

PLANNING COMMITTEE - Thursday 19 June 2025

24/0532/FUL – Demolition of existing buildings; subdivision of site and construction of two self-build two-storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works, at Overbury, Woodside Walk, Northwood, HA6 3ET

Parish: Batchworth Community Council
Expiry of Statutory Period: 07.08.24
EOT 27.06.25

Ward: Moor Park and Eastbury
Case Officer: Clara Loveland

Development type: Minor Dwellings

Recommendation: That subject to no new material considerations being raised, PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee: Batchworth Community Council called in if officers are minded to approve due to concerns with the development being out of character and impacting privacy, for the reasons set out at paragraph 4.1.4.

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=SBCQC7QFJBV00>

1 Relevant planning history

- 1.1 20/0644/FUL - Demolition of existing dwelling and construction of two detached two storey dwellings with accommodation within the roof, balconies, inclusion of new central vehicular access with associated hardstanding and landscaping – Refused 26.05.2020, for the following reasons:

R1 Character: The proposed dwellings by virtue of their siting, plot size and design would result in an incongruous form of development which fails to have regard to the prevailing character of the immediate area, to the detriment of the visual amenities of the locality. The introduction of the dwelling known as Unit 1, would harm the strong and uninterrupted appearance of the woodland character of the area and by virtue of its siting would have an inadequate quality of amenity space due to the number of mature trees located within the rear garden, to the detriment of the residential amenities of future occupiers. The proposal therefore would have an adverse effect on the character and appearance of the street scene and area and fails to comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).

R2 Overlooking: The proposed development by reason of its siting, scale, design and siting of windows would result in unacceptable levels of both actual and perceived overlooking to the residential occupiers of Dell Lodge and would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R3 Trees: The proposed development would constitute an inappropriate layout which would result in the total loss of protected trees and significant harm to the physical health and continued retention of trees both on and immediately adjacent to the site, and detriment to the woodland character of the area. Furthermore, it is considered that, due to the nature of the proposal, the proposed development would result in an increased pressure for further tree removals and unnecessary pruning of higher quality trees due to the unsuitability of the amenity space serving Unit 1. These trees positively contribute to the visual amenities of the locality and therefore the loss of these trees would harm the character of the area and would be contrary to Policies CP1 and CP12 of the Core

This application was appealed (PINS ref: APP/P1940/W/20/3263733). The appeal was dismissed in relation to reasons for refusal 1 (character) and 3 (trees), however reason 2 in relation to the impact of the development on neighbouring properties was not upheld and considered acceptable.

- 1.2 19/2038/FUL – Demolition of existing dwelling and construction of two detached two storey dwellings with accommodation within the roof, balconies, inclusion of new central vehicular access with associated hardstanding and landscaping – Withdrawn.

- 1.3 8/263/88 – Dwelling to rear – Refused 28.04.1988, for the following reasons:

R1: In the District Plan for Three Rivers, the site is within the Oxhey Woods area. In the Oxhey Woods area it is the policy of the Local Planning Authority as set out in Policy 54 of the District Plan that in order to preserve the essential visual amenity and character of the area, densities in excess of two dwellings per acre will not normally be permitted. Although the site of the application is considered to be acceptable in terms of its size, it is considered that the development would not conform with Policy 54 in that the curtilage of the dwellinghouse known as Overbury, which would be retained, is below the minimum normally permitted in the area. As such, the development would be detrimental to the general residential characteristics of the Oxhey Woods area. The local planning authority does not consider that there is any justification for an exception to be made to the normal policy for development in the area in this case.

R2: In order that the development may take place, a number of trees would need to be removed. The removal of these trees would be detrimental to the visual amenities of the area which is characterised by its well-wooded nature.

R3: The position of the house indicated on the submitted drawing is considered to be unsatisfactory relative to the garden of the property on the adjoining site known as "Pendowner" due to the short distance to the boundary. As such, the development fails to meet the standards adopted by the local planning authority for the spacing of residential properties and the provision of a satisfactory length of garden and, as a consequence, would result in a loss of amenity to the occupiers of the adjoining house due to overlooking.

- 1.4 W/1721/62 – New double garage, conversion of existing garage into playroom – Permitted 23.10.1962.

2 Site Description

- 2.1 The application site contains a two-storey detached dwelling known as Overbury located on the western side of Woodside Walk, Northwood. Woodside Walk is a private residential road characterised by large, detached dwellings of varying architectural styles and designs, located within well-wooded, spacious plots.
- 2.2 The host dwelling is an Arts and Crafts style dwelling finished in mixed red brickwork with a dark tiled pitched roof form and dark-coloured timber cladding to the gable ends. The dwelling has characterful features, including a chimney and leaded windows. There is an existing first-floor balcony as well as a large two-storey bay window to the southern elevation of the host dwelling. The dwelling is orientated such that the front elevation faces the northern boundary, and the amenity space serving the dwelling is located to the south of the building. There is an existing carriage driveway to the site frontage with space for at least four vehicles. There is an existing detached flat roofed garage to the north of the dwelling. To the eastern (front), northern and southern sides of the site there are protected trees covered by Tree Preservation Order (TPO) TPO0362.
- 2.3 The neighbour to the south, Mulberry House, is a two-storey detached dwelling set in from the shared boundary with the application site. This neighbour is located on a similar building line and land level to the host dwelling, although this neighbour is orientated such that the front elevation faces the highway. The neighbour to the north, Holly Manor, is a two-storey detached dwelling set in from the shared boundary with the application site. This neighbour is located on a similar land level to the

host dwelling and is slightly set forward with an existing garage extending forward of the building line. The neighbour to the west and rear, Dell Lodge, is a bungalow orientated to the north, built behind the established row of dwellings along Woodside Walk. It is set along Pinewood Close, accessed off Woodside Walk.

- 2.4 Opposite the application site is Oxhey Wood which is located within the Green Belt and a Local Wildlife site, although these designations fall outside of the application site, separated by the highway of Woodside Walk.

3 Description of proposed development

- 3.1 This application seeks planning permission for the demolition of existing buildings; subdivision of site and construction of two self-build two-storey detached dwellings with accommodation in the roofspace served by front/rear dormers and side rooflights; with associated access, parking and landscaping works.

