

PLANNING COMMITTEE – THURSDAY 23RD JANUARY 2025

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

Parish: Chorleywood Parish Council

Ward: Chorleywood South and Maple Cross

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

Case Officer: Alannah Stringer

Recommendation: That Planning Permission be approved subject to conditions.

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

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SIO2L8QFKZK00>

1 Relevant Planning History

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

2 Description of Application Site

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

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

3 Description of Proposed Development

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

4 Consultation

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

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

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

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

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

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

The scale of the flat roof.

No street scene has been provided.

4.3 Chorleywood Parish Council, Consultation 2: Objection

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

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

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

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

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

5 Public/Neighbour Consultation

5.1.1 Number consulted: 12.

5.1.2 No of responses received: 2

5.1.3 Site Notice: None Press notice: None.

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

Concerns were raised regarding the following:

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

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

6 Reason for Delay

6.1 Amended plans received and re-consultation.

7 Relevant Planning Policy, Guidance and Legislation

7.1 National Planning Policy Framework and National Planning Practice Guidance

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

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

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

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

The Environment Act (2021).

7.2 The Three Rivers Local Development Plan

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

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

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

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

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

8 Planning Analysis

8.1 Design and Impact on the Host Dwelling and Street Scene

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

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

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

8.2 Impact on Neighbours

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

- 8.2.8 In regard to the proposed raised decking, it is not considered that this would result in overlooking or a reduction in privacy for the western neighbour. The proposed raised decking would have a total depth of 4m beyond the rear elevation of the proposed rear extension. Whilst the topography of the site and varying land levels are acknowledged, the proposed decking would be no higher than the existing decking and would be set in from the boundary with 58 Clements Road by 1.5m. Consequently, when considering the set back of the decking coupled with the existing boundary treatment of hedging and fencing it would not cause any unacceptable impact upon neighbouring privacy levels.
- 8.2.9 In respect to concerns raised regarding parking arrangements, noise and physical disruption during the construction period, an informative regarding the Control of Pollution Act 1974 and restrictions of construction hours/noise will be attached to the permission.
- 8.2.10 Additionally, by virtue of the location of the proposed roof light, it is not considered that this would result in an adverse impact to residential amenity.
- 8.2.11 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring occupier and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.3 Biodiversity

- 8.3.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 8.3.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application.
- 8.3.3 In summary, the proposed development is acceptable in accordance with Policy CP9 of the Core Strategy (adopted 2011) and Policy DM6 of the Development Management Policies document (adopted 2013).

8.4 Mandatory Biodiversity Net Gain

- 8.4.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).
- 8.4.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.

8.5 Trees and Landscaping

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

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

8.6 Rear Amenity

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

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

8.7 Highways and parking provision

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

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

9 Recommendation

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

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

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

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

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

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

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

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

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

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

9.12 **Informatives:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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