main dwellinghouse and includes space for a cinema/games room, home office space and includes a W/C.
- 3.5 The outbuilding includes fenestration that consists of large floor to eaves windows and glazed patio doors on the front elevation and a small obscured glazed window on the southern flank.

4 Consultation

4.1 Statutory Consultation

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

BCC wish to call this into Committee unless officers are minded to refuse.

The application has not complied with guidelines which are maximum eaves height of 2.5m, this is now 4.3 m.

The size and scale of the building will be detrimental to the character of the surrounding area and will impact on the amenity spaces and privacy of the neighbours. There is a risk of rainwater excess from the roof causing flooding to the neighbouring garden at the rear boundary.

The inclusion of a toilet and shower facility allows this to be used as a separate residential dwelling. A condition must be attached to any permitted outbuilding that it can only be used as an ancillary to the main dwelling for the homeowner's family use only.

4.1.2 National Grid – No response received.

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 7. No of responses received: 2 (objections).

4.2.2 Summary of responses:

- Not in keeping with local area.
- Violation of planning rules.
- Harmful to the amenity of neighbouring residents.

4.2.3 Site Notice: Not required.

4.2.4 Press notice: Not required.

5 **Reason for Delay**

5.1 Extension of time agreed.

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 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, DM13 and Appendices 2 and 5.

7 Planning Analysis

7.1 Overview

7.1.1 This application follows the opening of a planning enforcement investigation which invited the submission of a planning application prior to further enforcement action being considered.

7.1.2 The applicants had previously submitted a Lawful Development Certificate: Proposed Use application (ref: 23/2100/CLPD) that was for the 'Construction of an Outbuilding'. These plans submitted in the Lawful Development Certificate showed plans for a building that would have a maximum height of 3.9m, a depth of 6.3m and a width of 11m.

7.1.3 It was considered that this proposed development would accord with the requirements of Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore, it was considered that the Lawful Development Certificate (23/2100/CLPD) be granted (10.01.2024).

7.1.4 The building has been built with dimensions that exceed what is allowed by Schedule 2 Part 1 Class E by way of its height exceeding 4m (a maximum 4.3m to its ridge). Planning permission is therefore required.

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

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. 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'.

7.2.2 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.

7.2.3 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.

- 7.2.4 The outbuilding is located in the rear of the garden and its set away from the host dwelling by approximately 31m. As such it is considered that it does not impact detrimentally on the character of the host dwelling. Furthermore, given its location it would be screened by the dwelling and therefore would not be prominent from or adversely affect the streetscene of Bourne End Road.
- 7.2.5 Whilst the outbuilding has a large footprint, it is set in from the rear and flank boundaries and a large rear garden is retained such that it is not considered to represent overdevelopment of the plot. It is also acknowledged that an outbuilding of such footprint could be constructed under permitted development. As noted above, the outbuilding is not permitted development in this case due to its ridge exceeding 4m (4.3m in height), however, its upper bulk is reduced due its lower eaves height and it is considered that the single storey outbuilding maintains an ancillary appearance.
- 7.2.6 Concerns regarding the use of the outbuilding are noted, however, the proposal relates to an ancillary structure with no subdivision of the site proposed. It is considered appropriate to attach a condition restricting the use of the outbuilding to ancillary purposes only.
- 7.2.7 As such it is considered that the outbuilding does not result in demonstrable harm to the character or appearance of the area. 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).
- 7.3 Impact on the amenities 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 of disposition of privacy, prospect, amenity and garden space’.
- 7.3.2 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.
- 7.3.3 The outbuilding is located a substantial distance from neighbouring dwellings as it is set back approximately 35m from the rear elevations of the dwellings on Bourne End Road and approximately 40m from the rear elevation of the dwellings on The Fairway. The outbuilding is set in from the boundary of each neighbouring garden. It is considered that due to the separation distance between the outbuilding and the neighbouring dwellings, that the outbuilding does not result in harm through overshadowing or loss of light.
- 7.3.4 In terms of overlooking, the three rooflight windows are set on the rear roofslope at over 3m from ground level and as such there is no risk posed from these providing overlooking into neighbouring properties. A small high level glazed window is included on the southern flank, however given its height would not result in harm through overlooking. The full height glazing in the front elevation would face into the application site and would not overlook neighbouring gardens.
- 7.3.5 Overall, the proposal would accord with Policy 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 Rear Garden Amenity Space Provision
- 7.4.1 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.

7.4.2 The outbuilding is within the rear garden, however, a large garden of approximately 500 sqm is retained which exceeds policy requirements.

7.5 Trees and Landscaping

7.5.1 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.

7.5.2 The application site is not located within a Conservation Area nor are there any protected trees on or near the site. Therefore no objection is raised in this regard.

7.6 Wildlife and Biodiversity

7.6.1 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.

7.6.2 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.

7.7 Mandatory Biodiversity Net Gain

7.7.1 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.

7.7.2 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 a householder application.

8 Recommendation

8.1 That retrospective planning permission be GRANTED and has effect from the date on which the development was carried out and is subject to the following conditions:

C1 The development hereby permitted shall be maintained in accordance with the following approved plans: 30BER_OB; 30BER-OB-01 Rev 03

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 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C2 The outbuilding hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling at any time.

