

## PLANNING COMMITTEE - Thursday 17 July 2025

### **25/0564/FUL – Two storey side extension; part-single part-two storey rear extension and bay window infill, at 35 Manor House Gardens, Abbots Langley, Hertfordshire, WD5 0DH.**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 30.05.2025  
Extension of time: 24.07.25

Ward: Abbots Langley and Bedmond  
Case Officer: Alannah Stringer

**Development type:** Householder

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

Reason for consideration by the Committee: The agent for the application is a Three Rivers District Council Councillor.

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=STTMDIQFFWW00>

#### **1 Relevant planning history**

- 1.1 8/321/75 - Single storey rear extension– Permitted 18.06.1975.

#### **2 Site Description**

- 2.1 The application site contains a two-storey semi-detached dwelling located on the northern side of Manor House Gardens, Abbots Langley. Manor House Gardens is a residential cul-de-sac characterised by semi-detached dwellings of similar architectural styles and designs, some of which have been extended or altered.
- 2.2 The host dwelling is set within a large, splayed plot. The plot generally slopes down from front to rear. The northeast boundary of the site splays towards the host dwelling from the highway to the front elevation and then splays out from the front elevation towards the rear boundary of the site. The host dwelling is finished in cream render and mixed red brickwork to the front elevation, with the remainder of the dwelling finished in mixed red brickwork. The dwelling has a dark tiled pitched roof form, and there is an existing staggered single storey rear extension to the rear. There are solar panels to the front and rear roof slopes.
- 2.3 To the side of the host dwelling (and toward the rear of the building) is a detached brick outbuilding which abuts the common boundary to the northeastern neighbour.
- 2.4 To the rear there is an existing raised patio area which extends approximately 3.5m from the rearmost elevation, which steps down to an area of lawn and soft landscaping. The rear garden slopes steeply downwards towards the rear boundary of the site, which abuts an area of public open space. Within the host site are several mature trees and a number of protected trees. Of these, T490 of TPO760 is located adjacent to the existing patio and is referenced as G1 within the submitted tree survey. All other TPO trees are set away from the proposed works.
- 2.5 There is an existing outbuilding set on a raised brick platform set partway down the rear garden.
- 2.6 To the front of the host dwelling is a front porch with a hipped roof. The front driveway slopes steeply down from the highway to the front of the dwelling. The front driveway is predominantly hardstanding, with parking provision for 2 vehicles.

- 2.7 The attached neighbour to the southwest has extended to the rear at a single storey, and the land levels to the front and rear are similar to those of the application site.
- 2.8 The neighbour to the northeast has previously extended to the side and rear at ground and first floor level and the extensions are constructed up to the shared boundary. This neighbour is set back from the front building line of the host dwelling and is set at an angle.
- 2.9 Several dwellings within the vicinity of the host site have implemented two storey side extensions which are largely subordinate and are set back from the front elevation at the first-floor level.

### **3 Description of proposed development**

- 3.1 This application seeks full planning permission for a two storey side extension; part-single part-two storey rear extension and bay window infill
- 3.2 Amended plans were received during this application to correct discrepancies found across the submitted plans and to clarify the boundary as indicated by the red line on the plans. The amendments also made the following changes:
- Set the proposed two storey side extension back from the front elevation and set down from the ridge line
  - Reduce the depth of the first floor rear extension adjacent to the adjoining neighbour.
  - Clarify the relationship between the plot boundaries and the proposed development
- 3.3 The proposed two storey side extension would be set approximately 1m from the northeast boundary of site to the side of the existing dwelling; the side elevation of the proposed two storey side extension would be parallel to the adjacent boundary. The proposed two storey side extension would measure at approximately 6.2m in height and maximum width of 2.4m. The proposed two storey side extension adjoins the proposed part two storey-part single storey rear extension and would have a total depth of approximately 11.2m; extending beyond the original rear elevation by approximately 4.2m. The proposed side extension would be set down from the ridge of the host dwelling by approximately 0.5m and set back from the front elevation of the host dwelling by approximately 0.15m.
- 3.4 The existing single storey outbuilding would be replaced, and this would interlock with the proposed two storey side extension. The proposed replacement outbuilding would measure approximately 5m in depth, 3.3m in width and 2.2m in height as measured from the highest natural land level. To the rear elevation of the proposed outbuilding, the land level slopes steeply down, and the proposed outbuilding would measure at approximately 3.6m in height at this point. A UPVC door would be set to the front elevation of the replacement outbuilding/store; a UPVC door would also be set to the side elevation of the replacement outbuilding, fronting on to the raised patio.
- 3.5 The proposed part-single, part-two storey rear extension would infill the existing staggered single storey rear extension adjacent to the southwest boundary and would not extend beyond the existing rear elevation of said extension. The first floor of the proposed rear extension would be staggered; adjacent to the northeast boundary the proposed first floor element would measure at approximately 1.5m depth; to the southwest elevation the proposed first floor element would measure at approximately 4.2m depth (approximately 3m beyond the shallower element and set approximately 3m from the common boundary with the attached neighbour.
- 3.6 The proposed two storey side extension would have a roof form to mirror that of the main roof form of the host dwelling; adjoining the side extension the proposed rear elevation would have interlocking hipped roof forms.
- 3.7 To the northeast side elevation of the proposed development would be two single windows to the first floor which would be obscure glazed, two single windows to the ground floor and a single access door. To this side elevation of the rear element would be a long rectangular window set approximately 1.7m above the external ground level. To the rear elevation at the first floor of the

