

PLANNING COMMITTEE – 17 July 2025

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

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 25.06.25
Extension of Time: 20.07.25

Ward: Leavesden
Case Officer: Clara Loveland

Recommendation: That planning permission be granted.

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

Application type: Householder

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

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SUP0R9QFG4800>

1 Relevant Planning History

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

- R1 The proposed front element of the first floor side extension by virtue of its siting and relationship with the neighbouring dwelling, No.4 Arundel Road would result in terracing impact. The rear element of the first floor side extension would appear contrived by virtue of its poor design, comprising a splayed wall and flat roof form which integrates poorly with the existing dwelling and would be out of character with the wider area. The proposed garage would also appear prominent, contrived and out of character with the streetscene. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).*
- R2 The proposed boundary fence, by reason of its height, length and proximity to the footway would appear as a prominent, overbearing and urbanising feature which would create a sense of enclosure, erode the open character of the area and fail to respect the character and appearance of this part of the street scene and the wider area. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).*

2 Description of Application Site

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

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

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

3 Description of Proposed Development

- 3.1 This application seeks planning permission for a first-floor side extension. During the application, amendments were provided to reduce the width of the extension by 0.2m from 3m to 2.8m to provide greater spacing to the boundary.
- 3.2 The proposed first floor side extension would be located above the existing garage, set in 0.2m from the flank wall of the garage. It would have a maximum width of 2.8m and maximum depth of 6.3m. It would have a stepped rear wall, increasing in depth away from the boundary with No. 4. It would have a gabled roof formation with a height of 6.8m, set down from the existing ridge line by 0.6m.
- 3.3 The extension would be finished in materials to match the existing dwelling.
- 3.4 The application follows a previous refusal (20/2306/FUL) which included a first floor side extension. The current application has omitted the previously proposed splayed rear wall and has provided additional flank to boundary spacing. Whereas application 20/2306/FUL included various elements, the current application is for a first floor side extension only.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Abbots Langley Parish Council: No objection.
- 4.1.2 National Grid: No response received.

4.2 Public/Neighbour Consultation

- 4.2.1 No. consulted: 23.
- 4.2.2 No responses: 0
- 4.2.3 Site Notice: Not required.
- 4.2.4 Press notice: Not required.

5 Reason for Delay

- 5.1 Committee Cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6)

Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

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

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

The Environment Act 2021.

6.2 Planning Policy and Guidance

National Planning Policy Framework and National Planning Practice Guidance

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

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

The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.

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

Other

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

7 Planning Analysis

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

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’ and ‘conserve and enhance natural and heritage assets’.

- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials. As set out in Appendix 2, new development should not be excessively prominent in relation to adjacent properties or general street scene and should not result in a loss of light to the windows of neighbouring properties nor allow for overlooking. In relation to side extensions, Appendix 2 advises that first floor side extensions shall generally be a minimum of 1.2m from the flank boundary.
- 7.1.3 In this case, the first floor side extension would be above an existing garage and set in from the boundary line by 1.2m. This would comply with the guidance within Appendix 2 which indicates that 1.2m from the boundary would generally be an acceptable separation distance. Furthermore, the side extension would be flush with the front wall and would not extend the full flank depth of the dwelling. It would also be noticeably set down from the ridge line, adding some appearance of subordination to the development. In terms of design, the side extension would have a roof formation that would be in keeping with the character of the existing dwelling. The development would also be finished in materials to match the existing dwelling, which would help to reduce its overall prominence and appearance.
- 7.1.4 In this case, the neighbour, No.4, is set up to the boundary such that no spacing is provided on its side, however, the application dwelling is noticeably separated from the neighbouring dwelling, No.4, by their staggered positioning with No. 4 being set considerably forward and the sky gap above the garage at the application site. The proposed side extension, although being set 1.2m from the boundary, would sit close to this neighbour's flank wall and would reduce the sky gap between the dwellings. Although this would be the case, given the staggered building line whereby the application dwelling is set back from No.4, the closure of the sky gap would only be readily visible immediately fronting the application site, and in this position, the boundary spacing of 1.2m would be noticeable. Given that the extension would be flush with the front elevation, it would not be noticeable from the north/north-east. Given the stagger in the buildings, with No.4 sitting forward of No.2, it would also not be noticeable from the south/south-west. Added to this, there have been signs of alterations whereby some dwellings have extended above garages, reducing the spacing between sites, such as the extension implemented at No.23 and as approved at No.14 (23/1106/FUL). Despite closing the gap between the dwellings, any views of this would be limited and when accounting for the development across the wider street, and that it would comply with the 1.2m guidance set out in Appendix 2, the extension above the garage would not be wholly out of character. For the reasons provided, there would also not be a noticeable level of terracing between the dwellings.
- 7.1.5 It is noteworthy that a first-floor side extension (amongst other elements of proposed development) of a similar extent was proposed and refused within planning application 20/2306/FUL. The key differences between the refused scheme and the planning proposal forming this application (in so far as they relate to the first floor side extension) are: a) the increase in the separation distance from 0.9m to 1.2m and b) amendments to the design of the extension, reducing in depth and altering from a contrived slayed rear wall as refused to a stepped rear wall as proposed. For the reasons provided above, the first-floor side extension proposed within this application is considered to be acceptable and the previous reason for refusal of this element has been overcome.
- 7.1.6 In summary, the proposed development would not result in harm to the character and appearance of the existing dwelling and wider street scene. The development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.2 Impact on the amenities of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.2.3 The proposed first floor side extension would have no adverse impact to any neighbours to the north-east of the as the development would be screened by the existing dwelling. Regarding No.4, the extension would bring the built form closed to this neighbour. Despite this, the extension would remain set off the boundary by 1.2m and this distance would increase towards the rear where the rear part of the extension steps away from the boundary. The extension would also be set down from the existing ridge line, subservient to the existing dwelling. When considering these factors, the proposed extension would not be overbearing or an intrusive form of development as experienced by this neighbour. Turning to loss of light and overshadowing, this neighbour is set forward of the host dwelling, however, is located south of the proposed extension. This would therefore limit any overshadowing. For these reasons, it is considered that the proposed side extension does not amount to detrimental harm by way of intrusion or loss of light on this neighbour, nor would it be overbearing.
- 7.2.4 Turning to privacy, the extension would have a front-facing window which would have an outlook over the site frontage and would not give rise to any unacceptable overlooking. The proposed roof light to the rear would be of a limited size and positioned within the rear roof slope such that it would be of a height and position that would not give rise to any overlooking to any neighbour. Any outlook would therefore be at an oblique and obstructed angle.
- 7.2.5 The proposed development is not considered to result in any adverse impact upon neighbouring properties and is acceptable in accordance with Policy C12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

7.3 Rear Garden Amenity Space Provision

- 7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.3.2 The proposal would retain a sufficient level of amenity space to serve the proposed number of bedrooms.

7.4 Trees and Landscaping

- 7.4.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.4.2 The application site is covered by an area TPO (285). However, the proposed development would be located above an area of existing built form. When accounting for this, it is considered that no harm would arise to any protected trees.

7.5 Highways, Access and Parking

7.5.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and dictates that dwellings with four or more bedrooms should provide three off-street parking spaces.

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

7.6 Wildlife and Biodiversity

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

7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

7.7 Mandatory Biodiversity Net Gain

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

7.7.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to a householder planning application.

8 **Recommendation**

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

Time

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

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

In accordance with plans

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 2438-SK101 REV B.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of

neighbouring occupiers, in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

Materials

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

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

8.2 Informatives

I1

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

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

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

The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

- 13 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

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

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

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun

because the following statutory exemption or transitional arrangement is considered to apply.

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

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

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

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

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

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