Reason: The creation and use of a separate and independent unit would not 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).

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:

- 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 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.

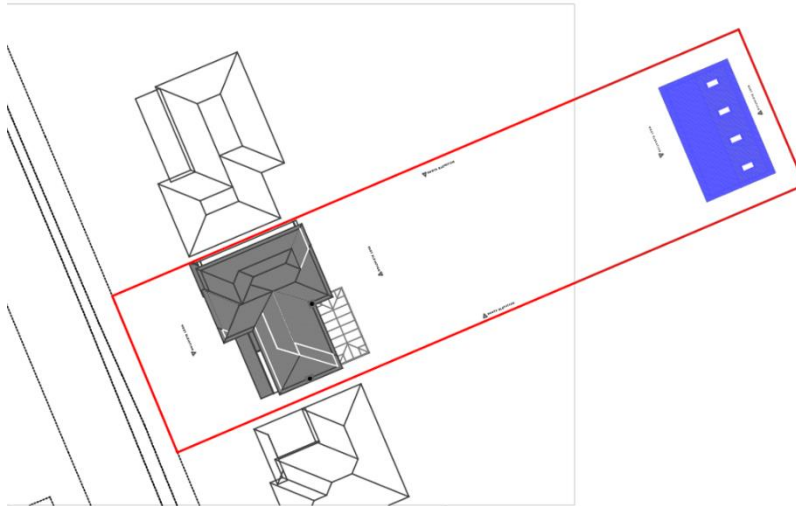
More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

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PLANNING COMMITTEE - Thursday 20th February 2025

24/1921/RSP – Retrospective: Erection of a rear outbuilding at 30 Bourne End Road, Northwood, HA6 3BS

1) Site Layout



2) Front elevation



3) Rear of the outbuilding to the rear boundary



4) Southern flank and flank boundary



5) Northern flank and flank boundary

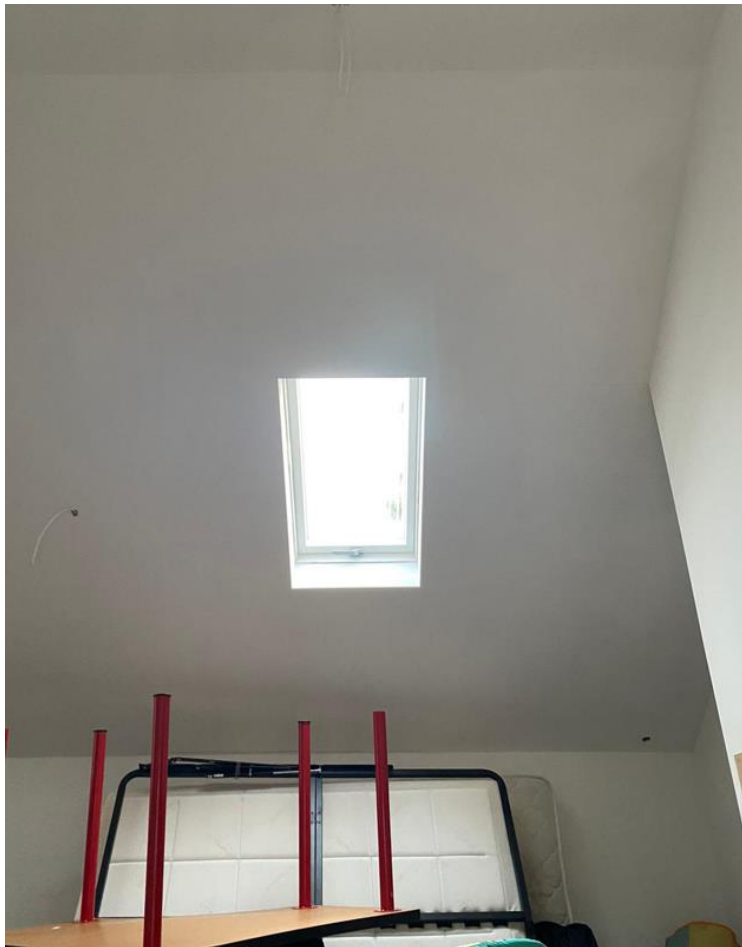


6) View from neighbouring properties to the rear



7) Internal photographs of the outbuilding





PLANNING COMMITTEE – 20 February 2025

24/1925/FUL - Construction of a first floor side extension; insertion of rooflights; installation of two AC units on the ground floor; alterations to external materials including render, wall tiles and roof tiles and replacement of block paved driveway at 35 BEDFORD ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2AX.

Parish: Batchworth Community Council
Expiry of Statutory Period: 31.01.25
Extension of Time Agreed: 24.02.25

Ward: Moor Park and Eastbury
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be GRANTED subject to conditions.

Reason for consideration by the Committee: The application was called in by Batchworth Community Council unless Officers are minded to refuse the application, for the reasons set out at 4.1.2.