proposed development would be a Juliet balcony with an external balustrade and glazed patio doors; a two-casement window and a three-casement window.

- 3.8 To the ground floor of the proposed rear elevation would be a two-casement window and aluminium bi-folding doors. A rooflight is proposed to the roof slope of the single storey rear extension. No windows would be within the southwest elevation of the proposed development. To the front elevation of the proposed two storey side extension, a single window is proposed at first floor and ground floor.
- 3.9 The proposed bay window infill would fully enclose the existing bay window with brickwork to match the existing.
- 3.10 The application also includes proposed alterations to the existing raised patio. The raised patio would extend from the rearmost elevation towards the rear boundary by approximately 4.5. The proposed raised patio would have a level surface extending from the floor level of the ground floor extension and would then step down to the natural ground level of the sloping rear garden. A reinforced glass balustrade would be installed to the edge of the patio and along the stairs.

## **4 Consultee responses**

### **4.1 Statutory consultation:**

- 4.2 An initial consultation took place on 8<sup>th</sup> April 2025 for 21 days. Due to amended plans neighbours and consultees were reconsulted on 29<sup>th</sup> May 2025 for 21 days.
- 4.3 A further consultation was requested on 7 July 2025, to ensure neighbours and consultees have the opportunity to review the newest set of amended plans which clarify that the existing fencing adjacent to the proposed patio alterations will be extended along the full length of the patio.
- 4.4 National Grid - No response to consultation 1 or 2 received.

### **4.5 Landscape Officer –**

*We'd be happy to recommend approval subject to the proposed tree protection methods. It appears that TPO tree T485 has been removed historically and not replaced, so we'd like to see a replacement tree for this tree in the landscaping.*

### **4.6 Abbots Langley Parish Council – Consultation 1**

*Members have no objections to the proposal but would like consideration given to lowering the roofline of the extension to avoid a terracing effect.*

### **4.7 Abbots Langley Parish Council – Consultation 2**

*Members note the changes to the roofline and raise no objection to the amended plans. They also hope that the concerns raised by neighbours have been addressed in the amended plans.*

## **5 Neighbour consultation**

### **5.1 Site notice:** Not required.

### **5.2 Press notice:** Not required.

### **5.3 No. consulted:** 9

### **5.4 Consultation 1 - No. of responses:** 1 objection received. Summary of response:

*Objection to siting of two-storey side extension to common boundary, request for the side extension to be set back 1m from common boundary.*

*Massing of extension and development not in keeping with neighbouring properties.*

**5.5** Consultation 2 – No responses received.

## **6 Reason for Delay**

6.1 Submission of amended plans and re-consultation.

## **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, 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, DM6, DM13 and Appendices 2 and 5.

## **8 Analysis**

### **8.1 Impact on the character and appearance of the street scene**

8.1.1 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.

8.1.2 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.