- 3.2 Amended plans were received during this application to correct discrepancies found across the submitted plans. The amendments also made the following changes:

- Omitted the first-floor rear balconies
- Incorporated design differences between the dwellings
- Reduced the extent of hardstanding
- Increased the separation distance between the two dwellings
- Moved the dwelling proposed in Plot 1 by a further 1m forward, towards the front boundary and reduced the extent of the driveway within this plot, omitting the carriage driveway.
- Amendments also included additional tree planting within both plots. An amended AIA and Landscape plan was also submitted.
- The description of works was also altered to include “self-build” within the title. The proposal as amended is described as follows.

- 3.3 The existing dwelling and garage would be demolished, and the site subdivided into two new plots, each accommodating one dwelling. The dwellings would face eastwards and front the road, therefore following the orientation of other buildings along the street. In terms of the building line of other dwellings along Woodside Walk, based on plan number 5624 A100 REV X, the proposed buildings appear to be positioned broadly in line with Holly Manor and about 2m forward of Mulberry House. Plot 1 is identified towards the south, closest to Mulberry House. Plot 2 is located to the north, closest to Holly Manor. To the rear of Plots 1 and 2 is Dell Lodge.

- 3.4 Plot 1 would contain a two-storey detached dwelling. It would have a footprint of 202 sqm (including front porch canopy). It would have a flank depth of 12.7m and a width of 15.6m across the ground and first floors. It would be set a minimum of approximately 4m from the southern boundary line and 2.5m from the newly created northern boundary line which would divide Plots 1 and 2. There would be a front central recess of 1m in depth with a width of 6.7m. At first floor there would be a slight projection to accommodate a central window with a semi-circular roof. There would be 2, two storey hipped projections to the front on either side of the recess. They would have a ridge height of 8.3m and have an eaves height of 6.3m. The dwelling would have a crown roof of 26sqm with a ridge height of 9.85m falling to an eaves height of 6.3m. Accommodation in the roof would be served by 5 dormers, 2 to the front and 3 to the rear. There would be an open porch entrance of a further 1m depth and 6m width to the front, supported by 4 pillars. The dwelling would have 5 bedrooms. The dwelling would be served by the existing access point, extending into a driveway with a wider parking area close to the dwelling. The plans indicate that there would be a patio area to the rear and a mixture of retained and proposed vegetation around the site. The plans indicate that the dwelling in Plot 1 would be finished in a sand-coloured brick with a dark tiles roof.

- 3.5 Plot 2 would contain a two-storey detached dwelling. It would have a footprint of 166sqm (including front storm porch). It would have a flank depth of 11m and a width of 14.4m across the ground and first floors. There would be a front central hipped projection of 0.8m depth and 4.7m width. This would have a hipped roof with a ridge height of 8m. There would be a storm porch entrance of a

further 1m depth and 4m width. The dwelling would be set 2.5m from the southern boundary (newly created boundary between Plots 1 and 2) and 3.5m from the northern boundary. The dwelling would have a crown roof of 14sqm and accommodation in the roof would be served by 5 dormers, 2 to the front and 3 to the rear. The dwelling ridge height would be 9.85m falling to an eaves height of 6.3m. The dwelling would have 4 bedrooms. The dwelling would be served by a single access and have a wider parking and turning area close to the dwelling. The plans indicate that the dwelling in Plot 2 would be finished in a red brick with a dark tiled roof. The plans indicate that there would be a patio area to the rear and a mixture of retained and proposed vegetation around the site.

- 3.6 Both dwellings would have front, flank and rear facing windows across the ground and first floor. There would also be windows in each of the dormers within the roof as well as roof lights on the flank roofslopes.
- 3.7 Both driveways would be constructed using permeable block paving with Plot 1 and Plot 2 comprising of a single driveway each. The existing access points would be utilised to serve the plots.
- 3.8 In total, 8 trees are proposed to be removed (T13,14,16,17,18,1, 20 and 21) as referred to on the proposed Landscape Plan (dated April 2025 drg no 24/249/1 REV E) and on page 14 of the revised Arboricultural Impact Assessment, Draft Tree Protection Plan 1 Demolition and Draft Tree Protection Plan 2- Phase 2 Construction (Barlett Consulting, dated 09th May 2025).
- 3.9 New native tree planting is proposed for the frontages and sides of each plot. Some of the existing mature trees are protected.
- 3.10 Each dwelling would have an air source heat pump located on the flank elevation at ground floor level (close to the newly created boundary between the plots).
- 3.11 This application proposal follows withdrawn and refused (appeal dismissed) schemes which have also sought the demolition of the existing dwelling, subdivision of the site and erection of 2 dwellings. This proposal is materially different to the previous refusal which was dismissed at appeal (20/0644/FUL, APP/P1940/W/20/3263733). The differences are noteworthy and are set out within section 8.1 of this report, under 'Overview'.

4 Consultee responses

- 4.1 **Statutory consultation:** An initial consultation took place on 14th June 2024 for 21 days. Due to amended plans neighbours and consultees were reconsulted on 28th November 2024 for 21 days. A further re-consultation of neighbours and consultees occurred due to additional supporting documents and amended plans, and the description change on 28th April 2025 for 14 days. Due to an additional final set of plans and a new AIA being submitted, the landscape officer and neighbours were reconsulted for a fourth time on 29th May 2025 for 14 days. This expires on 12 June 2025.
- 4.2 Due to the extent of consultation, these are contained within **Appendix 2**.

5 Neighbour consultation

- 5.1 **Site notice:** Posted: 17.06.24. Expired: 08.07.24.
- 5.2 **Press notice:** Not required.
- 5.3 5 neighbours consulted across 4 dates. No. of responses: 4 objections received (three from neighbouring properties and one from a representative of all three neighbouring properties).
- 5.4 **Consultation 1:** 14 June 2024

Summary of comments:

- Proposal does not address 2021 refusal or appeal.
- Severe effects on adjacent properties (light, privacy and outlook).