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

[24/1925/FUL | Construction of a first floor side extension; insertion of rooflights; installation of two AC units on the ground floor; alterations to external materials including render, wall tiles and roof tiles; replacement of block paved driveway. | 35 Bedford Road Moor Park Northwood Hertfordshire HA6 2AX](#)

1 Relevant Planning History

- 1.1 24/0859/FUL - Erection of first floor front extension, front rooflights and alterations to external materials. Withdrawn.
- 1.2 21/1243/FUL – External and internal alterations to existing rear conservatory including increase in height, construction of rear canopy and construction of bike shed in rear garden – Permitted.
- 1.3 18/0661/FUL – Conversion of garage to a habitable room, landscaping of the front garden to increase parking spaces and manoeuvrability, erection of covered patio to the rear and insertion of an additional side dormer window – Permitted and implemented.
- 1.4 8/767/88 - Lobby, kitchen, bedroom and shower. Permitted and implemented.
- 1.5 W/3257/73 - Extension to Kitchen, 2 Bedrooms. Permitted and implemented.

2 Description of Application Site

- 2.1 The application site is roughly rectangular in shape and is located on the eastern side of Bedford Road, Moor Park.
- 2.2 The application dwelling is a two storey detached dwelling which has an existing two storey front projection and a single storey front extension with a crown roof. The dwelling also has a rear conservatory.
- 2.3 To the front of the site is a carriage driveway with a small area of soft landscaping enclosed by a low retaining wall.
- 2.4 The neighbour at No.33 to the north is a two storey detached dwelling built of a red brick.
- 2.5 The neighbour at No.37 to the south is a two storey detached dwelling built of a similar architectural style and scale to the application dwelling.
- 2.6 The site falls within the Moor Park Conservation Area.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of a first floor side extension; insertion of rooflights; installation of two AC units on the ground floor; alterations to external materials including render, wall tiles and roof tiles; replacement of block paved driveway.
- 3.2 The proposed first floor extension would infill the existing 'L' shaped front. It would project in line with the main flank and extend in line with the existing two storey front projection over the existing garage. The depth of the northern flank would, in turn, be increased by 6m.
- 3.3 The proposed first floor extension would be facilitated by the creation of a second hipped roof form which would reflect the proportions and design of the existing roof form to the northern flank. The existing dormer would be replicated within the new front elevation.
- 3.4 Two rooflights would be inserted within the front roofslope of the existing recessed element which would be set behind the new extension.
- 3.5 The proposal includes the provision of white painted render to the exterior of the dwelling at ground floor level to the front and side elevations. The proposal also includes the replacement of the existing roof tiles.
- 3.6 An air conditioning unit is proposed to be installed which would be sited centrally along the south flank at ground floor level and a second is proposed on the northern flank of the existing single storey rear projection.
- 3.7 The proposal includes the replacement of the existing block paving but no increase to the overall size of the driveway.
- 3.8 Amended plans have been received during the course of the application to omit the proposed alterations to the dormers in the southern flank. Additionally the plans were corrected to remove an erroneous outline of an existing dormer from the elevations which did not match the roof plan. An amended specification has also been received for an alternative AC unit. These would now have a lower sound output.

4 Statutory Consultation

4.1 National Grid: [No objection]

National Grid confirmed they have no objection in principle subject to the inclusion of an informative.

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

The original holding objection was triggered due to the presence of a High Pressure Major Accident Hazard Pipeline (MAHP) and/or an Intermediate Pressure Pipeline and/or an Above Ground Installation.

The minimum building proximity distance (BPD) for the pipelines and associated installations is as follows:

Specific MAHP BPD (15 METERS MIN)

Specific IP BPD (3 METERS MIN)

Specific AGI BPD (based upon the hazardous area zoning) 10 METERS MIN

The building proximity distance taken from The Institution of Gas Engineers and Managers publication IGEM/TD/1 Edition 5 which is the standard applicable to steel pipelines and

associated installations for high pressure gas transmission and IGEM/TD/3 Edition 5 Steel and PE pipelines for gas distribution.

4.2 Batchworth Community Council: [Objection]

BCC objects to this application as it currently stands.

The Directors of Moor Park 1958 have provided a detailed list of the inaccurate and contradictory information provided in support of the plans which fail to provide adequate information to properly consider this application.

BCC shares the views of the Directors of Moor Park 1958; in particular the alterations proposed to the fenestration result in unacceptable overlooking of a neighbouring property as well as being out of keeping with the Conservation Area.

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

Officer comment: BCC were provided a copy of the amended plans received. However they still wished to maintain their call in request.

4.3 Conservation Officer: [Objection]

This application is for: Construction of a first-floor side extension; extension to existing side dormer; insertion of rooflights; installation of two AC units on the ground floor; alterations to external materials including render, wall tiles and roof tiles; provision of hardstanding to front driveway.

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, with attractive views along tree lined streets and attractive roads in differing scales. No. 35 is not one of the pre-1958 dwellings which are of a relatively higher significance. However, it is representative of an Arts and Crafts style and is matching with No. 37 to the south and has a neutral or minor positive impact on the character of the Conservation Area.

The proposed first floor side extension shows a new hipped pitched roof over the existing flat roofed element. There may be scope for a first-floor side extension in principle, subject to details. However, the proposal does not demonstrate an acceptably high level of design that would preserve the existing character of the dwellinghouse or the Conservation Area. In addition, there appear to be some inconsistencies in the elevations/roof plan which would need to be resolved to demonstrate what the visual impacts of the proposed extension would be.

