

# PLANNING COMMITTEE

## NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 31 July 2025 at 7.30 pm

Members of the Planning Committee:-

Councillors:

Chris Whately-Smith (Chair)  
Oliver Cooper  
Harry Davies  
Steve Drury  
Philip Hearn  
Stephen King

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

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*Joanne Wagstaffe, Chief Executive  
Friday, 18 July 2025*

The Council welcomes contributions from members of the public on agenda items at Planning Committee meetings. Details of the procedure are provided below:

For those wishing to speak:

Members of the public are entitled to register and identify which item(s) they wish to speak on from the published agenda for the meeting. Those who wish to register to speak are asked to register on the night of the meeting from 7pm. Please note that contributions will be limited to one person speaking for and one against each item for not more than three minutes.

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 Committee.

Those wishing to observe the meeting are requested to arrive 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.

The meeting may be livestreamed and an audio recording of the meeting will be made.

**1. Apologies for Absence**

**2. Declarations of Interest**

To receive any declarations of interest.

- 3. 25/0666/FUL - Change of use from Class F.2b (Local community hall or meeting place for the principal use of the local community) to Class E (f) (Creche, day nursery or day centre; not including a residential use) at Bullsland Hall, Bullsland Lane, Chorleywood WD3 5BQ** (Pages 5 - 14)

Change of use from Class F.2b (Local community hall or meeting place for the principal use of the local community) to Class E (f) (Creche, day nursery or day centre; not including a residential use) at Bullsland Hall, Bullsland Lane, Chorleywood.

Recommendation: that planning permission be refused.

- 4. 25/0667/FUL – First floor side extension at 2 Arundel Road, Abbots Langley WD5 0TP** (Pages 15 - 26)

First floor side extension at 2 Arundel Road, Abbots Langley.

Recommendation: that planning permission be granted.

- 5. 25/0694/RSP – Retrospective: construction of outbuilding in rear garden for ancillary residential use at 20 Marlin Square, Abbots Langley WD5 0EG** (Pages 27 - 42)

Retrospective: construction of outbuilding in rear garden for ancillary residential use at 20 Marlin Square, Abbots Langley, Hertfordshire.

Recommendation: that retrospective planning permission be granted subject to conditions.

- 6. 25/0901/ADV – Advertisement consent: installation of one externally illuminated "McDonald's" letterset, one externally illuminated "Golden Arch" to front elevation, one non illuminated sign to rear elevation, and 6 non-illuminated parking signs - at 94 – 102 High Street, Rickmansworth WD3 1AQ** (Pages 43 - 52)

Advertisement consent: installation of one externally illuminated "McDonald's" letterset, one externally illuminated "Golden Arch" to front elevation, one non illuminated sign to rear elevation, and 6 non-illuminated parking signs - at 94 – 102 High Street, Rickmansworth.

Recommendation: that advertisement consent is granted subject to conditions.

**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](mailto:committeeteam@threerivers.gov.uk)

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## PLANNING COMMITTEE – 31 July 2025

**25/0666/FUL - Change of use from Class F.2b (Local community hall or meeting place for the principal use of the local community) to Class E (f) (Creche, day nursery or day centre; not including a residential use) at BULLSLAND HALL, BULLSLAND LANE, CHORLEYWOOD, WD3 5BQ.**

Parish: Chorleywood Parish Council  
Expiry of Statutory Period: 23.06.2025  
Extension of time: TBC

Ward: Chorleywood South and Maple Cross.  
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be refused.

Reason for consideration by the Committee: Three Rivers District Council are the freeholder of the land.

### **1 Relevant Planning History**

- 1.1 05/1730/FUL - District Council Application: Single storey side extension - Permitted

### **2 Description of Application Site**

- 2.1 The application site is located on the northern side of Bullsland Lane, Chorleywood. The site contains a single storey detached building with an area of hardsurfacing and an area of lawn to the front with a notice board, bin and bench.
- 2.2 The land and building are owned by TRDC but are leased to Chorleywood Parish Council for a number of years. The building is currently used as a local community hall and meeting place (Use Class F.2b).
- 2.3 To the south west of the application site is a path which connects Bullsland Lane and Bullsland Gardens. Within Bullsland Gardens there are bungalows for the over 55s as well as two storey residential dwellings.

### **3 Description of Proposed Development**

- 3.1 This application seeks planning permission for a change of use from Class F.2b (Local community hall or meeting place for the principal use of the local community) to Class E (f) (Creche, day nursery or day centre; not including a residential use).
- 3.2 The intended occupier is a childminder, they wish to relocate their business from their current home to Bullsland Hall.
- 3.3 It is pertinent to note that the change of use is not proposed to be restricted to this specific individual, but to a use as a 'Creche, day nursery or day centre' by any operator. However, the intended operational plan of this individual is summarised below.
- 3.4 It is intended that initially there would just be one adult offering childcare for a maximum of 6 children (in line with the individual's current Ofsted registration). If demand increases then they would look to take on additional adults. The maximum number of children cared for at any one time will be 18, depending on ages and space, with a maximum of 3 adults (less children of a younger age owing to ratio requirements adults: children). The applicant has advised that generally there would be 12 children. The building currently has a main room to the front (30sqm in area) with a store in addition to a kitchen and toilet facilities. All parts would be subject to the change of use.

3.5 Whilst a fence is referenced in the submission it does not form part of the development description.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 Chorleywood Parish Council: No response received.

4.1.2 National Grid: No response received.

### **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 6

4.2.2 No of responses received: 4 objections

4.2.3 Site Notice: Not required. Press notice: Not required.

4.2.4 Summary of Responses:

- Parking/traffic impacts
- Impact on elderly neighbours from noise
- Waste generation
- General noise impacts
- Not an appropriate location
- Already a nursery on Heronsgate Road
- Poor outside space

## **5 Reason for Delay**

5.1 Committee cycle.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 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.

## 6.2 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP6, CP8, 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 DM4, DM6, DM10, DM12, DM13 and Appendix 5.

The Chorleywood Neighbourhood Development Plan (Referendum Version August 2020)

## 6.3 Other

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.

## **7 Planning Analysis**

### 7.1 Principle of Development

7.1.1 The Core Strategy (adopted October 2011) sets out a Spatial Vision which states that, looking forward to 2026 and beyond, the District will remain a prosperous, safe and healthy place where people wanted and are able to live and work.

7.1.2 There are two main factors to consider in relation to the principle of the proposed development. Namely the loss of the existing use and then the acceptability of the proposed use. These are taken in turn below.

7.1.3 Policy DM12 of the Development Management Policies LDD sets out expectations for community, leisure and cultural facilities. The supporting text to Policy DM12 sets out that community, leisure and cultural facilities will include 'schools', and Officers consider that a nursery/preschool would also fall under this category. However the loss of the current use still needs to be assessed.

