

## PLANNING COMMITTEE – 7 November 2024

### 24/1250/FUL – Erection of a single storey rear extension connecting the existing dwelling and outbuilding at 96 WOLSEY ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2EH

Parish: Batchworth Community Council  
Expiry of Statutory Period: 04.10.2024  
(Extension of time agreed to 14.11.2024)

Ward: Moor Park & Eastbury  
Case Officer: Tom Norris

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in by three members of the planning committee unless Officers are minded to refuse planning permission, due to the impact upon the Conservation Area and plot coverage.

To view all documents forming part of this application please go to the following website:  
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SHU21TQFKS800>

#### 1 Relevant Planning History

- 1.1 24/1188/FUL - Variation of Condition 1 (plan numbers) pursuant to planning permission 23/1477/FUL: Alterations to the style of front door and garage doors - 19.09.2024 – Permitted
- 1.2 23/1477/FUL - Variation of Condition 2 (plan numbers) pursuant to planning permission 22/0512/FUL for increase in depth of approved side extension; alterations to roof form of approved side extension; repositioning of rear rooflights; additional rear rooflight; and alterations to fenestration- 03.11.2023 – Permitted
- 1.3 23/0738/FUL - Variation of Condition 2 (plan numbers) pursuant to planning permission 22/0512/FUL (Variation of Condition 2 (Plan Numbers) of planning permission 21/2064/FUL (Demolition of existing dwelling and construction of two storey detached dwelling with accommodation in the roof space served by dormers and rooflights) to include single storey side projection to create double garage, alterations to front entrance, alterations to fenestration including new roof lantern to single storey rear projection, rear balcony and repositioning of rear rooflights) to increase depth of single-storey side projection, alterations to fenestration, additional rear rooflight - 12.07.2023 – Refused.  
  
*R1 The proposed alterations to the approved replacement dwelling would be unsympathetic and incongruous additions, thereby eroding the character and appearance of the dwelling which would erode its contribution to the Moor Park Conservation Area. As a result, the proposed development would fail to preserve or enhance the character and appearance of the Moor Park Conservation Area. The proposed development would cause less than substantial harm under paragraph 202 of the NPPF and the identified harm is not outweighed by any public benefits. The development is therefore contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), the Moor Park Conservation Area Appraisal (2006) and NPPF (2021).*
- 1.4 23/0886/DIS - Discharge of Condition 3 (Materials) pursuant to planning permission 22/0512/FUL – Pending Consideration.
- 1.5 23/0628/DIS - Discharge of Condition 4 (Bat Mitigation Plan) pursuant to planning permission 22/0512/FUL – 12.06.2023 – Determined.

- 1.6 22/0512/FUL - Variation of Condition 2 (Plan Numbers) of planning permission 21/2064/FUL (Demolition of existing dwelling and construction of two storey detached dwelling with accommodation in the roof space served by dormers and rooflights) to include single storey side projection to create double garage, alterations to front entrance, alterations to fenestration including new roof lantern to single storey rear projection, rear balcony and repositioning of rear rooflights - 13.05.2022 – Permitted, works commenced.
- 1.7 22/0433/CLPD - Certificate of Lawfulness Proposed Development: Construction of detached outbuilding for use as gym - 04.05.2022 – Permitted
- 1.8 21/2064/FUL - Demolition of existing dwelling and construction of two storey detached dwelling with accommodation in the roofspace served by dormers and rooflights - 31.01.2022 – Permitted, not implemented.
- 1.9 21/0904/FUL - Demolition of existing dwelling and construction of two storey detached dwelling with accommodation in the roofspace - 03.06.2021 – Withdrawn.
- 1.10 8/31/94 - Single storey side and rear extension - 23.05.1994.
- 1.11 8/262/87 - Kitchen/dining room, bedroom, bathroom - 22.05.1987.
- 1.12 8/379/74 - Extension to dwelling - 29.07.1974.
- 1.13 W/1518/54 - House and garage - 20.12.1954.