- No in-keeping with the rest of Woodside Walk.
- Change of character, low density, spacious road.
- Houses in the street are individual, the proposed houses will be very similar.
- Removal of 8 trees will cause a negative effect on other trees.
- Neither house includes a garage and large frontage with hardstanding for car parking.
- Heavy plant vehicles during demolition will have a detrimental impact on tranquil road.
- A single property on the plot would be more in-keeping.
- Houses sit close to each other which is at odds to the existing street scene
- Increased pressure for further tree removal.
- Previous LPA not addressed.
- First-floor rear balconies will be overlooked.
- Incongruous and fails to have regard to the prevailing character.
- Actual and perceived overlooking.
- Inappropriate layout, uncharacteristically small compared with vicinity.
- Significant areas of hardstanding

5.5 **Consultation 2:** 28 November 2024

Summary of comments:

- Revised proposal continues to be unacceptable.
- Overall scale and massing remains unchanged
- Very little differentiation between the dwellings/design not addressed.
- Infringement of 45-degree splay line to Mulberry House.
- Houses will sit further forward of adjacent dwellings.
- Lighting assessment remains missing.
- Houses are uncharacteristically small for the road.
- Overlooking concerns to Dell Lodge.
- Future impact on trees due to dwellings being closer to the boundaries.
- Significant increase in hardstanding in the front gardens.
- Close to neighbouring boundaries.
- Lack of garages is impractical.
- At odds with low density street.
- Cramped and out of character.

5.6 **Consultation 3: 28 April 2025**

Summary of comments:

- Large amount of intrusion into root protection of T11 in Plot 1.
- Trees to be removed are of public amenity value and all importance of character and screening.
- Limited space for replanting and undue pressure on trees.
- The proposal does not overcome Inspectors' concerns.
- Application does not include BNG requirements. Whilst the description has changed to self-build, there is no information to back this up.
- The revised proposal does not alter the proposed houses on the plot, their relationship with each other, surrounding houses, floor plans or elevations.
- Development out of character.
- Unacceptable relationship with neighbouring properties – revised plans have not overcome this.
- Inappropriate parking provision.
- Neither house includes a garage.
- Overlooking arising from the first-floor rear windows.
- Design has not addressed the dismissed appeal concerns. Not enough has been done to differentiate the properties.

5.7 **Consultation 4: 29 May 2025**

Summary of comments:

- At the time of writing this report, the consultation remains ongoing until 12th June 2025.

5.8 The above comments are also contained within **Appendix 3**.

6 Reason for Delay

6.1 Submission of amended plans and supporting documents.

7 Legislation and Relevant Local and National Planning Policies

7.1 Legislation

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

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

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

7.1.4 The Environment Act 2021.

7.2 National Planning Policy Framework and National Planning Practice Guidance

- 7.2.1 In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.
- 7.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

7.3 Three Rivers Local Development Plan

- 7.3.1 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12.
- 7.3.2 The Development Management Policies Local Development Document (LDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM4, DM6, DM8, DM9, DM10, DM13, Appendix 2, and Appendix 5.
- 7.3.3 Batchworth Neighbourhood Plan 2023-2038 (2023 Submission Version) Adopted May 2025.

7.4 Other

- 7.4.1 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).
- 7.4.2 Affordable Housing Supplementary Planning Document (adopted June 2011).
- 7.4.3 Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing (April 2024).
- 7.4.4 South West Hertfordshire Local Housing Need Assessment (2024).
- 7.4.5 Housing Delivery Test Action Plan (June 2024).
- 7.4.6 Housing Land Supply Update (December 2024)

8 **Analysis**

8.1 Overview

- 8.1.1 This application proposal follows a withdrawn and a refused scheme which both sought the demolition of the existing dwelling, subdivision of the site and erection of 2 dwellings. The principle of the proposed development (subdivision of the site and erection of 2 new dwellings) is unchanged however, this proposal is materially different in terms of design from the previous refusal which was dismissed at appeal (20/0644/FUL / APP/P1940/W/20/3263733).
- 8.1.2 The appeal decision particularly identifies concerns with a) design, b) layout and c) impact on trees. Whilst the refused application (20/0644/FUL) identified concerns with overlooking, this was not upheld in the appeal decision. This appeal decision is contained in **Appendix 4**.
- 8.1.3 Since the appeal decision, the following key changes have been made and put forward within this application:
- **Plot size:** Increase in Plot 1 (Unit 1) plot area by 45 sqm from 1118 sqm as refused to 1163 sqm as proposed. Reduction in Plot 2 (Unit 2) plot area by 45 sqm from 1060 sqm as refused to 1015 sqm as proposed.

- **Position:** The distance of the building in Plot 1 (Unit 1) from the southern boundary with Mulberry House has been increased by 2m, from a minimum distance of 2m as refused to 4m as now proposed. Also, an increase in distance to the newly created boundary between the dwellings by 0.25m from 2.25m as refused to 2.5m as proposed. Increase in the distance of Plot 1 (Unit 1) from the front boundary by 3.8m from 15.7m as refused to 19.5m as proposed. Increase distance of Plot 2 (Unit 2) by 1.5m to the northern boundary with Holly Manor from 2m as refused to 3.5m as proposed. Increase Plot 2 (Unit 2) distance from the front boundary by 5.6m from 16.4m as refused to 22m as proposed.
- **Height:** Reduction in maximum height of Plots 1 and 2 (Units 1 and 2) by 0.25m from 10.1m as refused to 9.85m as proposed. (Reduction of 3%).
- **Width:** Reduction in maximum width of Plot 1 (Unit 1) by 1.2m from 16.8m as refused to 15.6m as proposed (Reduction of 7%). Reduction in Plot 2 (Unit 2) by 2.4m from 16.8 m as refused to 14.4m as proposed (Reduction of 14%).
- **Depth:** Reduction in maximum depth of Plot 1 (Unit 1) by 4.7m from 17.4m as refused to 12.7m as proposed (Reduction of 27%). Reduction in Plot 2 (Unit 2) by 6.4m from 17.4m as refused to 11m as proposed (Reduction of 37%).
- **Footprint:** Reduction in the footprint of Plot 1 (Unit 1) by 50 sqm, from 252 sqm as refused to 202 sqm as proposed (Reduction of 20%). Reduction in Plot 2 (Unit 2) by 87 sqm from 253 sqm as refused to 166 sqm as proposed (Reduction of 34%).
- **Trees:** Reduction in the number of trees to be removed from 12 (10 Category C and 2 Category U) as refused to 8 as proposed (7 Category C trees and 1 Category U).
- **Design:** The refused scheme included 2 dwellings of identical appearance and had features such as raised eaves, two-storey flat roof projections and first floor rear walk-on balconies. Overall, the refused scheme was contemporary in design. The proposed scheme retains some contemporary design approaches, however, is more traditional in design (e.g. hipped roofs, brick work, dormers). There is also some a variation between the 2 dwellings so that they are no longer identical. Differing features included crown roofs, two storey hipped projections, front and rear dormers, window lintels, differing brick/stone. Also, the omission of balconies.