7.1.4 Policy DM12 sets out:

#### a) Protection

Proposals for the redevelopment or change of use of any premises resulting in the loss of facilities or services that support the local community will only be permitted where the Council is satisfied that:

i) The existing facility can be satisfactorily relocated within the development; or

- ii) The use concerned is not economically viable, could be provided by some other means, or it can be demonstrated that there is no longer a demand for the use; or
  - iii) The premises or site cannot readily be used for, or converted to, any other community facility and:
  - iv) The facility or service which will be lost will be adequately supplied or met by an easily accessible existing or new facility in an appropriate alternative location, served by sustainable modes of transport.
- b) Where a use is no longer economically viable, the Council will require supporting information setting out reasons as to why the use is no longer viable and cannot be made viable in the foreseeable future. This may include details of previous use, accounts and marketing information demonstrating that the premises has been marketed for use as a community facility for a reasonable length of time and that no suitable user has been/or is likely to be found.

7.1.5 The applicant has advised that there are no current regular weekly hirers of Bullsland Hall. This is mainly due to the limited internal space. Active promotion of availability and advertising has been undertaken however underutilisation has been a consistent problem since the Covid pandemic/Since April 2022. TRDC for polling days and an occasional local religious group have been the only users. The Chorleywood Community Shed (run by the Parish Council) will move to the allotment site in due course and can be accommodated at the War Memorial Hall or Common Road for their current weekly meeting. Given the under use of the existing building, that any existing use can be accommodated elsewhere and that the proposed use would still fall within a 'community use' for the purposes of Policy DM12 it is not considered that the loss of the existing use would prejudice the local community from the loss of a community facility.

7.1.6 In addition, the supporting text to Policy DM12 states that the Council '*will support in principle the implementation of strategies by partner organisations to address deficiencies and to realise enhancements of education, health and cultural facilities which are vital community facilities and measures to make better use of existing facilities.* Policy DM12 also states that '*where development proposals are submitted for new or improved community, leisure or cultural facilities, they should be accessible by sustainable modes of transport*'. In accordance with Policy DM12 of the Development Management Policies LDD, the proposal does seek to address a shortage of places for early years education. In addition, the site occupies an edge of settlement location and is therefore considered accessible.

7.1.7 Furthermore, the NPPF, seeks to promote healthy and safe community and states the following at paragraph 98:

*To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (not limited to):*

- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- c) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community;*



7.1.8 The proposed use would align with the purposes of Policy DM12 and the NPPF. As such the principle of the use in a policy context would be acceptable however this is subject to all other material considerations as set out in the sections below.

## 7.2 Impact on Character and Street Scene

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, avoid inappropriate development in the built environment and make efficient use of land and Policy CP12 of the Core Strategy (adopted October 2011) seeks to ensure development has regard to local context and makes efficient use of land whilst responding the local distinctiveness. The NPPF at paragraph 130 of the NPPF outlines that decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

7.2.2 The proposed change of use would not, in itself, result in any physical alterations to the external appearance of the building. However as set out above the NPPF states that development should not only visually add to the quality of the area but should also function well within it. The proposed change of use would not have many physical indications of its use in terms of increased built form or signage, with the exception of the fencing, rather the use would be visible by virtue of the increased activities that would result, particularly, within the site frontage. The presence of children playing within a property frontage within the residential setting would not necessarily be incongruous. However the proposed development could allow for up to 18 children which exceeds the average amount of children in one family household. The amount of children together with supervising adults and associated play equipment, at this level, is considered to be out of character for the locality given the siting of the activity in the site frontage..

7.2.3 As such it is not the internal use of the building per se that results in harm but the secondary impacts of activities that would occur in the outdoor space. Overall, the proposed development, by virtue of the proposed activity within the site frontage would appear incongruous within the locality, would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and the NPPF (2024).

## 7.3 Impact on amenity of neighbours

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

7.3.2 Policy DM9 of the DMP LDD outlines the development should not result in adverse impact on the indoor or outdoor acoustic environment of existing development.

7.3.3 The proposed development would not result in any physical interventions to the external appearance of the existing building itself. As such the proposed development would not give rise to any physical overbearing impact or loss of light to neighbouring amenity.

7.3.4 The key test in this case would be whether the proposed development results in an increase in activity over and above what could be reasonably expected from the existing use, and if so whether that activity would be demonstrably harmful.

7.3.5 The internal noise levels are unlikely to be amplified, as a result of the proposed use, to such a degree that harm would occur to neighbours. Nevertheless the proposal also includes the use of space within the site frontage for outdoor play.

7.3.6 It is noted that the building, as existing, is under utilised in terms of the amount of events which could occur. However the nature of most community uses of the space would be such that people may gather in the frontage of the building before and after a class/group but would quickly disperse. Thus the increased noise/disturbance would be relatively contained

to these moments. The current proposal would include outdoor play space for up to 18 children. Whilst it is acknowledged that the use would be weather permitting and number of children may reduce during the school day ultimately there could be potential for a number of children to be playing outside for the opening hours of the child minding business. The site is located immediately adjacent to residential dwellings, including bungalows for older persons, who may be particularly sensitive to noise impacts. The opportunity for the amount of and continuity of noise and activity arising from the proposed use is considered to be unneighbourly and would result in detrimental impacts to the amenity of the surrounding residential properties, particularly the neighbour properties either side of the building.

- 7.3.7 The Public Sector Equality Duty is a material planning consideration. Section 149(1) of the Equality Act 2010 provides that a public authority must, in the exercise of its functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant characteristic and those who do not share it. Subsection (3) of s.149 specifies in further detail what “having due regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it” involves. The “relevant protected characteristics” are listed in s.149(7) and include age, disability, and race.
- 7.3.8 Officers note the requirements of the Equalities Act in respect of the impacts on the adjacent older person’s bungalows and has had regard to this in reaching the conclusions as set above in respect to neighbouring amenity.
- 7.3.9 The applicant has suggested that they could control the noise levels by taking children inside if they get too loud, or restrict the number of children playing. Additionally they will attend externally organised activities and visit the local play area. However it is not considered that such measures could be secure by planning condition as they would not meet the tests as set out at paragraph 58 of the NPPF and may impact the quality of childcare provided.
- 7.3.10 The majority of movement would be contained to within the building however when considering the potential noise and disturbance from the proposed outdoor play space to the front it is considered that this would be over and above the usual activity the existing building or a single residential unit. In turn, in the absence of supporting evidence, it is considered that the resultant disturbance would lead to unacceptable harm to neighbouring amenity. Namely, but not limited to, the two adjacent properties at No12 and No.8 Bullsland Lane. The proposal would overall be contrary to Policy CP12 of the Core Strategy and Policies DM1 and DM9 of the DMPLDD.

#### 7.4 Wildlife and Biodiversity

- 7.4.1 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.
- 7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.4.3 Owing to the nature of the proposed development it is not considered that any adverse impacts would result in this respect.