The existing side dormers are visible within the street scene. An increase in size of the smaller dormer or addition of a hipped roof to all the dormers could be acceptable in principle. However, the proposal to significantly increase the size of the smallest dormer would result in an overly prominent intervention to the catslide roof. In addition, the submitted existing plans show the existing dormers as having a hipped roof, which does not correspond with the existing flat roofed dormers on the building.

The AC Units are not in keeping with the character of the Conservation Area and would only be acceptable if it can be demonstrated that they would not be visible within the street scene.

In terms of other proposed alterations, the following could be acceptable subject to submission of material details, which could be secured via planning condition:

- Installation of two rooflights*
- Proposed driveway works.*
- Render and hanging tiles to walls, replacement roof tiles to match existing.*

Overall, the proposal would have a harmful impact on the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The relevant national policy is the National Planning Policy Framework 2024 (NPPF). In NPPF terms, the degree of harm would be less than substantial as per paragraph 215 and when considering the impact of the proposals great weight should be applied to the significance of the Conservation Area as per paragraph 212.

Officer comment: As set out at 3.8 above the errors on the plans have been corrected and the proposals for the alterations to the side dormer windows in the southern flank omitted which have addressed the Conservation Officer's comments in part. The other elements of the proposal, including the first floor front extension have not been amended and therefore further written comments have not been requested. The impact of the extension is discussed in the analysis section below together with the other elements of the proposal.

4.4 Moor Park 1958 Ltd: [Objection]

The Direction of Moor Park (1958) Limited object to the application as it currently stands. The plans and documents submitted with the application are inaccurate and contradictory and inadequate information has been provided in respect of other aspects of the application. Some of the issues we would raise are:

1. It is claimed that the replacement dormer window which is substantially larger than the existing dormer window it is to replace will not be visible from Bedford Road. The way that this has been drawn on the proposed rear and proposed front elevations would reflect this. However as shown on the flank elevation and the floor plans, the new dormer window is to be substantially larger and bulkier than the existing dormer windows, with a ridge height well above the ridge height of the existing dormer windows, and accordingly if properly drawn on the front and rear elevations it will be seen and would be visually intrusive when viewed from Bedford Road. The proposed dormer window would also be excessively bulky to be able to accommodate two double casement windows and would be out of keeping with the character of the house and the Conservation Area.

2. The proposed roof plan contradicts the description of the application and the proposed elevations. It shows two rooflights being included which are not mentioned in the application, nor are any plans provided to show what accommodation these rooflights are to serve. The proposed roof plan also shows a new hipped pitched roof over the proposed first floor front bedroom extension with the ridge of this roof running into the front rear ridge line in front of the chimney. The elevations, however, show the ridge line running behind the existing chimney and show the staircase window and its dormer window remaining.

3. The front facing bedroom window currently serving the north first floor bedroom is to be removed at window and replaced with a 1.8-metre wide window to be inserted in the flank elevation of this room which will look directly into existing windows at 33 Bedford Road and into the private garden areas of 33 Bedford Road. This is unneighbourly and unacceptable. The elevations also do not correspond with the floor plans. The elevations show a 1.2 metre window.

4. The proposed driveway works contain little information as to the proposed materials except for the fact that it is stated they are to match the rendered elevations. The plans of the elevations show white render, and a white drive would not be acceptable.

5. It is proposed that the roof tiles are to be replaced to match the proposed tile hanging but no detailed information has been provided as to the nature of the proposed tile hanging. In the absence of clear, precise information, permission should not be granted.

Officer comment: As set out at 3.7 above the errors on the plans have been corrected and the proposals for the alterations to the side dormer windows in the southern flank omitted. The remaining elements of the proposal are assessed in the analysis section below.

4.5 Public/Neighbour Consultation

- 4.5.1 Neighbours consulted: 6
- 4.5.2 Responses received: 0
- 4.5.3 Site Notice: Expired 04.01.2025.
- 4.5.4 Press Notice: Expired 13.01.2025.

5 Reason for Delay

- 5.1 Committee cycle.

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 National Planning Policy Framework and National Planning Practice Guidance

In 2024 the new National Planning Policy Framework was published. 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 states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to

communities'. 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.

6.3 The Three Rivers Local 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, DM3, DM6, DM8, DM13 and Appendices 2 and 5.

6.4 Other

Moor Park Conservation Area Appraisal 2006.

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

7 Planning Analysis

7.1 Impact on the character and appearance of the host dwelling and the locality including the heritage asset

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness 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. Policy DM3 requires development to preserve or enhance the character and appearance of the Conservation Area.

7.1.2 The Moor Park Conservation Area Appraisal (2006) provides supplementary planning guidance and is a material planning consideration in the assessment of applications within the Moor Park Conservation Area.

7.1.3 The application dwelling is not a pre-1958 dwelling and makes a neutral contribution to the Conservation Area. The dwelling has been extended previously in a number of ways. The Dutch hipped element to the south is the original part of the dwelling.