8.1.4 In summary, the changes amount to design differences, reductions in footprint, width, depth, height and increased spacing to the boundaries. These differences are noteworthy and shown in **Appendix 1** which contains the refused block and elevation plans alongside the proposed block plans and elevations.

8.1.5 Since the previous planning application, the planning policy context has altered by virtue of the Batchworth Neighbourhood Plan being adopted as part of the statutory development plan. The National Planning Policy Framework (NPPF) has also been updated, and this application assesses the proposal against the current NPPF (December 2024).

8.2 Principle of development

8.2.1 The proposed development would result in the net gain of 1 dwelling. The site is not identified as a housing site in the Site Allocations document. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

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

- The location of the proposed development, taking into account the Spatial Strategy*

- ii. *The sustainability of the development and its contribution to meeting local housing needs*
- iii. *Infrastructure requirements and the impact on the delivery of allocated housing sites*
- iv. *Monitoring information relating to housing supply and the Three Rivers housing targets.*

8.2.3 The application site is within Northwood which is identified as a Secondary Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that some new development will take place on previously developed land and appropriate infilling opportunities within the Secondary Centres and Core Strategy Policy PSP3 indicates that the Secondary Centres will provide approximately 24% of the District's housing requirements over the plan period.

8.2.4 As set out within the NPPF (2024) previously developed land is defined as:

*“Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; **land in built-up areas such as residential gardens**, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”.*

8.2.5 The application site currently contains 1 residential dwelling including a residential garden within a built up area and as such does not fall within the scope of previously developed land as defined by the NPPF. The application site does not lie within a conservation area and the building is not a Listed or a Locally Important Building. As such, there are no overriding policy requirements to retain the existing dwelling. Given the location of the site within a Secondary Centre and within a residential area, there is no in principle objection to residential development of the application site in the context of Policy CP2, subject to consideration against all other material considerations as set out within this report.

8.3 Impact on the character and appearance of the street scene

8.3.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. The NPPF encourages the effective use of land and at the heart of the NPPF is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.

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

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

- i. *Tandem development*
- ii. *Servicing by an awkward access drive which cannot easily be used by service vehicles.*

- iii. *The generation of excessive levels of traffic.*
- iv. *Loss of residential amenity.*
- v. *Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.).*

- 8.3.4 Policy BW DE1 sets out that new development in the Batchworth Neighbourhood Plan area shall be based upon a design-led approach to development underpinned by good practice principles and reflecting a thorough site appraisal. Respond positively to guidance and principles established in the Batchworth Neighbourhood Design Code, including but not limited to prevailing building heights, materials, development frontages, plot widths, boundary treatments and street enclosure.
- 8.3.5 This section will focus on the identified concerns drawn out from the appeal decision, these being a) design, b) layout and c) impact on trees which together formulate the character and appearance in the context of the application site and the street of Woodland Walk.
- 8.3.6 The application site is located within a residential area, accessed along Woodside Walk which is characterised by a low-density pattern of development with large detached dwellings set within spacious plots, set along a similar building line. Each of the dwellings along Woodside Walk are largely individualistic in design although are predominately traditional in character. The street also contains trees and greenery which collectively make a significant contribution to the semi-rural green character and appearance of Woodside Walk.
- 8.3.7 The current plot serving the dwelling known as Overbury has historically been reduced in size by virtue of its previous subdivision and the erection of a new dwelling to the rear, known as Dell Lodge. Dell Lodge is accessed via Pinewood Close where a total of 4 dwellings were erected resulting in the subdivision of some nearby sites. Notwithstanding Pinewood Close, the plots on Woodside Walk are larger and more spacious containing large-detached dwellings, thus, have retained the overall prevailing character of the street. In this case, it is acknowledged that the proposal would further subdivide the site, resulting in two new plots and dwellings that would be smaller than the general size of plots and dwellings within Woodside Walk. This point was raised by the Inspector in paragraph 5 of the appeal decision where the Inspector commented...*“the appeal plots would be smaller than other properties on this road”* and went on to conclude, that this was one factor of the appeal scheme which *“...would fail to reflect the existing development pattern on Woodside Walk”* (**Appendix 4**).
- 8.3.8 Notwithstanding this, the Planning Statement (Smith Jenkins, March 2024) submitted with this proposal in paragraphs 3.15-3.16, sets out the plot ratios of dwellings along the street. The plot ratio (also referred to as plot coverage) is the difference between the plot size and footprint of each of the dwellings. This exercise provides a useful tool for understanding the space around each of the dwellings. The plot ratio table provides a range of ratios from 13-25% and indicates that the new dwellings would have coverage of some 18%, thus falling within the overall range across the street. When taking the most adjacent neighbours as examples, Mulberry House (13% coverage) and Holly Manor (16% coverage), the new dwellings would be marginally higher at some 18%. The figures provided within the plot ratios table broadly reflect the plot and dwelling sizes, which can be drawn out from the measurements obtained from the submitted Location Plan (Drg No. PP-12937313v1). Evidently, the proposed plot coverage/ratio would be akin to other plot coverages within the street and in this regard would not be at odds with this aspect of the character of the area.
- 8.3.9 In paragraph 5 of the appeal decision the Inspector commented that *“...the context for the proposed development is Woodside Walk, which has a spacious low-density pattern of the development”*. Drawing from this, the spacious nature of the dwellings relative to their plot sizes is important in the context of this proposal. In paragraphs 5 and 7 of the appeal decision the Inspector outlines how the smaller appeal plots would be at odds with the surrounding area and discusses that there would be *“a lack of space around them”* referring to the spacing of the dwellings relative to the boundaries. It is evident from the appeal decision that the combination of the small plot size and space around

them (or lack thereof) resulted in a proposal which would not accord with the character of the street. Since the appeal, the plot size in this proposal is relatively unchanged however, the footprint of each dwelling has been reduced (Plot 1 by 20% / Plot 2 by 34%) and each dwelling is set further back into the plot and set further away from the boundaries. Although marginal at an extra 0.25m spacing, the gap between each house is also greater (see section 8.1.3 of this report for a full summary of changes). The resultant effect of this is that the spaciousness around the dwellings has increased. When considering this factor, the spacious nature of the plots can be said to be comparative to other dwellings within the street and in this regard is considered to be in keeping with the general character of the street. In this case, due to the width of each plot along the street, they are largely read individually rather than in combination with one another. As such, when viewed from the wider street, the spacing around each of the dwellings would be most notable rather than the plot size (of which the rear parts of the plots would not be visible from the wider street). Furthermore, the new dwellings would be positioned relatively centrally within the plots and would be similarly spaced to other dwellings within the wider street. When considering this, appropriate spacing would be maintained between neighbouring dwellings. Due to this, the new dwellings would not appear disproportionate or cramped within the application site. This weighs in favour of the proposal and would likely add to the spacious feel of the street. When considering the overall layout, it is considered that the amended proposal would preserve the character and appearance of Woodside Walk, overcoming the concern identified in the appeal decision.