## 7.5 Trees and Landscaping

7.5.1 No trees would be affected as a result of the proposed development.

## 7.6 Highways, Access and Parking

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

7.6.2 Appendix 5 sets out that the existing use would have a requirement for 7.2 parking spaces.

7.6.3 The proposed use would have a requirement for 4.5 parking space. Thus would require less parking than the existing use.

7.6.4 The concerns regarding the availability of parking are noted. There are currently 6 parking spaces on site, which would meet the requirements of Appendix 5. The existing building has been under utilised in recent times and as such the maximum potential number of visitors has not been experienced. In any event it is considered that the parking management and travel plan could be required by condition to minimise impacts during peak pick up and drop off times.

## 7.7 Refuse and Recycling

7.7.1 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

7.7.2 The proposed use is not considered to result in the generation of significant additional waste in comparison with the maximum capacity of the existing use. As such the current arrangement would be appropriate.

## 7.8 Biodiversity Net Gain

7.8.1 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.

7.8.2 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 de minimis exemption applies. Officers agree that the proposal would impact less than 25sqm of onsite habitats.

## 7.9 Planning balance

7.9.1 As concluded above it is considered the proposed fencing together with the use of the outdoor area to the front would be incongruous and would result in harm to neighbouring amenity.

7.9.2 No evidenced case has been put forward in relation to the need for the proposed use. However there is an acceptance of an acute need locally for child care spaces. The child

minding business already operates from the individual's home. Whilst moving to the application site could allow the business to grow, the contribution to the local need for childcare spaces this would make would be limited. Furthermore if there were no use of the outdoor space proposed or fencing the principle of the internal change of use of the building would be acceptable.

- 7.9.3 Overall the limited benefits of some additional childcare spaces are not considered to outweigh the harm to neighbouring amenity or the character of the streetscene by virtue of the outdoor play space.

## **8 Recommendation**

- 8.1 That PLANNING PERMISSION BE REFUSED for the following reason:

- R1 The proposed change of use by virtue of the increased levels of activity within and around the site frontage from the outdoor play space would result in detrimental harm to neighbouring amenity by way of undue levels of noise and disturbance. The resultant level of activity would also appear as an incongruous feature within the open residential setting of the streetscene to the detriment of the character of the streetscene. Overall the proposal would be contrary to Policies CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM9, DM13 of the Development Management Policies LDD (adopted July 2013) 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.







## PLANNING COMMITTEE – 31 July 2025

### 25/0667/FUL – First floor side extension at 2 Arundel Road, Abbots Langley, Hertfordshire, WD5 0TP

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 25.06.25  
Extension of Time: 15.08.25

Ward: Leavesden  
Case Officer: Clara Loveland

**Recommendation:** That planning permission be granted.

**Reason for consideration by the Committee:** Acting agent is a Ward Councillor.

**Application type:** Householder

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=SUP0R9QFG4800>

## 1 Relevant Planning History

- 1.1 25/0668/CLPD - Certificate of Lawfulness Proposed Development: Loft conversion including rear dormer and front rooflights. Approved.
- 1.2 24/0980/CLED - Certificate of Lawfulness Existing Development: Use of grassed area of land as residential land. Refused. Appeal lodged and in progress. LPA reference 24/0030/REF. PINS reference APP/P1940/X/24/3350733.
- 1.3 20/2306/FUL - First floor side and single storey rear extension, conversion of garage and single storey side extension to form a garage and extension of residential curtilage (change of use of amenity land to land forming part of residential planning unit) via re-positioning of fencing. Refused for the following reasons:

- R1 The proposed front element of the first floor side extension by virtue of its siting and relationship with the neighbouring dwelling, No.4 Arundel Road would result in terracing impact. The rear element of the first floor side extension would appear contrived by virtue of its poor design, comprising a splayed wall and flat roof form which integrates poorly with the existing dwelling and would be out of character with the wider area. The proposed garage would also appear prominent, contrived and out of character with the streetscene. The development 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).*
- R2 The proposed boundary fence, by reason of its height, length and proximity to the footway would appear as a prominent, overbearing and urbanising feature which would create a sense of enclosure, erode the open character of the area and fail to respect the character and appearance of this part of the street scene and the wider area. The development 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).*

## 2 Description of Application Site

- 2.1 As shown within the red line on the submitted location plan 2438-SK-101 REV B, the site known as 2 Arundel Road comprises an irregularly shaped plot on the western side of Arundel Road. The site contains a detached dwelling with an attached garage and a garden which wraps around the side to the rear. The garden is enclosed by closed-boarded fencing.

The site frontage includes a driveway for 2 vehicles. Along the northern flank of the dwelling, there is a vehicle crossover with a dropped kerb and access. Adjacent to this is a strip of grass that follows the curve alongside the highway edge.

- 2.2 The application dwelling has a gable roof with a front gable feature and a garage to the side. To the rear, there is a conservatory.
- 2.3 The land outside of the red line shown on the Location Plan which surrounds the application sites consists of a mixture of residential housing. To the northwest is Leavesden Country Park. The site known as 2 Arundel Road is located at the end of a row of other similar styled dwellings. To the rear of the site is an access footpath leading into the Country Park.

### **3 Description of Proposed Development**

- 3.1 This application seeks planning permission for a first-floor side extension. During the application, amendments were provided to reduce the width of the extension by 0.2m from 3m to 2.8m to provide greater spacing to the boundary. However, subsequently these amendments were withdrawn and the application is being assessed on the basis of the originally submitted scheme .
- 3.2 The proposed first floor side extension would be located above the existing garage. It would have a maximum width of 3m and maximum depth of 6.3m. It would have a stepped rear wall, increasing in depth away from the boundary with No. 4. It would have a gabled roof formation with a height of 6.8m, set down from the existing ridge line by 0.6m.
- 3.3 The extension would be finished in materials to match the existing dwelling.
- 3.4 The application follows a previous refusal (20/2306/FUL). The current application differs from the previous scheme in that it has omitted the previously proposed splayed side/rear wall, replacing with a more conventional design. Application 20/2306/FUL also included various other elements, whereas this the current application is for a first floor side extension only.

### **4 Consultation**

#### **4.1 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 No. consulted: 23.
- 4.2.2 No responses: 0
- 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, DM6, DM13 and Appendices 2 and 5.

### Other

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

## **7 Planning Analysis**

### **7.1 Design and Impact on Character and Appearance of the host dwelling and wider streetscene**

- 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. 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'.

- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials. 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. In relation to side extensions, Appendix 2 advises that first floor side extensions shall generally be a minimum of 1.2m from the flank boundary.
- 7.1.3 In this case, the first floor side extension would be above an existing garage and set in from the boundary line by 1m. This would not comply with the guidance within Appendix 2 which indicates that 1.2m from the boundary would generally be an acceptable separation distance. The side extension would be flush with the front wall and would not extend the full flank depth of the dwelling. It would also be noticeably set down from the ridge line, adding some appearance of subordination to the development. In terms of design, the side extension would have a roof formation that would be in keeping with the character of the existing dwelling. The development would also be finished in materials to match the existing dwelling, which would help to reduce its overall prominence and appearance.
- 7.1.4 In this case, the neighbour, No.4, is set up to the boundary such that no spacing is provided on its side, however, the application dwelling is noticeably separated from the neighbouring dwelling, No.4, by their staggered positioning with No. 4 being set considerably forward and the sky gap above the garage at the application site. The proposed side extension, being set 1m from the boundary, would sit close to this neighbour's flank wall and would reduce the sky gap between the dwellings. Although this would be the case, given the staggered building line whereby the application dwelling is set back from No.4, the closure of the sky gap would only be readily visible immediately fronting the application site, and in this position, the boundary spacing of 1m would be noticeable. Given that the extension would be flush with the front elevation, it would not be noticeable from the north/north-east. Given the stagger in the buildings, with No.4 sitting forward of No.2, it would also not be noticeable from the south/south-west. Added to this, there have been signs of alterations whereby some dwellings have extended above garages, reducing the spacing between sites, such as the extension implemented at No.23 and as approved at No.14 (23/1106/FUL). Despite closing the gap between the dwellings, any views of this would be limited and when accounting for the development across the wider street, and that it would comply with the 1.2m guidance set out in Appendix 2, the extension above the garage would not be wholly out of character. For the reasons provided, there would also not be a noticeable level of terracing between the dwellings.
- 7.1.5 It is noteworthy that a first-floor side extension (amongst other elements of proposed development) of a similar extent was proposed and refused within planning application 20/2306/FUL. The key difference between the refused scheme and the planning proposal forming this application (in so far as they relate to the first floor side extension) are the amendments to the design of the extension, reducing in depth and altering from a contrived slayed rear wall as refused to a stepped rear wall as proposed. For the reasons provided above, the first-floor side extension proposed within this application is considered to be acceptable and the previous reason for refusal of this element has been overcome.
- 7.1.6 In summary, the proposed development would not result in harm to the character and appearance of the existing dwelling and wider street scene. The development is considered acceptable and 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).

## 7.2 Impact on the amenities 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 of disposition of privacy, prospect, amenity and garden space'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.2.3 The proposed first floor side extension would have no adverse impact to any neighbours to the north-east of the as the development would be screened by the existing dwelling. Regarding No.4, the extension would bring the built form closed to this neighbour. Despite this, the extension would remain set off the boundary by 1m and this distance would increase towards the rear where the rear part of the extension steps away from the boundary. The extension would also be set down from the existing ridge line, subservient to the existing dwelling. When considering these factors, the proposed extension would not be overbearing or an intrusive form of development as experienced by this neighbour. Turning to loss of light and overshadowing, this neighbour is set forward of the host dwelling, however, is located south of the proposed extension. This would therefore limit any overshadowing. For these reasons, it is considered that the proposed side extension does not amount to detrimental harm by way of intrusion or loss of light on this neighbour, nor would it be overbearing.
- 7.2.4 Turning to privacy, the extension would have a front-facing window which would have an outlook over the site frontage and would not give rise to any unacceptable overlooking. The proposed roof light to the rear would be of a limited size and positioned within the rear roof slope such that it would be of a height and position that would not give rise to any overlooking to any neighbour. Any outlook would therefore be at an oblique and obstructed angle.
- 7.2.5 The proposed development is not considered to result in any adverse impact upon neighbouring properties and is acceptable in accordance with Policy C12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

## 7.3 Rear Garden Amenity Space Provision

- 7.3.1 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.
- 7.3.2 The proposal would retain a sufficient level of amenity space to serve the proposed number of bedrooms.

## 7.4 Trees and Landscaping

- 7.4.1 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.

- 7.4.2 The application site is covered by an area TPO (285). However, the proposed development would be located above an area of existing built form. When accounting for this, it is considered that no harm would arise to any protected trees.

#### 7.5 Highways, Access and Parking

- 7.5.1 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.

- 7.5.2 The proposal would maintain sufficient parking space for the proposed number of bedrooms.

#### 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 planning application.

### 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.

**In accordance with plans**

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 2438-SK101 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, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

**Materials**

- 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).

**No additional windows**

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

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 and accompanied by a fee.

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](mailto: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](http://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](mailto: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.

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 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 31 July 2025

### **25/0694/RSP – Retrospective: Construction of outbuilding in rear garden for ancillary residential use at 20 Marlin Square, Abbots Langley, Hertfordshire, WD5 0EG**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 12.06.25.  
Extension Of Time: 20.07.25.

Ward: Abbots Langley and Bedmond  
Case Officer: Clara Loveland

**Development type:** Householder.

**Recommendation:** That RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee: Abbots Langley Parish Council called in if officers are minded to approve due to concerns with the development being overbearing, resulting in a loss of light and privacy.

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=SUUKP5QFG6700>

## **1 Relevant planning and enforcement history**

- 1.1 23/1496/CLED - Certificate of Lawfulness Existing Use: Stationing of Caravan/Mobile Home in rear garden for ancillary residential use. Refused for the following reason:

*This application seeks a Certificate declaring that the structure, sited in the rear amenity garden within the land edged in red on the accompanying Location Plan, is a caravan and does not constitute development as per Section 55 (1) of the Town and Country Planning Act 1990 ('the Act'). Having regard to the evidence submitted, it has not been satisfactorily demonstrated that the structure in this case would be moveable once constructed and thus it is not a caravan. The LPA consider that the structure is a building and building operations, as set out in Section 55(1) of the Act, have occurred. The development is not covered by any Permitted Development rights.*

*The Lawful Development Certificate for Existing Development pursuant to Section 192 of the Town and Country Planning Act 1990 (as amended) is therefore refused. It therefore follows that planning permission for the development is required.*

Appeal dismissed (PINS ref: APP/P1940/X/24/3336810).

**Officer Note:** The Appeal decision was based strictly on the facts and on relevant planning law, i.e. that the siting of a caravan/mobile home for incidental or ancillary use in the curtilage of the dwellinghouse did not comprise a material change of use of the land or buildings or operational development. The Inspector's decision confirmed that the council's refusal of 23/1496/CLED was well-founded and that the works resulted in the erection of a building / constituted building operations for which planning permission is required and none had been applied for.

- 1.2 23/0075/COMP - Unauthorised outbuilding not for incidental purposes (annex use). Pending consideration, subject to the determination of this application.
- 1.3 19/1640/FUL - Single storey side and rear extension and alterations to roof of existing projection - 11.11.2019 – Permitted.
- 1.4 02/00227/FUL - Loft conversion with rear dormer - 26.04.2002 – Permitted.

- 1.5 01/01712/CLPD - Certificate of Lawfulness Proposed Use: Loft conversion with rear dormer windows - 06.02.2002 – Refused.