- 8.2 With specific regard to the proposed development the Design Criteria of Appendix 2 of the DMP LDD states that in terms of size and volume, two storey rear extensions will be assessed on their individual merits according to the characteristics of the particular property. In addition, Appendix 2 sets out that generally, single storey rear extensions to semi-detached dwellings should generally not exceed 3.6m in depth; single storey side extensions will be assessed individually.
- 8.2.1 The proposed part single, part two-storey rear extension by virtue of its siting to the rear of the host dwelling and proposed side extension would not be visible from the street scene. Regarding the character of the host dwelling, it is acknowledged that the proposed development would result in the interlocking of hipped and gabled roof forms, however, it is considered that the staggering of the hipped roofs to the rear soften the massing of the proposed rear extensions. In addition, the proposed development is not considered to be incongruous with the unique extensions implemented at neighbouring properties due to various constraints.
- 8.2.2 Whilst the depth of the proposed infill of the ground floor rear extension would exceed the guidance set out in appendix 2, the proposed extension would not exceed the depth of the rearmost elevation of the existing projection. In addition, whilst the proposed extension would be set to the common boundary of the adjoining neighbour, this neighbour has an existing rear extension of a similar scale and depth such that this would not appear overly prominent. Furthermore, the scope of the rear garden is such that this would not appear an excessive addition.
- 8.2.3 It is acknowledged that the proposed first floor rear extension would have a maximum depth of approximately 4.2m and would be flush to the rear elevation of the ground floor rear extension. Notwithstanding this, this element would have a hipped roof form which would be set down from the ridge of the main roof form and hip inwards away from the boundaries. The proposed extension would also be set away from the southwest boundary of the site by approximately 3.2m and set off the northeast boundary by a minimum of 1.3m at the tightest point, and a maximum of 2m from this shared boundary. As such, whilst the proposed part-single, part-two storey rear extension would exceed the guidance set out in Appendix 2 of the DMP LDD, it is considered that this would not be a disproportionate or overly prominent form of development.
- 8.2.4 The proposed two storey side extension would be readily visible from the street scene, however, given the set down from the ridge and the prevalence of two storey side extensions within the vicinity of the site, it is not considered that the proposed development would result in harm to the street scene. In addition, the side extension would be set away from the boundary by 1m, and the neighbour to this side is set at splayed angle, fronting partially towards the host dwelling. Whilst this is below the 1.2m spacing guidance set out in Appendix 2, the orientation of the host dwelling in relation to the non-attached neighbour is such that this would not result in a terracing effect. Regarding character, the proposed side extension is set back from the front porch, and set down from the ridge, resulting in a largely subordinate form of development.
- 8.2.5 Whilst visible from the street scene, the replacement outbuilding element would be finished in materials to match the existing, replace the form of existing structure and would be of a similar scale.
- 8.2.6 The proposed raised patio would alter the existing structure however would not be visible from the street scene. As such, the proposal is considered acceptable in this regard.
- 8.2.7 The proposed infill to the bay window is not considered to be incongruous to the street scene, out of character, nor be an overly prominent form of development.
- 8.2.8 In summary, the proposed development would not result in adverse harm to the character of appearance of the street scene or host dwelling. The overall development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).
- 8.3 Impact on Neighbours
- 8.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.