7.1.4 The proposed first floor front extension would be readily visible from the streetscene. It would infill the existing stepped frontage in line with the main flank and existing two storey front projection. It is acknowledged that as existing the main two storey projection, which form the original part of the dwelling, appears as the characterful and dominating architectural feature of the dwelling. The proposed front extension could be argued as undermining the plan form of the dwelling given that it would be sited in line with this element. Nevertheless by replicating the existing catslide and dormer features that exist it is not considered that the proposed extension undermines the main projection to an unacceptable degree. The proposed first floor extension would also result in the loss of the existing large flat roof serving the garage. Crown roof forms are strongly resisted by the Conservation Area Appraisal and as such the proposal would remove this feature which is

out of character of the Conservation Area. Any increased bulk/massing of the dwelling would also be mitigated by the creation of a dual pitch with a central valley and hipped sides. The catslide/dormer style design of the new front elevation would also, not only replicate the existing features, but would also assist in reducing any apparent resultant bulk such that the existing front projection would remain the dominant feature. The application dwelling does sit adjacent to a dwelling of similar architectural merit however there are existing variations and the dwelling at No.33 is built of a completely different design. Therefore there would not be an obvious loss of symmetry or group value.

- 7.1.5 The Conservation Officer has raised some concerns regarding lack of high level design of the proposed first floor extension. However to a degree this is underpinned by the lack of material detailing rather than the principle of the first floor extension. The proposal also includes the provision of external render to the ground floor level of the front and side elevations. There are examples of render in the locality and it is not considered that the principle of render to the ground floor level would be unacceptable in this case. Particularly given the retention of facing brickwork to the first floor level and rear elevation. Nevertheless further detail of the colour and texture would be required by condition. Furthermore brick samples would also be reserved by condition to ensure the first floor extension successfully assimilates with existing dwelling. The proposal also results in the replacement of existing roof tiles. It is acknowledged that the main roof tiles could be replaced without requiring planning permission. However in order to ensure the development is undertaken sympathetically further details of the proposed tiles would be required by condition.
- 7.1.6 The application originally proposed to increase the size of the side dormers to the south, however, this element of the proposal has now been omitted and no changes are proposed.
- 7.1.7 The Moor Park Conservation Area Appraisal resists front/flank rooflights which are visible from the streetscene. The proposed rooflights would be inserted in the existing front roofslope however once the first floor extension is constructed this would form a central roofslope behind the extension. Therefore any views of the proposed rooflights would be obscured by the roof of the extension. Nevertheless further details of their design would be required by condition to ensure they are sympathetic to the setting of the Conservation Area. Additionally a condition would be added to ensure the rooflights are only installed following the construction of the proposed first floor front extension to avoid part implementation which would leave the rooflights visible from the frontage.
- 7.1.8 The Conservation Officer commented that AC units may not be unacceptable if they are not visible from public vantage points. The proposed AC units would be sited at ground floor level to the centre/rear of the side elevations. Given the set-back and ground mounting would not be readily apparent from public vantage points. As such it is not considered that they would represent incongruous or unduly prominent features within the Conservation Area.
- 7.1.9 The proposal includes the replacement of the existing block paving. Given that there would be no increase in the overall level of hardsurfacing it is not considered that this would, in itself, be unacceptable. However no details of the proposed materials have been submitted and as such would be required to be submitted by condition to ensure the surfacing used is appropriate both in terms of the impact on the Conservation Area and to ensure adequate drainage.
- 7.1.10 It is necessary 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

- 7.1.11 The existing building occupies 87.5% of the existing plot width. The existing dwelling also has a plot coverage of approx. 20%. As such currently exceeds both of these guidelines. Furthermore the existing flank is sited less than 1m from the northern boundary.
- 7.1.12 However the proposal would not result in any additional plot width coverage. Furthermore whilst upward extensions above existing single storey projections are generally resisted to properties which already exceed the 80% plot width coverage in this case it would infill the existing stepped frontage. As such the proposal would result in any additional loss of openness to the site as is the purpose of this guidance.
- 7.1.13 In summary, subject to conditions, the proposal would preserve the character of the host dwelling and maintain its contribution to the Conservation Area. As such it would not lead to less than substantial harm to the designated heritage asset. The amended development would therefore accord with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD, the Moor Park Conservation Area Appraisal (2006) and the NPPF (2024).

7.2 Impact on amenity of neighbours

- 7.2.1 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 DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 The proposed first floor extension would increase the depth of the existing northern flank. However would remain set in 1m from the shared boundary, in line with the existing side elevation. Furthermore would have a roof form hipped away from the boundary. When considering this in addition to the siting of the neighbour at No.33 who is set off the boundary by approximately 6m it is not considered that the proposed extension would give rise to an unacceptable impact to neighbouring amenity by virtue of an overbearing impact or loss of light.
- 7.2.3 Two first floor flank windows are proposed in the northern flank. Both would be conditioned to be obscure glazed and top level opening only to prevent unacceptable overlooking to No.33. One of these windows would serve a bedroom however is a secondary window and therefore it is considered reasonable to be conditioned in this manner.
- 7.2.4 The proposed first floor extension would not be readily apparent to the neighbour at No.37. There are also no longer any alterations proposed to the existing dormers facing this neighbour.
- 7.2.5 Policy DM9 of the DMP LDD seeks to safeguard residential amenity from detrimental harm arising from noise and disturbance.
- 7.2.6 The proposal includes the installation of an air conditioning unit at ground floor level to each side of the dwelling. The AC units as originally submitted were revised to units with a lower sound output. The revised model now has a maximum output of 64db. For comparison normal conversation has a sound output of around 60db. The sound experienced by neighbours would also be reduced by the siting of the units set in from the boundary and at floor level facing boundary treatment. Overall it is not considered that the proposed AC units would result in unacceptable harm to neighbouring amenity by virtue of detrimental levels of noise/disturbance.