## **2 Site Description**

- 2.1 The application site is located on Marlin Square, Abbots Langley and contains a two-storey, mid-terraced dwelling with a yellow facing brick exterior with red brick detailing and a grey slate roof.
- 2.2 To the rear of the dwelling is an amenity area predominantly laid with paving which measures some 100sqm in area (including the area of the outbuilding contained within the rear garden) and is enclosed by close boarded fencing. Beyond the site and to the rear of the outbuilding, there is a Public Footpath (32) connecting Langley Road to Creasy Close and Tibbs Hill Road.
- 2.3 Within the rear amenity area is a flat roofed outbuilding which is the subject of this application and is sited on a slightly higher land level than the main paved garden.

## **3 Description of proposed development**

- 3.1 This application seeks retrospective planning permission for the construction of an outbuilding in the rear garden for ancillary residential use, i.e. an annex
- 3.2 The outbuilding is located to the rear of the application site and has a width of 5.18m, a depth of 5.38m and a height of 2.60m (as measured by the Officer on site) (referenced as 2.7m on the submitted details). The outbuilding contains a set of doors within the front elevation facing towards the main dwelling. The outbuilding is used as living accommodation by the applicant's father and contains a complete set of living facilities including open plan living area, bed, kitchen, and bathroom facilities.
- 3.3 As observed on the Officer site visit, the outbuilding is raised off the ground by approximately 0.1-0.2m from the adjacent ground by metal piles/poles which go into the ground.
- 3.4 During the application, an Officer visited the site on 26 June 2025 to measure the outbuilding. The appointed agent also provided a front elevation plan indicating the dimensions of the outbuilding in relation to the fence lines and to the front landscaping (wooden sleepers and front steps).

## **4 Consultee responses**

### **4.1 Statutory consultation:**

#### **4.1.1 Abbots Langley Parish Council – Objection and called into the Planning Committee.**

*“Whilst members acknowledge that the dwelling benefits from permitted development rights, these come with specific limitations, especially with regard to height, proximity to boundary and use. As we cannot gauge from the photos the actual height of the building, we will have to rely on the officers’ investigations to conclude that the structure does not exceed 2.5m in height or occupy over 50% of the free external space that Permitted Development would allow. We understand that the application has been tested through the Permitted Development route and thru appeal and was disallowed, hence it is now encompassed within a formal planning application.*

*We are mindful that the current use is residential, a use not accepted within the Residential Permitted Development allowance. We note the concerns raised by neighbouring residents regarding the height, overbearing nature, light pollution and loss of privacy regarding the distance of the habitable windows to their own rear windows.*

*Whilst the Parish Council is mindful of the current housing crisis and the difficulty experienced in finding good quality, secure accommodation for both the younger generation looking for suitable accommodation and the older generation downsizing, we can appreciate that this style of solution is a common resolution within the district.*

*However, we do feel that in this instance the scale of the rear garden is a material consideration within this application and the fact that the neighbouring houses have easements to allow the host*

*dwelling access thru their private gardens would be a further material consideration in the loss of privacy these houses currently enjoy.*

*Due to the items listed above, we feel that we cannot support this application, however given the current situation and the fact that building houses an elderly resident, we would seek further information from the planning officer if permission could be granted on a temporary basis with the permission to lapse once the accommodation is vacated by the current resident? We only request this information as we are mindful that the application is retrospective and currently houses an elderly relative.*

*We do not feel that the president should be set for accommodation within rear garden of this scale and our concern would be that this application was granted approval for continued use.*

*Should the planning officer be looking to above the scheme we would request that it is brought to committee where all parties can make representation.*

*We have further concerns regarding the current building and its compliance with the Building Safety Act and would request that if the officer is of a mind to approve, that full compliant sign off to the above Act is set as a condition prior to continued habitation, as we have concerns regarding the Fire Strategy regarding proximity to neighbouring building, surface spread of flame, fire evacuation and access for fire crews to name a few.”*

**Officer Comment:** This application can only assess material planning considerations. Concerns raised relating to Building Safety and Fire Strategy are not assessed as part of this application and subject to other legislation.

4.1.2 National Grid – No comment received.

## **5 Neighbour consultation**

**5.1 Site notice:** Posted: 23.04.25. Expired: 15.05.24.

**5.2 Press notice:** Published 02.05.25. Expired 24.05.25.

**5.3** 7 neighbours consulted and 3 objections received.

Summary of comments:

- Overbearing and intrusive due to proximity to boundary.
- Disruptive to the peaceful enjoyment of surrounding gardens.
- Overdevelopment.
- Inappropriate residential use in a rear garden.
- Fire safety concerns related to materials used.
- Light pollution.
- Risk of setting dangerous precedent for backdoor dwellings.
- Misuse and intensification of existing right of way. The increase in the number of individuals who use the right of way alters its purpose. Safety concerns related to safeguarding for children play space.
- Ignored an enforcement notice.

**5.4** The applicant has provided a response to the comments raised:

- Factually in accurate statements made.

- No enforcement notice issued.
- The structure is an ancillary accommodation not a separate house.
- Father of applicant relies on applicant (daughter) due to increasing personal care.
- The application must be determined for its actual use.
- Building regulations, drainage pressure and precedent are not relevant to this application.
- The size of the structure would be permitted development.
- Limited noise and illumination.

5.5 **Officer Comment:** This application can only assess material planning considerations. Concerns raised relating to Building Safety, Fire Strategy, light pollution, safeguarding and the right of way are not assessed as part of this application. It should be noted that no Enforcement Notice has been issued for the development.

## 6 Reason for Delay

6.1 Committee cycle and submission of amended plans.

## 7 Legislation and Relevant Local and National Planning Policies

### 7.1 Legislation

7.1.1 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).

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

7.1.3 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.

7.1.4 The Environment Act 2021.

### 7.2 National Planning Policy Framework and National Planning Practice Guidance

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

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

### 7.3 Three Rivers Local Development Plan

7.3.1 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.

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



#### 7.4 Other

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

### 8 **Analysis**

#### 8.1 Overview

8.1.1 This application has come forward because of an enforcement investigation (23/0075/COMP) which follows reports concerning an alleged breach of planning control.

8.1.2 From the outset, Officers considered that the outbuilding was operational development, and by virtue of its height in relation to adjacent boundaries and its use (i.e. containing primary living accommodation) failed to fall within the requirements of Schedule 2, Part 1, Class E of the General Permitted Development Order 2015 (as amended). As such, it was the view of officers that the works comprised a building and were not permitted development and therefore express planning permission was required from the Local Planning Authority (LPA).

8.1.3 Notwithstanding officers' views, the applicant submitted an application for a Certificate of Lawfulness for an Existing Use (23/1496/CLED), as it was believed that the outbuilding was in fact a structure which fell within the definition of a caravan and thus did not comprise operational development nor resulted in a material change of use of land, on the basis that it was providing ancillary living accommodation for the applicant's father.