- 8.3.2 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.
- 8.3.3 The Design Criteria at Appendix 2 of the DMP LDD states that two storey rear extensions should not intrude into a 45degree splay line drawn across the rear garden of the site from a point on the shared boundary level with the neighbouring property. This principle is, however, dependent on the spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties.
- 8.3.4 When taken from the proposed first floor plan and measured from a point on shared boundary level the southwest (adjoining) neighbours) rear wall, the proposed first floor rear extensions would intrude the 45degree splay line by approximately 1m. Whilst this extension would intrude the 45 degree splay line, the proposed development is not considered to result in demonstrable harm to the southwest neighbour by virtue of overbearing impact or loss of light; adjacent to the boundary the proposed part single part two storey rear extension would have a limited depth of approximately 1.2m and the impact of this to the neighbour's ground floor is mitigated by the neighbour's single storey rear extension.
- 8.3.5 Neighbouring objections are fully acknowledged, and amended plans were received which clarified the relationship between the proposed extensions and the adjacent boundaries and reduced the depth of the first-floor element adjacent to the adjoining neighbour. The amended plans are considered to overcome Officer concerns as whilst visible this would be a very limited depth wall on the boundary which is not considered to cause demonstrable harm. Whilst the northeastern element extends approximately 4.2m beyond the original rear elevation of the host dwelling, this would be set away from the common boundary to this neighbour by approximately 3.4m. Furthermore, the proposed roof forms are hipped, which would reduce the perception of bulk or massing adjacent to this boundary. In addition, the proposed development to the rear, by virtue of the orientation of the buildings is not considered to result in a loss of light.
- 8.3.6 The northeastern neighbour (non-adjoining) extends beyond the rear of the proposed development and as such, the proposed development would not intrude the 45degree splay line. In addition, the proposed part-single, part-two storey rear extension would be set a minimum of 1.3m from the boundary at the tightest point, and a maximum of 2m from this shared boundary. This neighbour has extended part-single, part-storey to the side and rear, which extends beyond the rear of the host dwelling and is set to the shared boundary. As such, it is not considered that the proposed development, given the existing built form and relationship/orientation of the dwellings, would result in harm to this neighbour.
- 8.3.7 The proposed two storey side extension would extend beyond the front elevation of the non-adjoining neighbour; however, the orientation of the host dwelling and neighbouring dwelling are such that it is not considered that the proposed development would result in loss of light. In addition, whilst two windows are proposed to the front elevation of the proposed two storey side extension, these windows front onto the driveway and highway, and the extension would be forward of the windows of the habitable rooms of this neighbour, as such there would be no reduction to neighbouring privacy.
- 8.3.8 The proposed two storey side extension is set off the boundary to the north east and significant spacing is retained between the frontage of the northeast neighbour and the host dwelling such that the proposed two storey side extension is not considered an overly prominent or unneighbourly form of development.
- 8.3.9 The proposed Juliet balcony and windows within the first floor rear elevation are not considered to result in harm to neighbouring amenity; whilst it is acknowledged that the proposed development would result in an increase in glazing to the first floor of the rear elevation, it is considered that long views are readily available from the first floor given the sloping land levels to the rear, such that the resultant outlook would be largely similar to the existing outlook experienced by the host dwelling, and would not result in further overlooking. .

- 8.3.10 The proposed windows within the side elevation of the proposed two storey side extension at the first floor level would be obscured glazed, and subject to a condition to ensure their implementation, it is not considered that the proposed development would result in overlooking in this regard. Whilst windows are proposed at a ground floor level and there is no intervening boundary treatment to the front of the dwelling, the proposed windows would be located in a similar position to those which are within the existing side elevation such that the resultant circumstances would not be dissimilar to that which is currently experienced by this neighbour.
- 8.3.11 Notwithstanding the above, it is considered appropriate to attach a condition to restrict the further addition of windows to the flank elevations or roof slopes of the extension to ensure the privacy and amenity of neighbours is safeguarded in future.
- 8.3.12 The existing outbuilding sited to the side of the host dwelling extends beyond the rearmost elevation of the host dwelling by approximately 2.2m and 1m beyond the rear elevation of the adjacent neighbour. The proposed replacement outbuilding/store would extend approximately 4.3m beyond the rearmost elevation, and approximately 3m beyond the rear elevation of the northeast neighbour. Whilst the downward slope of the land would result in the perception of the height of the flank wall being exacerbated, the replacement outbuilding would only extend an additional 2m beyond the rear elevation of the northeast neighbour (comparative to the existing situation). Furthermore, the siting and scale of the replacement are such that it is not considered the development would result in such harm to neighbouring amenity via prominence or loss of light, such that would justify refusal of the application. .
- 8.3.13 The proposed raised patio is not considered to result in harm to either neighbouring dwelling. The proposed outbuilding/store would obscure any views towards the northeastern neighbour from users of the patio. The proposed raised patio would result in the levelling of the existing raised patio so that it extends over a single level and would measure approximately 0.2m above the lowest level of the existing raised patio, and 0.6m below the highest level of the stepped raised patio. Given the overall reduction in height across the width of the patio, it is not considered that the perception of overlooking would be altered from the neighbouring perspective. In addition, the increase in height and depth directly adjacent to the boundary with No. 33 is modest, and fencing of a height of 1.8m would be maintained to this boundary along the full depth of the patio which would act as screening to prevent overlooking. As such, subject to a condition ensuring the installation and subsequent permanent retention of 1.8m fencing to this boundary, the proposal is considered acceptable in this regard.
- 8.3.14 Given the scale and type of development, it is not considered that the proposed bay window infill would result in harm to neighbouring amenity.
- 8.3.15 In summary, subject to conditions, the proposed development would not result in any adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

#### 8.4 Rear Amenity

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

8.5.1 As a result of the proposed development the rear amenity retained would measure at approximately 840sqm, which is considered sufficient for a dwelling of this size. The proposal is therefore considered acceptable in this regard.