- 8.3.10 In terms of design, a key concern within the appeal decision was the identical design of the dwellings. In paragraph 6 of the appeal decision, the Inspector stated, *“Whilst a contemporary approach would be acceptable in this location in principle, the design detail of the proposed dwelling and that fact that they would be identical would not respond to the local context.”* In this case, it is acknowledged that there are some similarities between the two dwellings, including the tiling, crown roofs, hipped roof features and window details. Whilst many of the dwellings within the street are individualistic, it is noteworthy that there are examples of other dwellings in the street which share some design similarities. For instance, Mulberry House and Lindley House follow similar design features, including gables, red brick, brick detailing, windows, gates, entrances, and driveways. When these two dwellings are viewed in conjunction, they appear similar in overall architectural style and design. From this, there is some scope for similarities between pairs of dwellings within the street. Notwithstanding this, the proposed new dwellings in this scheme would have different footprints, scales and external finishes. Furthermore, whilst some contemporary features are included such as the crown roofs, dormers and windows (which are similar between both dwellings), other more traditional elements including the brickwork, hipped roofs and eaves/ridge heights would reflect characteristics found within other dwellings along the street and vary between the new dwellings. When considering the context of Woodside Walk, the two new dwellings would contain sufficient differentiation and design detailing to preserve the character and appearance of Woodside Walk, overcoming the concern identified in the appeal decision. Nevertheless, to ensure that the dwellings remain of a differential design and external finish, it would be reasonable and necessary to secure a full schedule of materials by condition.
- 8.3.11 Within the appeal decision the Inspector states that the trees on the site collectively...*“make a significant contribution to the semi-rural green character and appearance of the site and Woodside Walk”*. The Inspector concluded that the “loss of the trees would harm the green and wooded character and appearance of the site and area”. In paragraph 10, the Inspector discussed the likely future pressure that there would be to fell trees. Since the appeal, an application was lodged to undertake works to a number of trees in the garden. The application was refused by TRDC but the subsequent appeal was allowed. The appeal decision 21/2688/DDD (PINS ref APP/TPO/P1940/833) (contained in **Appendix 5**) references the area of woodland as a whole being of *“high amenity value”*, providing further commentary that the trees within the site are important.
- 8.3.12 The revised AIA and Landscape plan indicate that 8 trees would be removed from the site however, other planting would take place. This differs to the appeal scheme where more than 12 trees were proposed to be removed and there was less scope for replacement planting. In this application, there would therefore be an overall reduced loss of trees and greater replanting compared with the appeal scheme which weighs in favour for this scheme. Furthermore, the Landscape Officer who was consulted during this application, although raising initial concerns, has raised no objection to the amended plans and AIA which have reduced the tree loss, increased replanting and omitted the

carriage driveway in Plot 1, which has in turn reduced the incursion into T11 to an acceptable level. In this instance, T11, which is located to the front of Plot 1 and considered to have a good amenity level, would therefore be retained and not significantly encroached. Together, this combination would help to maintain the established semi-rural green character and appearance of Woodland Walk.

8.3.13 The appeal decision also raised concern with the extent of driveways that “would include a significant level of hard surfacing”. The appeal scheme included almost full width and depth hard surfacing in Plot 2 (Unit 2) and a large carriage driveway in Plot 1 (Unit 1). Since the appeal decision, the extent of driveways and hard standing has been significantly reduced. This results from an increase in the soft landscaped area within the driveway of Plot 1 and omitting its carriage driveway and the addition of a large area of soft landscaping and vegetation within the frontage of Plot 2, narrowing the width and depth of the driveway. The differences are shown in **Appendix 1**. In this case, the wider street contains a mixture of different driveways with varying degrees of hardstanding. For instance, some have single access points whilst others have two forming a carriage driveway. Whilst some have large amounts of soft landscaping within the frontages, some have large amounts of hardstanding varying in proportion and style. This variation results in some scope for difference within the application site. In this case, both plots would have a single-access point and would be surrounded by planting and landscaping which would be similar in extent to many other driveways within the street. As such, it is considered that the proposed extent of frontage hardstanding serving driveways would be appropriate to serve the dwellings and in-keeping with the street. As such, the identified concern in the appeal decision is considered to have been overcome. Notwithstanding this to secure the materials and overall appearance of the landscaping, it would be reasonable and necessary to secure a hard and soft landscaping scheme via condition.

8.3.14 In conclusion, when considering the design, layout and impact on trees, the proposed amended scheme has overcome previous concerns raised in the appeal decision. Furthermore, the proposed subdivision and new dwellings would be appropriate in terms of scale, design, layout and as such would comply with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD and Policy BW DE1 of the Batchworth Neighbourhood Plan 2023-2038 (2023 Submission Version) Adopted May 2025. Notwithstanding, when considering the additional built form on the site and to prevent overdevelopment of the application site, it is considered reasonable and necessary to remove some “permitted development” rights in relation to extensions and alterations which could result in a massing of development akin to that of the dismissed appeal, or a coverage of the plot with further additions that may harm the character and appearance of the dwellings, the plot and the locality, as well as the aims of the proposed landscaping.

8.4 Quality of accommodation for future occupants and Impact on amenities of neighbours

8.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space and specific standards for the provision of amenity space are set out in Appendix 2 of the Development Management Policies document as below:

- 3 bed dwelling - 84 square metres
- 4 bed dwelling - 105 square metres
- additional bedrooms - 21 square metres each

8.4.2 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.

8.4.3 Appendix 2 of the Development Management Policies document states the following with regard to back-to-back distances:

8.4.4 *“Distances between buildings should be sufficient as to prevent overlooking particularly from upper floors. As an indicative figure, 28m should be achieved between the faces of single or two storey*

buildings backing onto each other or in other circumstances where privacy needs to be achieved. Where rear garden length is relied upon a minimum separation distance of 14m should be achieved.”