8.1.4 The Certificate of Lawfulness application was refused by the LPA on the grounds that the outbuilding comprised development requiring planning permission. An appeal was lodged against the refusal and the scheme was subsequently dismissed at appeal (APP/P1940/X/24/3336810) and confirmed that the outbuilding was a building requiring planning permission. This appeal is contained within Appendix 1.

8.1.5 The building size has not altered since the time of the certificate or appeal.

8.1.6 In terms of use, it is understood that there is currently one occupant of the building and this is corroborated from the information submitted as part of the application.

8.1.7 Unlike the appeal, the planning merits of the outbuilding are considered and set out within this report below.

#### 8.2 Impact on the character and appearance of the street scene

8.2.1 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'. The NPPF encourages the effective use of land and at the heart of the NPPF is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.

8.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.

8.2.3 **Size:** In terms of size, it is recognised that that outbuilding in situ is large and covers a large proportion of the rear garden, spanning the full width of the garden. It is also of a noticeable height, some 0.6-0.7m above the boundary fence lines. Due to this, whilst it is not readily visible from the wider street of Marlin Square, there are views of it from neighbouring dwellings and their associated gardens and from the public footpath behind. It is also noteworthy that there are also some views of the outbuilding from the bowls club behind the site however, these are limited when considering the large bowls clubhouse/building which is sited close along the boundary with the footpath obscuring

and limiting any views. Although visible from these locations, the outbuilding is set within a context where there is a proliferation of mixed developments, including extensions and other outbuildings / structures that vary in size, extent and positioning. In this context, the outbuilding is not out of character. Given the remaining space available within the garden, its single-storey nature and flat roof form, the outbuilding does not result in overdevelopment of the plot or appear so excessively prominent that it adversely affects the character of the area. Notwithstanding these reasons, to prevent any further development of the garden, a condition is recommended that removes Class E permitted development rights which would take effect from the date of the decision.

- 8.2.4 It is also useful to note that an outbuilding of a similar scale could be erected under “permitted development” via Schedule 2, Part 1, Class E of the GPDO which enables outbuildings of up to 2.5m in height (when positioned within 2m of a boundary), subject to other conditions and limitations.
- 8.2.5 It is important to note that the appointed agent has provided a front elevation plan during this application to indicate the outbuilding in relation to front landscaping works such as the 2 steps and a wooden sleeper which are located to the front of the outbuilding. These features are considered to be landscaping works and would not require planning permission.
- 8.2.6 **Use:** When turning to the building's use, which provides independent living for the applicant's relative, this use would not be possible under “permitted development” under Class E.4. Therefore, it is the use which provides the key requirement for planning permission in this case. Due to the physical limitations of the building and its internal facilities, it does not accommodate a significant increase in the number of persons using or residing in it. This would resultantly limit any activity associated with its use. Given the proximity of the building to nearby neighbours (terraced properties), it is inevitable that neighbours would be aware of the general activity resulting from the occupation of the building. This is also evident through the comments received as part of this application. However, in this context, the use of the building is not considered to be significantly greater than what could reasonably be expected for a family home carrying out typical activities. Movements to and from the outbuilding are also intrinsically linked to the dwelling, as access is required through the dwelling, rather than a separate access.
- 8.2.7 Some comments have raised that the use of the building for independent living has resulted in increased activity/misuse of the shared access. However, the siting of the outbuilding prevents any access to the public footpath and is wholly contained within the application site. . Furthermore, there is not anything significantly out of the ordinary in the nature or type of movements to and from the site or any substantive evidence to suggest that a building of this size and occupation results in any significantly greater disturbance than might arise from a domestic family residence. For these reasons, it is considered that the noise and general disturbance experienced by nearby residential areas is not significantly greater than a typical family home. Additionally, when considering that the use provides independent living accommodation for a relative of the applicant, this would cater for a range of housing needs in accordance with the requirements of Policy CP3 by enabling other houses to be available and provides an alternative means of residential accommodation. Notwithstanding this, given that the use facilitates independent living, it would be reasonable and necessary to secure its use be maintained as ancillary (and not sold or let off).
- 8.2.8 In summary, subject to the conditions recommended, the proposed development does not result in harm to the character and appearance of the existing dwelling, site and wider street scene. 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.
- 8.3 Impact on amenities of neighbours
- 8.3.1 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’.
- 8.3.2 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.



8.3.3 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.*

8.3.4 **Size:** In any instance, the building is contained within the rear of the application site. Although it is recognised that it is noticeable from the immediate neighbours due to the linear terrace property formation, it is set some 7m away from the rear of the nearest neighbours at no.18 and 22. When considering the orientation of the sun, any loss of light or overshadowing would be limited and negligible when considering that the existing terrace set shade the rear gardens that are north/north-western facing gardens.

8.3.5 **Use:** Turning to its use, as highlighted above, when considering the limited occupation and their functional link to the occupants of the main dwelling, the use is not considered to be significantly greater than what could reasonably be expected of several adults or a family carrying out their typical activities. Due to this, it is considered that the use does not harm the living conditions of neighbouring occupiers.

8.3.6 **Privacy:** When considering privacy, it is noted that the building, which is for independent living, has front windows/doors however, these face into the garden towards the host dwelling and are largely obscured by the existing boundary treatment and as such is not considered to amount to any harmful loss of privacy to this neighbour. It is important to note that under permitted development an ancillary building for another use could potentially result in the same extent of glazing.

8.3.7 In summary, it is not considered the proposal harms the amenities of neighbours and complies with Policy C12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM9 and Appendix 2 of the Development Management Policies document (adopted July 2013).

#### 8.4 Trees and Landscaping

8.4.1 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.

8.4.2 No trees have been impacted by the development.

#### 8.5 Highways, access and parking

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

8.5.2 In terms of parking, the Parking Standards as set out within Appendix 5 of the Development Management Policies LDD states that a four or more bedroom dwelling should provide onsite parking provision for three vehicles. The number of total bedrooms across the site is unclear and the current site does not provide for any off-street parking. The outbuilding has provided for an additional bedroom space for the occupant. In the instance that an additional shortfall arises from the proposal, there is no evidence to suggest that this has placed unacceptable pressure on surrounding roads.

#### 8.6 Wildlife Considerations

- 8.6.1 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.
- 8.6.2 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 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.
- 8.7 Mandatory Biodiversity Net Gain
- 8.7.1 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.
- 8.7.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition does not apply because the application relates to householder development.

## **9 Recommendation**

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

### Annexe Use

- C1 The detached 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, sold or let off at any time and will remain functionally linked to the dwelling on the site.

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 Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

### Permitted Development

- C2 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) from the date of the decision, no development within the following Class of Schedule 2 of the Order shall take place on the application site:

#### Part 1

Class E - provision of any building or enclosure

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

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, and having regard to the constraints posed by trees within and adjacent to 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).

## 8.2 Informatives:

### Standard Advice

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application which includes a fee.

