

## PLANNING COMMITTEE - Thursday 23<sup>rd</sup> January 2025

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

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

Ward: Chorleywood North and Sarratt  
Case Officer: Lilly Varnham

Recommendation: That PLANNING PERMISSION BE GRANTED subject to conditions.

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

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

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

### **1 Relevant Planning and Enforcement History**

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

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

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

### 3 Description of Proposed Development

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

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

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

## **4 Consultation**

### **4.1 Statutory Consultation**

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

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

Supporting documents:

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

Comments:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.1.5.1 Initial comments: [Objection]

Proposal

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

Recommendation

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

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

Comments/Analysis

Description of Proposal

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

Site and Surroundings

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

Highway Impact

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

Conclusion

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

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

#### 4.1.5.2 Further comments following amended plans: [No objection]

##### Proposal

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

##### Recommendation

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

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

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

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

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

##### Comments/Analysis

##### Description of Proposal

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

## Site and Surroundings

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

## Access and Parking

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

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

## Refuse and Waste Collection

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

## Emergency Vehicle Access

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

## Conclusion

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

## **4.2 Public/Neighbour Consultation**

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

4.2.2 Site Notice / Press Notice: [Not required]

4.2.3 Summary of Responses:

### Neutral

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

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

### Objection(s)

Spacing to boundary less than 1m in parts;

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

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

Solar panels not in keeping with aesthetics of area;

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

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

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

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

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

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

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

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

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

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

## **5 Reason for Delay**

5.1 Committee cycle.

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

### **6.1 Legislation**

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

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

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

The Environment Act 2021.

### **6.2 Planning Policy and Guidance**



## National Planning Policy Framework and National Planning Practice Guidance

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

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

### The Three Rivers Local Development Plan

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

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

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

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

### Other

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

## **7 Planning Analysis**

### **7.1 Overview**

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

## 7.2 Principle of Demolition

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

## 7.3 Design and Impact on the Street Scene

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

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

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

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

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

#### 7.4 Impact on amenity of neighbours

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

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

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

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

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

## 7.5 Wildlife and Biodiversity

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

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

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

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

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

7.5.5 In the event permission were to be granted a condition will be added to ensure that the ecological enhancements proposed are implemented in accordance with the submitted plan and appraisal.

## 7.6 Mandatory Biodiversity Net Gain

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

7.6.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to self-build development. However, a condition has been imposed to ensure that the development meets the self-build definition.

## 7.7 Trees and Landscaping

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

7.7.2 The application site is not located within a Conservation Area however the site is within an area wide TPO [TPO125], as such all trees are afforded protection. The application has been supported by a Tree Protection Survey [PLAN NO: 24-1737-TPP-A, Dated 01.11.24] and an Arboricultural Impact Assessment [24-1737-Report-A, Dated November 204] both produced by Canopy Consultancy. It is understood that no trees will be removed to enabled the development, through the proposed tree protection measures and construction methodology it is considered that it will be possible to minimise the impact of the proposed development on the retained trees. The Landscape Officer has reviewed the proposal and raised no objection subject to a remedial soft landscaping plan to be submitted upon completion of the development.

7.7.3 The trees within the site frontage (T1, T2, T3, T4) are set away from the area of proposed development and it is acknowledged that tree protective fencing is proposed around these trees and their root protection areas. Thus, it is not considered that these would be affected as a result of the proposed development.

7.7.4 In any case, in the event that permission were to be granted a condition would be added to ensure that the proposal is implemented in accordance with the findings of the Arboricultural Implications Assessment and Tree Protection Survey carried out by Canopy Consultancy. This includes the proposed foundation type close to the tree (T6), to ensure minimal impact on the tree from the works.

## 7.8 Rear amenity

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

7.8.2 Second floor plans have not been submitted and so it is not clear what the loft space is intended to be used for. Across the ground and first floor there would be a total of 6 bedrooms which would require 147sqm of amenity space. The site would retain



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

## 7.9 Highways, Access and Parking

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

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

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

## 7.10 Sustainability

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

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

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

## 7.11 Refuse/Recycling

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

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

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

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

## **8 Recommendation**

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

### **C1**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure that the development be constructed as a self-build dwelling within the definition of self-build and custom build housing in the 2015 Act and in the interest of biodiversity net gain to comply with Schedule 7A to the Town and Country Planning Act 1990.

- C8 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works including ground protection, in accordance with Arboricultural Implications Assessment and Method Statement carried out by Canopy Consultancy, Dated November 2024 and 24-1737-TPP-A (Tree Protection Plan). The protective measures, including fencing, shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the

Development Management Policies LDD (adopted July 2013).

- C9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage.

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

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

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

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

- C10 Within one month of the occupation of the development hereby approved the proposed Ecological Enhancements including the installation of bird and bat boxes shall be implemented in accordance with the detail in the submitted Preliminary Ecological Appraisal report produced by Greenspace Ecological Solutions dated November 2024 and as shown on the Amended Proposed Biodiversity Plan drawing no [APL-DR-P3-XX-45 REV 3 ] and shall be maintained in such condition thereafter.

Reason: To maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C11 The development hereby permitted shall be implemented in accordance with the Arboricultural Method Statement and Foundations as more specifically shown on drawing number APL-DR-P3-XX-33 and APL-DR-P3-XX-34 and as specified within the submitted Arboricultural Implications Assessment and Method Statement carried out by Canopy Consultancy, Dated November 2024.

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

- C12 Prior to the first occupation of the new dwelling, the energy saving measures outlined within the submitted Energy Statement prepared by SAPRatings to achieve the requirements of Development Management Policy DM4 shall be implemented in full and be permanently maintained thereafter.

Reason: To ensure that the development makes as full a contribution to sustainable development principles as possible and in the interests of amenity in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM4 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C13 Prior to the installation of the air source heat pump hereby approved, details including technical specification and noise output shall be submitted to and approved in writing by the Local Planning Authority, along with a full specification of any acoustic mitigation measures required to mitigate any impacts on neighbouring occupiers. The air source heat pump shall thereafter be installed only in accordance with the approved details and shall be permanently retained as such thereafter.

Reason: To ensure that the occupiers of the adjacent neighbouring properties are not subjected to excessive noise and disturbance having regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

## 8.2 Informatives

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](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@threerivers.gov.uk](mailto:cil@threerivers.gov.uk)). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

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

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

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development

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

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

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

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

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

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

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

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

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

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

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

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

- 15 Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.
- 16 If reptiles are found during the works, they should be left to move safely out of the way on their own accord. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water.
- 17 In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not Creating a cleaner, greener, healthier Hertfordshire possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.
- 18 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 19 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements

before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

- I10 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
- I11 The applicant is advised that the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.