## **2 Description of Application Site**

- 2.1 The application site is located on Wolsey Road, Moor Park, adjacent to the junction with Heathside Road.
- 2.2 The site contains a detached dwelling, which is currently under construction but largely built. Works are currently taking place on site to implement planning permission 23/1477/FUL. The application dwelling contains a carriage driveway and a rear amenity garden which measures some 700sqm in area.
- 2.3 Within the rear garden, there is an outbuilding which sits 2.0m from the boundary with no.94 and 4.0m from the rear elevation of the newly constructed dwelling.

## **3 Description of Proposed Development**

- 3.1 This application seeks full planning permission for the erection of a single storey rear extension connecting the existing dwelling and outbuilding.
- 3.2 The proposed extension would be built to align with the northern flank elevation of the dwelling and would connect it to an existing outbuilding. The extension would have a width of 2.0m, a depth of 4.0m, and would have a flat/parapet roof with an overall height of 3.3m. The extension would contain a window within its inward facing (southern) elevation and would be built in brick to match the host dwelling.

## **4 Consultation**

### **4.1 Statutory Consultation**

- 4.1.1 Conservation Officer: [No objection]

*This application is for the erection of a single storey rear extension connecting the existing dwelling and outbuilding.*

*The property is located in the Moor Park Conservation Area.*

*Connecting outbuildings to principal buildings is generally discouraged, as it can lead to a sprawling footprint and disrupt the established hierarchy of built forms. However, the proposed extension would be modest in height, width and footprint so would be discrete. The proposal would have a limited impact on the wider Conservation Area. Any further extensions to the link are unlikely to be supported from a conservation perspective.*

*Were permission granted, I recommend that the external materials match the host dwelling.*

4.1.2 Batchworth Community Council: [No objection]

*Batchworth Community Council considered the application and have no comment.*

4.1.3 Moor Park (1958) Ltd: [Objection]

*The Directors of Moor Park (1958) Limited strongly object to the proposed link.*

*Whilst accepting that the structure the subject of the application comprises a limited addition of a few square metres to the site coverage, the effects of the proposal result in a single structure on the site covering just less than 30% of the site coverage, well in excess of the 15% site coverage laid down in the Moor Park Conservation Area Appraisal. This is compounded by the fact that the site constitutes a corner plot site where the works started in respect of this permission (together with the numerous applications for Variation of Conditions relating to the approved plans) a Certificate of Lawfulness for proposed development was granted for the detached outbuilding as it complied with the requirements of Class E of Schedule 1 of the General Permitted Development Order. However, by linking the building which was the subject of the Certificate of Lawfulness with the house, thereby creating one large structure with no break between the buildings, the net result is a structure well in excess of what would normally be allowed (almost double the site coverage set out in the Moor Park Conservation Area Appraisal). Approval of this application would also set a dangerous precedent for other properties in the Conservation Area to follow suit and construct buildings under Permitted Development Rights and apply for permission to link them to the house and obtain a permission which would not normally be granted. Accordingly, we request that the application be refused.*

4.1.4 National Grid: [No response received]

## **4.2 Public/Neighbour Consultation**

4.2.1 Neighbours consulted: 8

4.2.2 Responses received: 0

4.2.3 Site notice posted 09.08.2024, expired 31.08.2024.

4.2.4 Press notice published 16.08.2024, expired 07.09.2024.

## **5 Reason for Delay**

5.1 Committee cycle.

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

### 6.1 Legislation

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

- 6.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.1.3 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.1.4 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.
- 6.1.5 The Environment Act 2021.

## 6.2 Policy & Guidance

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

- 6.2.1 In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.
- 6.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

### *The Three Rivers Local Development Plan*

- 6.2.3 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.
- 6.2.4 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, and CP12.
- 6.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM6, DM13 and Appendices 2 and 5.

## 6.3 Other

- 6.3.1 Moor Park Conservation Area Appraisal (2006).
- 6.3.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

## **7 Planning Analysis**

### 7.1 Impact on Character and Appearance

- 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 relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the

character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'. Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) seek to ensure that development does not lead to a gradual deterioration in the quality of the built environment.