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](mailto: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](http://www.hertfordshirebc.co.uk).

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

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

{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>

#### Positive and Proactive - Amendments

- 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.

#### Biodiversity Net Gain

- 13 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 31<sup>ST</sup> JULY 2025

**25/0901/ADV – Advertisement Consent: Installation of one externally illuminated "McDonald's" letterset, one externally illuminated "Golden Arch" to front elevation, one non illuminated sign to rear elevation, and 6 non-illuminated parking signs - at 94 – 102 High Street, Rickmansworth, Hertfordshire, WD3 1AQ**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 22.07.2024  
(Extension of Time: TBC)

Ward: Rickmansworth Town  
Case Officer: Scott Volker

**Recommendation: That ADVERTISEMENT CONSENT IS GRANTED subject to conditions as set out at section 8 below.**

Reason for consideration by the Committee: Called-in by Batchworth Community Council due to concerns with impact towards Conservation Area.

Application type: Advertisement

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=SWUSVVQFGM500>

### 1 Relevant Planning History

- 1.1 24/0829/FUL – Change of use from Class E to Mixed Use for restaurant and takeaway (Class E and Sui Generis); addition of HVAC plant, provision of vehicular access from Northway accommodating motorcycle and cycle parking with associated works – Permitted April 2025.
- 1.2 24/0832/ADV – Advertisement Consent: Installation of 1 no. acrylic white externally illuminated "McDonald's" letterset, 1 no. externally illuminated yellow vinyl "Golden Arch" applied externally to glazing, 1 no. projection sign, 6 no. parking signs and 1no. railing sign – Permitted April 2025.

### 2 Description of Application Site

- 2.1 The application site contains a two-storey flat roofed commercial unit located on the northern side of the High Street, Rickmansworth. The host building is currently vacant but was previously in use as a clothing retail unit known as M&Co. until 2023
- 2.2 The host building is located within the Primary Retail Frontage of Rickmansworth Town Centre which runs along both sides of the High Street and is located within the Rickmansworth Conservation Area. An M&Co advertisement remains on the fascia of the building despite its vacant nature.
- 2.3 The application site is principally accessed from High Street but does benefit from a side and rear stair access into the building. No vehicular access or drop kerb exists at the rear onto Northway.
- 2.4 To the north of Northway behind the application site is Penn Place which is a residential flatted development. Adjacent to the site on the High Street is a restaurant known as 'Masala Bowl' and a hairdresser 'Louvere', and on the opposite side of the road are 'Starbucks and 'Creams Café'. The High Street itself is generally flat, but the land rises gradually to the north such that Northway and the development beyond is set on a high land level than the High Street.



### **3 Description of Proposed Development**

- 3.1 The application is seeking advertisement consent for the following advertisements and signage:
- 1 no. acrylic white externally illuminated “McDonald’s” letterset to the front fascia
  - 1 no. acrylic externally illuminated “Golden Arch” symbol to front fascia
  - 6 no. aluminium non-illuminated parking signs to railings
  - 1 no. aluminium non-illuminated panel sign to rear elevation
- 3.2 The proposed “McDonald’s letterset would measure 2.6m in width, 30mm in depth (protruding from the sign) and 300mm in height. The letterset would be externally illuminated from the top down. It would be located above the main entrance door within the front façade.
- 3.3 The “Golden Arch” symbol would measure 600mm in height, 85mm in width and 30mm in depth. The symbol would also be externally illuminated from the top down. It would be located to the left of the “McDonald’s” letterset.
- 3.4 The remaining signage would be located to the rear of the unit affixed to the rear wall and would comprise aluminium signs with applied vinyl graphics. These would all be non-illuminated. The 1 ‘McDelivery Partners Please Go Down the Stairs’ sign would measure 620mm in height and 550mm in width. The 6 ‘McDelivery Partners Parking’ signs would measure 700mm in height and 280mm in width.

### **4 Consultation**

#### **4.1 Statutory Consultation**

##### **4.1.1 Batchworth Community Council: [Objection: Call-in request]**

*BCC strongly object to this application. The property is in a Conservation Area and illuminated signs are inappropriate to the front elevation. Batchworth Community Council highlighted this in the previously approved application. There are other non illuminated suitable signs that McDonalds have used in other areas which could be used in Rickmansworth.*

*BCC would like to call this into Committee unless officers are minded to refuse.*

##### **4.1.2 Hertfordshire County Council – Highway Authority: No objection**

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

##### **Highway Informatives**

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

*Obstruction of public highway land: 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 website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>*

### **Comments / Analysis**

*The proposals include illuminated and non illuminated signs linked to a McDonalds store. None of the proposed signage is located on, or considered to interfere with, the highway fronting the site on High Street nor at the rear.*

*HCC as Highway Authority would not have an objection to the provision of an illuminated sign at this location. The standard of luminance complies with recommendations as set out in the Institution of Lighting Engineers Professional Lighting Guide 05/23: The Brightness of Illuminated Advertisements including Digital Displays.*

*HCC as Highway Authority has considered that the proposal would not have an impact on the safety and operation of the adjoining highway and therefore has no objections on highway grounds to the application, subject to the inclusion of the above highway informatives.*

#### **4.1.3 Conservation Officer – [Verbally consulted – no objection]**

Whilst officers recognise that written comments are generally provided for committee applications, the Conservation Officer had provided written comments for the previous application 24/0832/ADV where they raised no objection to the principle of the advertisements. Their primary concern was related to the “Golden Arch” vinyl fitted to the shop front glazing which is no longer proposed as part of this current application.

### **5 Public/Neighbour Consultation**

5.1 Site/Press Notice: None

5.2 Number consulted: 9

5.3 No of responses received: 1 objection

5.4 Summary of Responses:

- Traditional “Golden Arch” should be replaced with aluminium/silver signage.

### **6 Relevant Planning Policy, Guidance and Legislation**

#### **6.1 Legislation**

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

6.1.2 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.

6.1.3 The Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

#### **6.2 Development Plan Policy/ Local and National Planning Guidance**

6.2.1 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).

#### 6.2.2 The Three Rivers Local Development Plan

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

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

The Development Management Policies Local Development Document (LDD) 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 DM3 and DM9.

Batchworth Community Council Neighbourhood Plan (2023)

Rickmansworth Conservation Area and Character Appraisal (1994)

## 7 Planning Analysis

### 7.1 Background

7.1.1 Advertisement Consent has previously been granted at this site under reference 24/0832/ADV. Application 24/0832/ADV included the following elements which also form part of the current ADV application:

- 1 no. acrylic white externally illuminated "McDonald's" letterset to the front fascia
- 6 no. aluminium non-illuminated parking signs to railings
- 1 no. aluminium non-illuminated panel sign to rear elevation

7.1.2 This current application differs from the previously consented scheme by the following:

- Omission of 1.no yellow vinyl "Golden Arch" which was to be applied to the glazing to High Street facing window.
- Omission of a 1 no. projecting sign to front elevation
- Relocation of "Golden arch" symbol to front façade.