- 8.4.5 Policy DM9 refers to contamination and pollution control. DM9(d) stated that planning permission will not be granted for development which:
- i) Has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development*
 - ii) Has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation; or*
 - iii) Would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not.*
- 8.4.6 Plot 1 and Plot 2 would benefit from approximately 415sqm and 311 sqm of amenity space to the rear respectively. As such, each new dwelling would comply with the amenity levels as guided by Appendix 2 of the Development Management Policies LDD.
- 8.4.7 In terms of distance between buildings, both dwellings would be set some 15m away from the rear boundary line which separates the application site from Dell Lodge. This would comply with the guidance in Appendix 2 which refers to reliance on rear garden length. Furthermore, the boundary line is lined with mature trees which would be retained (largely appearing to be within the boundary of Dell Lodge). The joint boundary also predominately benefits from close boarded fencing. In paragraph 12 of the appeal decision, the Inspector describes that this “...currently provide a good level of screening between the appeal site and the property to the rear...”. It is acknowledged that the Inspector did also discuss that there are current views into this neighbour’s private garden through an existing chain link fence however, subject to a condition that this fence is replaced by solid boundary treatment, this would safeguard this neighbour’s privacy. These circumstances do not appear to have altered since the appeal decision. When considering the existing level of boundary screening and the rear garden length for each dwelling and that a condition could be added to secure the boundary treatment, it is considered that there would be not unacceptable levels of overlooking or loss of privacy to this neighbour. It is also noteworthy that other adjacent neighbours to the north such as Blythe Wood and Holly Manor are set similar distances from the rear boundaries to their corresponding rear neighbours, The Wentworth and Sawood House. Whilst these individual circumstances would require further exploration to provide substantive weight, when considering the rear garden length and relationship these neighbours it could be said this is not an uncommon pattern within this part of the street.
- 8.4.8 In terms of adjacent neighbours, Mulberry House is favourably positioned to the south and is set off the boundary line. Plot 1, which would be closest to this neighbour, would be set off the boundary line by a minimum of 3.98m. This separation distance would increase towards the rear of the new dwelling where the application site splays. When considering the position and scale of Mulberry House in relation to the proposed new dwelling size (which would be smaller by comparison) coupled with the separation distance of the new dwelling from the boundary line, it is considered that the proposal would not arise in any significant or harmful loss of light, nor would the new dwelling be overbearing or intrusive on this neighbour. It is also noted that some views of the new dwellings would also be obscured by the line of trees along this boundary, many of which would remain as part of the proposal. Holly Manor is located to the north however is set to the northern side of the adjacent site. The proposed new dwelling would also be set off the northern boundary some 3.5m. When accounting for the separation distance between the dwellings and the overall scale of the new dwelling closest to this neighbour, it is considered that the proposal would not amount to any significant loss of light or intrusion, nor would the proposal be overbearing on this neighbour.
- 8.4.9 In terms of privacy, the new dwellings would have ground and first-floor windows as well as dormers within the roof space. The glazing would have an outlook primarily over each of the plots. Subject to a condition to ensure that any first-floor flank windows are obscure glazed and top-level opening only, there would be no unacceptable loss of privacy or overlooking. It is also important to note that whilst some of the southern trees are proposed to be removed, the new dwellings would largely be

screened by the existing trees which line the sides and rear of the site. This is common amongst many of the dwellings within the wider street and would mitigate some of the views of the new dwellings and thus, the perceived impact of the proposal.

- 8.4.10 Objection comments from neighbours raise concern that the new dwellings would cause a loss of light and privacy. It is acknowledged that the built form on the application site would be significantly increased compared with the existing circumstances, however, when accounting for the overall scale of the dwellings and the distance maintained between the built form and boundaries, as well as the likely screening from boundary treatment, it is not considered that the proposed development would result in loss of light nor be overbearing to any of the neighbours.
- 8.4.11 Due to the positioning and size of the proposed Air Source Heat Pumps (ASHPs), these are unlikely to arise in any intrusion by virtue of the built form to either of the occupiers within Plots 1 and 2. However, they would be positioned close to the newly created boundary line and therefore could have an impact by way of noise. To accord with Policy DM9(i), It is necessary to consider whether a planning condition might make this part of the development acceptable. It is considered reasonable and necessary to secure noise mitigation/soundproofing by condition prior to the first use of the ASHPs to ensure that there would be no noise disruption to any neighbours.
- 8.4.12 In summary, subject to a condition to secure the boundary treatment and ASHPs, the proposed amended scheme would accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM9 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.5 Trees and Landscaping

- 8.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 8.5.2 The proposal would remove 8 protected trees as identified on the amended Landscape Plan (24/249/1 REV E, received 14.04.25) and the details provided within Arboricultural Impact Assessment, Draft Tree Protection Plan 1 Demolition and Draft Tree Protection Plan 2- Phase 2 Construction (Barlett Consulting, dated 09th May 2025). The Landscape Officer has been consulted and considers that this level of tree removal would be acceptable, subject to suitable replanting.
- 8.5.3 The Landscape Officer initially raised concerns in relation to a) the little space available for replanting following the loss of protected trees, b) encroachment into the root protection area of T11 (Oak) exceeding the threshold and c) likelihood for pressure to undertake tree works in the future. Following discussions with the applicant's appointed agent regarding these concerns an amended AIA was provided. However, through consultation, the Landscape Officer raised concern that the Root Protection Zone had not be appropriately plotted and therefore did not accurately reflect the incursion of the development on T11. Through additional discussion, amended plans were received which omitted the carriage driveway and re-adjusted the root protection zone of T11. Given the reduction in the incursion (now within the accepted tolerance), this has been considered acceptable. Added to this, the new landscaping plan includes planting 5 trees within Plot 1 and 13 trees within Plot 2, a total of 18 new trees across the site (net gain of 10 trees). This would offset and mitigate some of the impact of the loss of the existing trees. Added to this, the species and planting heights can be secured by condition. The Landscape Officer considers that the "replacement planting is sufficient to balance material lost". Subject to a condition to secure the replanting, no objection would be raised in this regard.
- 8.5.4 Turning to the Tree Officer's initial concerns, the encroachment into T11 (point b above) has been overcome. It is also noteworthy that measures have been proposed to ensure the protection of the remaining trees during the development, which includes during the demolition of the existing dwelling. These are set out within the Arboricultural Impact Assessment, Draft Tree Protection Plan 1 Demolition and Draft Tree Protection Plan 2- Phase 2 Construction (Barlett Consulting, dated 09th May 2025) and can be secured by condition with any grant of planning permission.