7.2.7 The proposed development would therefore be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD.

7.3 Highways & Parking

7.3.1 Core Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD. The proposed development would not impact the parking provision of the site.

7.3.2 The application dwelling would retain a driveway large enough to accommodate at least three parking spaces and would therefore be acceptable in this regard.

7.4 Rear Garden Amenity Space

7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

7.4.2 Appendix As a result of the proposed extensions the dwelling would have 6 bedrooms. As such would require 147sqm of amenity space. The application site would retain over 550sqm of amenity space and as such would comply with Appendix 2 in this respect.

7.5 Trees & Landscape

7.5.1 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. The proposed development would not involve the removal of any trees or lie in close proximity to trees.

7.5.2 The application site is located within the Moor Park Conservation Area and as such all trees are protected. The proposed development would not result in any increase to the footprint of the existing building. There are no significant trees adjacent to the proposed front extension for there to be any resultant pressure to fell or lop.

7.5.3 The proposal includes the replacement of the existing block paving in the same layout as currently exists. As such would not result in any direct harm to any on site or nearby trees.

7.5.4 Overall it is not considered that any additional details would be required in this respect and the development would be acceptable in accordance with Policy DM6 and the NPPF.

7.6 Biodiversity

7.6.1 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.

7.6.2 Biodiversity protection and protected species are a material planning consideration during the application process of this application. This is in accordance with Policy CP9 of the Core strategy in addition to Policy DM6 of the Development Management Policies Local Development Document. Local Authorities, in line with National Planning Policy, are required to ensure that a protected species survey is completed for applications whereby biodiversity may be affected prior to the determination of the application.

7.6.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment. Owing to the nature of the development with works to the roof a precautionary informative will be added.

7.7 Mandatory Biodiversity Net Gain

7.7.1 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 as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

7.7.2 In this case, 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 **Recommendation**

8.1 That PLANNING PERMISSION IS GRANTED 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 001 (Location plan), 2414-9 Edition 2 (Existing and proposed floor plans), 2414-9 Edition 2 (Existing and proposed elevations).

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard 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, DM6, DM8, DM9, 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 the development hereby permitted, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. These shall include detail of brickwork, render, driveway surfacing, rooflights, roof tiles and fenestration. No external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials and mitigate surface water run-off in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM8 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 Before the first occupation of the extension hereby permitted the first floor flank windows in the northern elevation facing No.33 Bedford Road 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).

- C5 The Air Condition units hereby permitted shall only be the models 'Mitsubishi SCM50ZS-W Outdoor Unit.' as more particularly shown in the specification received on 6 February 2025.

Reason: To ensure that the occupants of neighbouring properties do not suffer from unacceptable noise levels and to meet the requirements of Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C6 The rooflights hereby permitted shall not be installed until the first floor front extension has been constructed.

Reason: To safeguard the character and appearance of the Conservation Area 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) and the Moor Park Conservation Area Appraisal (2006).

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 £116 per request (or £34 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@threeivers.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 stipulates that construction activity (where work is audible at the site boundary) 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 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).

- 15 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>.

16 The applicant is reminded that Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

The original holding objection was triggered due to the presence of a High Pressure Major Accident Hazard Pipeline (MAHP) and/or an Intermediate Pressure Pipeline and/or an Above Ground Installation.

The minimum building proximity distance (BPD) for the pipelines and associated installations is as follows:

- Specific MAHP BPD (15 METERS MIN)
- Specific IP BPD (3 METERS MIN)
- Specific AGI BPD (based upon the hazardous area zoning) 10 METERS MIN

The building proximity distance taken from The Institution of Gas Engineers and Managers publication IGEM/TD/1 Edition 5 which is the standard applicable to steel pipelines and associated installations for high pressure gas transmission and IGEM/TD/3 Edition 5 Steel and PE pipelines for gas distribution.



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PLANNING COMMITTEE - Thursday 20 February 2025

24/1941/FUL – Conversion of the existing outbuilding for use as an annexe at FORTUNES FARMHOUSE, HIGH ELMS LANE, ABBOTS LANGLEY, WATFORD, HERTFORDSHIRE, WD25 0JY

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 31.01.2025
Extension of time agreed to 24.02.2025

Ward: Leavesden
Case Officer: Lauren Edwards

Recommendation: That PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee: The agent for this application is a Three Rivers District Council Ward Councillor.

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

[24/1941/FUL – Conversion of the existing outbuilding for use as an annexe at FORTUNES FARMHOUSE, HIGH ELMS LANE, ABBOTS LANGLEY, WATFORD, HERTFORDSHIRE, WD25 0JY \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/1941/FUL-%20Conversion%20of%20the%20existing%20outbuilding%20for%20use%20as%20an%20annexe%20at%20FORTUNES%20FARMHOUSE,%20HIGH%20ELMS%20LANE,%20ABBOTS%20LANGLEY,%20WATFORD,%20HERTFORDSHIRE,%20WD25%200JY)

1 Relevant Planning History

- 1.1 24/1161/FUL - Change of use of land to residential use in association with Fortunes Farm including extension and conversion of existing stable block to home office and gym – Permitted.
- 1.2 08/1087/FUL - Erection of single storey building consisting of four stables and one hay store with associated hardstanding and waste storage – Refused for the following reason:

R1 The proposed development would, by reason of its length, depth and extent of hard standing inappropriately spread urbanising development across the site to the detriment of the openness of the Metropolitan Green Belt contrary to Policies GB1 and GB7 of the Three Rivers Local Plan 1996 – 2011.