7.1.3 All other signage proposed is as per the consented scheme.

### 7.2 Advert Regulations

7.2.1 Outdoor advertisements are within the scope of the control regime specified by the Secretary of State in the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

7.2.2 This regime enables local planning authorities to control advertisements, when it is justified, in the interests of "amenity" and "public safety".

7.2.3 Amenity is not defined in the Regulations, although it includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality and the presence of any feature of historic, architectural, cultural or similar interest.

- 7.2.4 Paragraph 141 of the National Planning Policy Framework advises the quality and character of places can suffer when advertisements are poorly sited and designed. It also advises that advertisements should be subject to control only in the interests of amenity and public safety.
- 7.3 Design and Impact on the Streetscene and Heritage Assets (“Impact on Amenity” – Part 1)
- 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'.
- 7.3.2 The application site is located within the Rickmansworth Town Centre Conservation Area. In relation to development proposals in Conservation Area Policy DM3 of the Development Management Policies LDD stipulates that development will only be permitted if it preserves or enhances the character of the area. Furthermore, it states that development should not harm important views into, out or within the Conservation Area. *The council will only permit development proposals including solutions to shop front security and/or use of standardised shop front designs, fascias or advertisement displays in a Conservation Area if they:*
- (i) Sympathetic to the character and appearance of the Conservation Area;*
  - (ii) Respect the scale, proportions, character and materials of construction of the upper part of the building and adjoining buildings and the streetscene in general;*
  - (iii) Incorporate traditional materials where the age and character of the building makes this appropriate.*
- 7.3.3 Policy DM3 outlines that generally totally internally illuminated fascias or projecting signs will not be permitted. The council will also not support applications for additional signs that would result in a proliferation of, and excess amount of, advertisement material on any individual building or group of buildings.
- 7.3.4 The Rickmansworth Town Conservation Area Appraisal (1994) states that only a small number of the buildings within the High Street are listed for the special architectural or historic interest – the application building is not one of those listed. The nearest listed buildings are 133 High Street (Dental Centre) and 74 High Street (W.H. Smith). 104-108 are all locally important buildings located next to the application site and on the opposite side of the High Street unit 153-155 and units 163-169 are also locally important buildings.
- 7.3.5 Policy CO7 of the Batchworth Neighbourhood Plan sets out that the design of any new development will need to respond positively to the defining characteristics of the area within which it is located and reflect the associated principles set out in the Neighbourhood Design Code that are applicable to that area. Proposals that create new employment opportunities will be supported where their size, materials and design respects the immediate surrounding which they area to be located whilst enhancing the location to make it attractive for new businesses.
- 7.3.6 Policy DE1 of the Batchworth Neighbourhood Plan sets out that new development shall respond positively to guidance and principles established in the Batchworth Neighbourhood Design Codes including but not limited to materials and development frontages and proposals that depart from this will need justifying.
- 7.3.7 The proposed signage (fascia) would be acrylic and would be akin to existing signage within the wider streetscene and conservation area and as such would not appear significantly out of character. This application no longer incorporates a projecting sign or a “Golden Arch” vinyl which is considered a betterment to the appearance of the commercial premises and the conservation area.

- 7.3.8 The signage at the rear would all be small scale and non-illuminated and be set off the public highway such that they would not be readily visible or prominent in this part of Northway.
- 7.3.9 Policy DM3 sets out that the Council will preserve the District's Listed Buildings and will only support applications where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment. Given the commercial nature of the premises, the limited scale of the signage and that similar signage is located in the immediate vicinity, it is not considered that the proposed signage would detrimentally impact upon the setting of the nearby Listed Buildings or Locally Important Buildings (Non designated heritage assets).
- 7.3.10 The proposed signage when read against other commercial buildings within the streetscene would appear appropriate and sympathetic and would not harm amenity. The Conservation Officer was verbally consulted on the application as they had previously commented on 24/0832/ADV where they raised no objection to the principle of the façade signage. They raised no objection to this current application as their primary concerns related to the "Golden Arch" vinyl fitted to the shop front glazing and the method of internal illumination initially proposed under 24/0832/ADV. This current application does not include the "Golden Arch" vinyl, and the fascia signs are to be top-down externally illuminated which is considered an appropriate and acceptable method of illumination within the conservation area reflective of other commercial premises on the High Street. A condition is attached restricting the hours of illumination of the advertisements to be on only during opening times of the premises.
- 7.3.11 In conclusion, subject to condition, the advertisements would be considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), the Rickmansworth Town Centre Conservation Area and Character Appraisal (1994), Policies CO7 and DE1 of the Batchworth Neighbourhood Plan (November 2023) and the NPPF (2024).
- 7.4 Impact on Neighbours ("Impact on Amenity" – Part 2)
- 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'. Policy DM9 seeks to ensure that there is no unacceptable adverse impact on neighbouring or nearby properties as a result of lighting proposals.
- 7.4.2 The proposed alterations would not significantly alter the appearance of the building relative to the existing arrangement. The scheme of illumination of the fascia signs would be directed towards the façade of the building and would not result in unacceptable light spill. As such there are no concerns with regards to impacts to the amenity of the occupiers of any nearby residential or commercial properties.
- 7.4.3 Overall, it is not considered that the amended proposal would be imposing on any neighbouring residential dwellings or would result in an adverse impact on neighbouring residents which would harm their amenity. The development would be acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).
- 7.5 Highways Impacts
- 7.5.1 The Town and Country Planning (Control of Advertisement) Regulations 2007 (as amended) seeks to assess the impact on public safety.



- 7.5.2 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking.
- 7.5.3 The proposed signage would be applied to the façade of the building or located within the application site on the commercial premises. Given the location and scale of the proposed signage and its method of illuminance, it is not considered that the proposed signage would pose an obstruction to pedestrians or drivers. The Highway Authority were consulted on the application and raised no objection on highway grounds as they concluded that the proposal would not have an impact on the safety and operation of the adjoining highway, subject to the inclusion of a highway informative relating to prevention of obstruction.
- 7.5.4 It is not considered that the proposed advertising signage would result in any demonstrable harm to public safety in accordance with the Town and Country Planning (Control of Advertisement) Regulations 2007 (as amended) and CP10 of the Core Strategy (Adopted October 2011).

## **8 Recommendation**

### **8.1 That ADVERTISEMENT CONSENT BE GRANTED for that has been applied for and subject to the following standard condition:**

- C1 1] The period of the validity of this permission is for five years commencing from the date of the decision notice.
- 2] No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 3] No advertisement shall be sited or displayed so as to;
- (a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 4] Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 5] Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 6] Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
- Reason: To comply with the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended) and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

- C2 The sign(s) permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

Reason: In the interests of visual amenity and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

#### **Informatives:**

- I1 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.

- 12    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.