- 8.5.5 Turning to point a) above of the Tree Officers' initial concerns, this proposal has increased the available space for replanting. In paragraph 9 of the appeal decision, the Inspector commented that *"given the level of development proposed, there would be little available space within the appeal site to secure any replanting"*. Since the appeal, the plot size in this proposal is relatively unchanged however, the footprint of each dwelling has been reduced (Plot 1 by 20%, Plot 2 by 34%) and each dwelling is set further back into the plot and set further away from the boundaries (see section 8.1.3 of this report for a full summary of changes). The resultant effect of this is that the spaciousness around the dwellings has increased the available space for replanting. When considering the overall layout, it is considered that the amended proposal would have available space for replanting that has overcome the concern identified in the appeal decision. Added to this, as highlighted above, whilst 8 trees would be removed, this would be replaced with 18 trees across the two plots (net increase of 10) which would be secured by condition. The Tree Officer has confirmed through consultation that this level of replanting would be possible across the sites and found this to be acceptable.
- 8.5.6 Turning to point c) above of the Tree Officer's initial concerns regarding future pressures, and as set out in paragraph 10 of the appeal decision, the Inspector commented that *"A number of trees would significantly overhang the rear garden of proposed Unit One."* The Inspector continued to comment *"...inevitably future residents would be likely to desire a more generous level of sunlight to their garden. Also, the juxtaposition of the trees with the rear garden area would be likely to generate complaints about nuisance, in relation to matters such as falling leaves and branches. Together these issues would be likely to lead to undue pressure from future residents to undertake inappropriate works to the trees which would be difficult for the Council to resist"*. In this case, the proposed dwellings, particularly in Plot 1 would retain some overhanging trees which could impact the rear garden. However, this would largely be towards the rear of the garden space, rather than the key usable areas. Added to this, key areas of overhang closest to the dwelling that exist currently would be removed. This differs to the appeal whereby the large tree canopy were overhanging the immediate rear of the dwelling. The comparison images set out in **Appendix 1** illustrate the differences. Given that the proposed dwellings of this application are smaller and further away from the largest overhanging trees, with a larger garden space available to enjoy away from the immediate tree canopy cover, it is considered that the comments raised in the appeal with regard to future pressure have been overcome.
- 8.6 Affordable Housing
- 8.6.1 **Appendix A** of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.
- 8.6.2 Appendix A sets out the evidence base to demonstrate more weight can be attached to the need to comply with Policy CP4 of the Core Strategy. The most up to date evidence confirms that small site contributions make a material contribution to affordable housing within the District. As such, applications will continue to be assessed in accordance with the requirements of the Development Plan and will seek monetary contributions on developments resulting in a net gain of one to nine dwellings unless viability demonstrates otherwise.
- 8.6.3 A viability assessment has been submitted as part of this application (Financial Viability Assessment by Affordable Housing 106). The report concludes that the scheme cannot viably afford to make any affordable housing contribution either on site or via a financial contribution.
- 8.6.4 The submitted financial viability documents have been assessed by the Councils independent viability consultant, Adams Integra. The conclusions drawn set out that the scheme has a deficit with a residual land value of £828,070 which would be below the benchmark land value. Therefore, the scheme is not able to support any off-site affordable housing payment and remain viable.
- 8.6.5 In summary, given the findings of Adams Integra, the Council will not be seeking an affordable housing contribution for the proposed development. The proposed development would therefore be acceptable in this respect in accordance with Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

8.7 Highways, access and parking

- 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 Plot 1 would utilise the existing access and create a new driveway area. There would be space for at least 3 cars. Plot 2 would utilise an existing access and have a driveway for at least 3 cars. The Highway Authority has been consulted and consider that the intensification of the use associated with this development would unlikely have a material increase in additional trips and would therefore not generate unreasonable impacts on the safety and operation of the highway network. Therefore, it is considered that the proposal is acceptable in this regard.
- 8.7.3 In terms of parking, the Parking Standards as set out within Appendix 5 of the Development Management Policies LDD states that a four or more bedroom dwelling should provide onsite parking provision for three vehicles. Each dwelling would have a driveway to the frontage which would provide parking for at least three vehicles and as such, the proposal is considered acceptable in this regard.

8.8 Sustainability

- 8.8.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However, the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.
- 8.8.2 This application is accompanied by an energy statement prepared by FHP ESS dated 28/03/2024 which confirms that the proposed development would exceed the 5% saving set out within Part L (Total saving of 62%). As such the development complies with the requirements of Policy DM4. The submitted energy report set out that this would be achieved with the building fabric as well as air source heat pump. The air source heat pumps features are included within proposed floor plan (5624 A101 REV A). Notwithstanding this, to secure that the energy requirement is met, it is necessary to secure compliance by condition.

8.9 Refuse/Recycling

- 8.9.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.
- 8.9.2 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

8.9.3 When considering the nature of development, it is considered that kerb side collection would be appropriate and in line with the current arrangement within Woodside Walk. In the event the application is approved, a condition could be imposed requiring details of the bin store.

8.10 Wildlife Considerations

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

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

8.10.3 An update Bat Emergence and Re-entry Survey has been submitted as part of this application (Arbteck dated 27/07/2022). Hertfordshire Ecology were consulted as part of this application and raise no objection to the details outlined within the report and consider that sufficient mitigation and compensation measures has been provided. Subject to a condition to ensure that these measures are followed, no objection is raised.

8.11 Mandatory Biodiversity Net Gain

8.11.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions.

8.11.2 Policy BW GB1 of Batchworth Neighbourhood Plan 2023-2038 (Submission Version) sets out that Development proposals must manage impacts on biodiversity and secure a minimum net biodiversity gain of 10% on site, unless impractical given site constraints, as demonstrated through use of the most up-to-date version of Natural England biodiversity metric (or any successor document to this) and submission of a biodiversity net gain plan submitted as part of planning application material

8.11.3 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates self-build/custom development.

8.12 Planning Balance / Titled Balance

8.12.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF (2024) is engaged. Paragraph 11 and footnote 8 clarifies "this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). In the context of decision-taking Paragraph 11 continues,

"Plans and decisions should apply a presumption in favour of sustainable development b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless...