R2 The proposed development would by reason of its proximity to the adjacent Oak tree, detrimentally prejudice the continued survival of this tree identified as having local amenity value contrary to Policy N15 of the Three Rivers Local Plan 1996 – 2011.

2 Description of Application Site

- 2.1 The application site (as outlined in red on the submitted location plan) relates to an irregular shaped plot on the northern side of High Elms Lane, Abbots Langley. The application site includes a a long driveway leading from High Elms Lane to the main dwelling. The main dwelling is a two storey detached dwelling with gable features and characterful detailing. The site has an existing tennis courts and garden to the north east within the curtilage of the dwelling. The blue line of the submitted location plan also outlines surrounding parcels of land which are also in the applicant's ownership.
- 2.2 To the north west of the main dwelling is a single storey building subject of this application, with a pitched roof currently used as storage and a ground floor which historically appears to have been used as stables. This building is attached to a similar building within the neighbour's site which runs perpendicular to the application site.
- 2.3 To the south of the dwelling and east of the access is a parcel of land separated from the main curtilage by fencing. This land contains an existing detached wooden stable building and does not fall within the residential planning unit of the application site.

2.4 The application site is located within the Metropolitan Green Belt.

3 Description of Proposed Development

3.1 The application seeks full planning permission for the conversion of the existing outbuilding for use as an annexe.

3.2 The proposed conversion would be facilitated by the provision of a kitchen, utility, lounge and w/c at ground floor. A first floor level would also be constructed which would provide a bedroom, dressing room and en-suite.

3.3 Five rooflights are proposed within the eastern roofslope with four light tunnels to the west. A door is proposed in the eastern elevation with the garage style door replaced with a set of French patio doors.

3.4 The existing semi-circle shaped window in the gable end would be replaced with obscure stained glass and would be fixed shut.

3.5 Amended plans have been received to omit the originally proposed cabrio rooflights and propose standard rooflights instead, and to omit the second bedroom. An amended block plan has also been received to more accurately show the neighbouring buildings.

4 Statutory Consultation

4.1.1 Abbots Langley Parish Council: No objection.

4.1.2 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 2 No of responses received: 1

4.2.2 Summary of response:

- Overlooking concerns from rooflight.

Officer comment: The neighbour provided a photo of the cabrio style rooflight as was previously proposed however these have now been revised for standard velux rooflights.

4.2.3 Site Notice: Expired 07.01.2025.

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, DM2, DM6, DM13 and Appendices 2 and 5.

Other

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

7 Planning Analysis

7.1 Ancillary use

7.1.1 The proposed use of the building is as an annexe. The judgement between whether the use is as an ancillary annexe or as separate residential unit is one of a matter of fact and degree.

7.1.2 The proposed building would have its own kitchen facilities, bedroom and living room separate to those within the main dwelling. Therefore allowing the ability for a degree of independent living. Nevertheless the building is located within the same planning unit as the main dwelling and would be accessed via the same driveway with no physical subdivision interventions. The agent has advised that the building would provide accommodation for the current owner's son. As such there is a close familial relationship between the annexe and main dwelling and in turn a degree of functional connection to the main dwelling. It is acknowledged that the proposed building would have the majority of facilities to support independent living however the ancillary nature of the use is still supported by the other

factors as set out above. On the basis of the merits of the application it is considered that the proposed use would be ancillary.

7.1.3 Any subsequent alternative use as a separate residential unit would constitute a material change of use requiring express planning permission. However a condition is also considered reasonable to further secure the use of the building as an ancillary annexe.

7.2 Impact on Metropolitan Green Belt

7.2.1 The application site is located within the Metropolitan Green Belt.

7.2.2 The fundamental aim of the Green Belt Policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence.

7.2.3 Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and permanence.

7.2.4 Paragraph 154 of the NPPF sets out that development in the Green Belt is inappropriate unless one of the defined exception applies. Paragraph 154 (h) (iv) allows for the reuse of buildings provided that the development preserves openness and does not conflict with the purposes of Green Belt land.

7.2.5 Core Strategy Policy CP11 sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it.

7.2.6 Policy DM2 also seeks to preserve openness and safeguard against encroachment for the re-use of buildings. Policy DM2 sets out that the council will only support the reuse/conversion of buildings in the Green Belt where:

i) the form, bulk and general design of the building is in keeping with the surroundings

ii) any proposal by way of alterations/extensions, parking/turning areas, modifications to access or landscaping does not have a significant adverse effect on the openness of the Green Belt and does not appear excessively prominent

iii) the scale of the proposed use is not likely to have a detrimental effect on the locality (e.g. by noise, smell or bringing heavy traffic into narrow lanes or involving uses not appropriate to the Green Belt or areas of open land)

iv) the building is suitable for reuse/conversion without extensive alteration, rebuilding and or extension

v) proposals do not include open or agricultural land to provide new gardens/amenity space or include doors giving access from buildings directly onto such land.