- 7.1.2 As the site is located within the Moor Park Conservation Area, Policy DM3 of the Development Management Policies LDD (adopted July 2013) is also applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area. The Design Criteria at Appendix 2 states that 4.0m is the depth generally considered acceptable for single-storey extensions to detached properties.
- 7.1.3 The Moor Park Conservation Area Appraisal (2006) provides supplementary planning guidance and is a material planning consideration in the assessment of applications within the Moor Park Conservation Area.
- 7.1.4 The Conservation Officer was consulted on the application and stated that connecting outbuildings to principal buildings within the Conservation Area is generally discouraged, as it can lead to a sprawling footprint and disrupt the established hierarchy of built forms. The Conservation Officer further stated that, notwithstanding the above, the proposed extension would be modest in height, width and footprint so would be discrete and would therefore have a limited impact on the wider Conservation Area. A condition for materials to match the dwelling is recommended. The Conservation Officer further states that any further extensions to the link are unlikely to be supported from a conservation perspective.
- 7.1.5 Factoring in the advice of the Conservation Officer, it is considered, for the reasons given above, that the proposed development would be acceptable in terms of its impact upon the host dwelling and wider Conservation Area. The comments of Moor Park (1958) Ltd are noted regarding the principle of linking outbuildings to the main dwelling through an extension. This point is noted by the Conservation Officer and acknowledged as generally not being favourable. However, in this instance, given the small scale and discreet nature of the link, including width, height and depth, it would not result in demonstrable harm relative to the existing situation.
- 7.1.6 It is also important to consider whether the proposals comply with the planning guidance for Moor Park as set out in the Conservation Area Appraisal (Oct 2006). Key aspects of the Moor Park guidance in relation to this application are the percentage of plot coverage in area, plot width coverage and distance to the boundaries. The Moor Park Conservation Area Appraisal sets the following guidance:
- Maximum building line width of 80% at the front building line
  - Buildings should not cover more than 15% of the plot area.
  - 1.5m being kept clear between flank walls and plot boundaries
- 7.1.7 The proposed development would not impact upon the front building line width percentage of the existing dwelling. The proposed development would maintain the existing spacing to flank boundaries. The site currently has a plot coverage of 23.5% (dwelling: 305sqm, outbuilding: 90sqm, site: 1680 sqm) when factoring in the existing dwelling and existing outbuilding. The proposed link structure (8sqm) would increase this figure to 24%. The proposed development would have an insignificant impact upon the overall plot coverage and would not harmfully impact the open and spacious character of the site and area.
- 7.1.8 It is considered that the removal of permitted development rights for outbuildings would be appropriate in this instance, given the plot coverage of the site. Permitted development rights for further extensions to the dwelling was removed following the grant of 21/2064/FUL and subsequent variations.

7.1.9 In summary, the proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), the Moor Park Conservation Area Appraisal (2006) and NPPF (2023).

## 7.2 Impact on amenity of neighbours

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

7.2.2 The proposed development would be spaced some 2.4m from the boundary with no.94 and would have a relatively low-profile flat roof. It is not considered that it would result in an impact on this neighbour or any other neighbour in terms of a loss of light or overbearing impact. The proposed development would contain ground floor level glazing that would be facing inwards within the site. It would therefore not give rise to any overlooking.

7.2.3 The proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

## 7.3 Highways & Parking

7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

7.3.2 The application dwelling would retain a driveway large enough to accommodate at least three car parking spaces which would meet the parking standards.

7.3.3 The proposed development is therefore acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

## 7.4 Rear Garden Amenity Space

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

7.4.2 The application site would retain a rear garden of over 700sqm which would exceed the amenity space standards.

## 7.5 Trees & Landscape

7.5.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows, and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.

7.5.2 The proposed development would not impact any trees. There are protected trees within the site a significant distance from the proposed works which are subject to tree protection measures secured under 23/1477/FUL and subsequent variations.

## 7.6 Biodiversity

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

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

## 7.7 Mandatory Biodiversity Net Gain

7.7.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

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

## 8 **Recommendation**

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

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 5767-PL101-LINK, 5767-PL102-LINK, 5767-PL103-LINK

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

C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture, and profile those of the existing building.

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

C4 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order

2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

#### Part 1

#### Class E – buildings etc

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

#### **Informatives**

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](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:

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

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised



to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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

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

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

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

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

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

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.