#### 8.6 Trees and Landscaping

- 8.6.1 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.
- 8.6.2 The application site is not located within a Conservation Area. The site contains a number of TPO trees, the majority of which are set away from the location of the proposed works. The Tree Impact Assessment (TRDC 001) and Tree Survey and Protection Plan (2423-SK-101 REV A) indicate that no significant trees are to be removed as part of the implementation of the scheme, however, the removal of the existing raised patio/terrace and the implementation of the rear extension would require sensitive working practices. The Tree Impact Assessment (TRDC 001) recommends the following protection and mitigation measures:
- Precautionary investigation techniques including hand dug trial pits for the micro pile locations proposed for the rear extension's foundations.
  - Ground protection within or close to the Root Protection Zones of some retained trees adjacent to the rear patio as shown on the Tree Protection Plan.
  - Tree protection fencing and barriers to all protected trees.
- 8.6.3 On consultation, the Tree and Landscape Officer offered no object to the application subject to the proposed tree protection methods. As such, to ensure the protection of the relevant TPO trees from construction works and activities, it is considered reasonable to attach a condition to ensure that the measures set out in the Tree Impact Assessment (TRDC 001) and Tree Survey and Protection Plan (2423-SK-101 REV A) are implemented prior to the storage of materials on site and commencement of works.
- 8.6.4 Whilst the Tree and Landscape Officer has stated that a TPO Tree (T485 – Rowan) has historically been removed and not replaced, and therefore a replacement for this is requested, it is not considered reasonable within the scope of this application to attach a condition ensuring its replacement. The applicant has provided details within the application which attest that the tree was removed historically prior to their ownership of the site/ occupation of the residential property. As the protected tree was removed prior to the submission of this application, it is not considered by the Officer to be reasonable, nor meet the 6 Tests, for attaching a condition to a permission.
- 8.6.5 In summary, subject to conditions, the proposal is considered acceptable in this regard.
- 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 The existing dwelling contains three bedrooms. In terms of parking, the Parking Standards as set out within Appendix 5 of the Development Management Policies LDD states that a three-bedroom dwelling should have 2.25 spaces (2 assigned) and a four or more-bedroom dwelling should provide onsite parking provision for three vehicles.
- 8.7.3 The proposed block plan (2423-SK-101 REV D) indicates that the proposed development would not alter the existing parking arrangements, and the site would retain 2 off street parking spaces. The proposed development would result in a shortfall of 1 parking space.
- 8.7.4 The site is located within walking distance of public transport and there are a number of additional on street parking spaces available for public use. As such, it is not considered that the shortfall in parking would result in demonstrable harm which would justify the refusal of the application. The proposal is therefore acceptable in this regard.
- 8.8 Wildlife Considerations

- 8.8.1 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.
- 8.8.2 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.
- 8.8.3 A Biodiversity Checklist was submitted with the application and 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 bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.
- 8.9 Mandatory Biodiversity Net Gain
- 8.9.1 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.
- 8.9.2 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 is for householder development.

## **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: 2423-SK-101 REV A, 2423-SK-101 REV D, 2423-SK-100 REV K, TRDC 001 (Tree Impact Assessment).

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10, and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM13, Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

### 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).

#### Tree Protection Measures

- C4 The tree protection measures as detailed on drawing number 2423-SK-101 REV A and identified within the Tree Impact Assessment (TRDC 001) 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. 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.

The method of excavation and construction methods as identified within the Tree Impact Assessment (TRDC 001) and detailed on drawing number 2423-SK-101 REV A shall be undertaken only in full accordance with the approved scheme and the development shall only be implemented in accordance with the approved plans.

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).

#### Obscure Windows

- C5 Before the first occupation of the extension(s) 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).

#### No Additional Window(s)

- C6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations or roof slopes of the extension hereby approved.

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

#### Fencing/ Boundary Treatment)

- C7 Prior to the first use of the rear patio adjacent to No. 33 Manor House Gardens, the existing fencing to the common boundary shared with 33 Manor House gardens shall be extended along the full length of the proposed patio in accordance with the approved details as shown on plan 2423-SK-100 REV K and shall be permanently maintained thereafter.

The boundary treatment, if removed, shall be replaced by another imperforate fence of similar type and height for so long as the development remains in existence.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties 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).

## 8.2 Informatives:

### Standard Advice

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application 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](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

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

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

{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.

### Householder 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.

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>.