7.2.7 As set out above the proposed use would be as an ancillary annexe. Whilst there would be the introduction of some additional features, including additional fenestration, the use would remain ancillary as existing, but the ancillary use is as an annexe as opposed to storage. Therefore there is no material change of use sought.

7.2.8 The proposal does not include any increase to the form of the building or modifications listed under point 'ii' with the exception of the proposed alterations to fenestration. However it is not considered that these alterations would have any significant adverse effect on the openness of the Green Belt. Owing to the nature and scale of the proposed annexe it is not considered the use would have a detrimental impact on the locality. It is acknowledged that the construction of a first floor level is required to facilitate the proposed development

however the existing building is considered suitable for conversion and the alterations are not considered 'excessive' in the context of Policy DM2. Furthermore there would be no openings directly onto agricultural land as the building sits within the residential planning unit of the application site.

7.2.9 Overall it is considered that the proposed development would comply with the guidance of Policy DM2 and would not result in any adverse impacts to openness. Therefore would comply with an exceptions as set out in the NPPF and would be considered appropriate development in the Green Belt.

7.2.10 In summary, the proposed development would meet the exceptions as set out within the NPPF and would therefore not comprise inappropriate development in the Green Belt. Overall would comply with Policy CP11 of the Core Strategy (October 2011), Policy DM2 of the Development Management Policies Document (October 2013) and the NPPF (2024).

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 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' 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 There would be no increase to the overall external form of the existing building however there would be a number of fenestration changes. This includes the provision of rooflights, light tunnels, a set of patio doors and single entrance door. It is noted that as existing the building appear as a garage/stable block style building and the proposed fenestration changes would introduce more domestic features. However the resultant building would still be read as an ancillary building and the introduction of fenestration would not be incongruous within the residential setting of the building.

7.3.4 As set out in paragraph 7.1 the proposed use would be as an ancillary annexe which is not considered to be a function at odds within a residential setting.

7.3.5 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling or streetscene. The development would be acceptable in this regard 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).

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 and disposition of privacy, prospect, amenity and garden space' and Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.

- 7.4.2 The proposed development would not result in any increase to the physical form of the existing building in terms of its external dimensions. As such would not give rise to any adverse impacts by reason of an overbearing impact.
- 7.4.3 There is an existing opening within the gable of the building which abuts the boundary with Chequers House. However as existing there is no first floor level in the building so no views can be afforded towards the neighbour. The proposal includes the creation of a first floor level and an en-suite where the current opening is located. However the proposal includes the insertion of an obscure multi coloured glass panel within this opening. Notwithstanding the colour of the glass a condition would still require the panels to be purpose made obscure glass. A colour stain in itself is not considered sufficient mitigation, the panels would need to also be obscured which the condition would secure.
- 7.4.4 The proposal includes the provision of 4 light tunnels in the western roofslope and 5 rooflights in the eastern roofslope. Owing to their nature the proposed light tunnels would not allow any views towards 'The Old Dairy'. During the course of the application the proposed rooflights were amended from cabrio rooflights to standard velux rooflights. The proposed rooflights would face into the application site. It is noted that some oblique views could be had towards the neighbouring property however these would be very limited due to the orientation and angle of the rooflights. As such it is not considered that unacceptable overlooking would occur.
- 7.4.5 The existing building currently serves as storage and as such there would be some increased activity within the building arising from the proposed use. However there is no material change of use owing to the ancillary nature of the proposed annexe and currently there are no restriction on how the outbuilding can be used, providing the use is ancillary. Furthermore the building has substantial walls adjoining neighbouring buildings and as such it is considered that the proposed annexe would not give rise to any unacceptable levels of noise or disturbance to neighbouring amenity.
- 7.4.6 As such 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).
- 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 proposal would result in the creation of one additional bedroom however ample amenity space would be provided to serve the site.
- 7.6 Wildlife and Biodiversity
- 7.6.1 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.
- 7.6.2 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.

7.7 Mandatory Biodiversity Net Gain

7.7.1 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).

7.7.2 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.

7.8 Trees and Landscaping

7.8.1 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.

7.8.2 The application site is not located within a Conservation Area nor are there any protected trees on or near the site. Given this in addition to the nature of the proposed development converting an existing building it is not considered that any adverse impacts would arise in this respect.

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 result in the creation of an additional bedroom however the site can accommodate at least three cars within the frontage. As such would provide ample parking to serve the site.

8 **Recommendation**

8.1 That PLANNING PERMISSION BE GRANTED 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: 2393-SK-500 E and 2393-SK-501 A

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) and Policies DM1, DM2, DM6,

DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (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 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 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 The annexe hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site, and it shall not be used as an independent dwelling at any time.

Reason: The creation and use of a separate and independent unit would not comply 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 Prior to the first occupation of the building as an annexe the opening within the northern flank at first floor level (shown to serve an en-suite) shall be fitted with purpose made obscure glazing. The window shall be maintained in this 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).

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 0208 207 7456 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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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.

- 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>.