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area7; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

8.12.2 Therefore, the tilted balance exercise requires planning permission to be granted unless any adverse impact of doing so would significantly and demonstrate outweigh the benefits.

8.12.3 In this case, there would be some limited benefit of adding one dwelling to the overall housing supply in addition to some limited economic benefits from the construction activities and expenditure from new residents. Notwithstanding this, when taking into account all of the considerations forming part of this application, it is recommended that planning permission is granted subject to conditions.

9 Recommendation

9.1 That subject to no new material considerations being raised, PLANNING PERMISSION BE GRANTED subject to the following conditions:

Time

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

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

Plans

C2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing:

- Existing Garage Plans and Elevations: 5624 A107.
- Existing Tree Constraints Plan: JPL/230771TCP (dated 08/022024)
- Draft Tree Protection Plan 1 Demolition Phase 1 Plan: JPL/230771/DTPP1.
- Topographic Site Survey: 18280-18-01.
- Measured Site Survey: 18280-18-02.
- Measured Site Survey (existing plans, elevations): 18280-18-03.
- Location Plan: PP-12937313v1.

Proposed

- Proposed First and Loft Floor Plans: 5624 A102 REV V (received 05.02.25).
- Existing and Proposed Street Scenes: 5624 A 104 REV U (received 29.11.24).
- Proposed Elevations: 5624 A103 REV U (received 22.11.25).
- Proposed Landscape Plan: 24/249/1 REV E (received 14.04.25)
- Proposed Site Block Plan and Location Plan: 5624 A100 REV X (received 07.05.25)
- Proposed Ground Floor plans: 5624 A101 REV X (received 07.05.25)
- Existing and Proposed Site Location Plans: 5624 A108 REV X (received 07.05.25).

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM4, DM6, DM8, DM9, DM10, DM13, Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy BW DE1 of the Batchworth Neighbourhood Plan 2023-2038 (2023 Submission Version) Adopted May 2025 and the NPPF (2024).

Tree Protection Measures

C3 The tree protection measures as detailed on drawing number Tree Protection Plan(s) identified within the Arboricultural Impact Assessment, Draft Tree Protection Plan 1 Demolition and Draft

Tree Protection Plan 2- Phase 2 Construction (Barlett Consulting, dated 09th May 2025) including fencing and ground protection, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained 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: This condition is 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).

Compliance with AIA

- C4 The development hereby permitted shall be carried out only in accordance with the measures outlined within the supporting document Arboricultural Impact Assessment, Draft Tree Protection Plan 1 Demolition and Draft Tree Protection Plan 2- Phase 2 Construction (Barlett Consulting, dated 09 May 2025).

Reason: This condition is to ensure that continued monitoring takes place 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).

Bats

- C5 The development shall be carried out in strict accordance with Bat Emergence and Re-entry Survey mitigation and compensation measures set out within the Updated Bat Emergence and Re-entry Survey report (Arbtec dated 27/07/2022).

Reason: To ensure to ensure that any protected species are safeguarded 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).

Hard and Soft Landscaping

- C6 Before any building operations above ground level take place, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. 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 in accordance with the Proposed Landscape Plan: 24/249/1 REV E (received 14.04.25)

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 building 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).

Material Samples

- C7 Before any building operations above ground level hereby permitted are commenced, electronic 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).

Energy Saving

- C8 Prior to the first occupation of the new dwellings, the energy saving measures outlined within submitted supporting document, "Energy Statement" (FHP ESS dated 28/03/2024) 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).

Air Source Heat Pumps

- C9 Before the first use of the air source heat pumps hereby permitted as shown on plan number 5624 A101 REV A, details of measures for sound mitigation and/or soundproofing including elevations and specification of any enclosure, along with a technical report demonstrating their effectiveness at reducing impacts of noise from the equipment on the amenities of neighbours shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be carried out in accordance with the agreed details prior to the first use of the air source heat pump and shall be permanently retained for the duration of the use.

Reason: To ensure that the residential amenities of adjoining occupiers and of the area generally is protected and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM9 of the Development Management Policies LDD (adopted July 2013).

Obscure window(s)

- C10 Before the first occupation of the new dwellings hereby permitted, the window(s) in the first-floor flank elevation(s); 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).

Boundary Treatment

- C11 Prior to occupation of the new dwellings hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected around the perimeter of the site and between the two dwellings shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to the first occupation of either dwelling in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013)

Permitted Development

- C12 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place at the new dwelling (including its associated curtilage).

Part 1

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

Class E - provision of any building or enclosure

Class F - any hard surface

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

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, and having regard to the constraints posed by trees within and adjacent to the site, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives:

Standard Advice

- 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 which includes a fee.

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

Construction Hours

- 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.

Amendments

- 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.

Self-Build BNG

- 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>.

Self-Built BNG Reminder

- 15 The applicant is advised that planning permission has been granted only for self-build and/or custom housebuilding as defined in section 1(A1) of the Self Build and Custom Housebuilding Act 2015. On this basis, the proposal is exempt from statutory biodiversity net gain requirements under the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Should the applicant, developer or any subsequent land owner wish to instead develop the dwelling(s) for commercial sale or occupation by any persons other than themselves and/or their associations, a new planning application will be required. The new planning application must be accompanied by a baseline biodiversity net gain assessment using the statutory metric, and any resultant planning permission will be subject to the general planning condition imposed by Schedule 7A of the Town and

Bat Licence

- 16 A bat licence from Natural England is required to deliver this development. It will be a criminal offence if works proceed without a bat licence. It will may also be a criminal offence if the terms of conditions of the bat licence, including in particular the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start), are not adhered to.

Highways: Storage of materials

- 17 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 website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 03001234047.

Highways: Obstruction of public highway

- 18 Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Highways: Debris and deposits

- 19 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.

List of Appendices

1. **Appendix A** Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing
2. **Appendix 1** Differences between refused application (20/0644/FUL) and this planning application
3. **Appendix 2** Consultee comments
4. **Appendix 3** Neighbour comments
5. **Appendix 4** Appeal Decision (APP/P1940/W/20/3263733). Appeal against refused planning application 20/0644/FUL.
6. **Appendix 5** Tree Appeal Decision (APP/TPO/P1940/833). Appeal against tree works application (20/2388/TPO).