

PLANNING COMMITTEE – 17 July 2025

25/0391/RSP – Part-retrospective: Demolition of existing conservatory; construction of part single part two storey rear extensions, loft conversion including rear rooflights; conversion of garage to habitable accommodation, alterations to external materials including replacement render and roof tiles; alterations to fenestration detail; and associated internal alterations at 44 WOLSEY ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2EN

Parish: Batchworth Community Council
Expiry of Statutory Period: 13.05.2025
(Extension of time agreed to 25.07.2025)

Ward: Moor Park & Eastbury
Case Officer: Tom Norris

Recommendation: That PART-RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee: Called in by Batchworth Community Council unless Officers are minded to refuse, due to concerns over Conservation Area impact, and trees.

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=SSL67BQFFKQ00>

1 Relevant Planning History

- 1.1 24/1623/FUL - Demolition of existing conservatory; construction of single-storey rear extension, first-floor rear extension, loft conversion including rear rooflights; conversion of garage to habitable accommodation, alterations to external materials including replacement render and roof tiles; alterations to fenestration detail; and associated internal alterations. - 09.12.2024 – Permitted
 - 1.1.1 24/2021/DIS - Discharge of Condition 4 (Materials) pursuant to planning permission 24/1623/FUL - 11.02.2025 – Determined
- 1.2 24/1226/FUL - Demolition of existing conservatory; construction of single-storey rear extension, loft conversion including rear rooflights; conversion of garage to habitable accommodation, alterations to external materials including replacement render and roof tiles; alterations to fenestration detail; and associated internal alterations – 01.10.2024 – Permitted
 - 1.2.1 24/1680/DIS - Discharge of Condition 4 (Materials) pursuant to planning permission 24/1226/FUL - 11.12.2024 – Determined
- 1.3 W/1757/66 - Double garage, bedroom over - 05.09.1966 – Permitted & Implemented
- 1.4 W/294/55 - House and garage - 05.04.1955 – Permitted & Implemented

2 Description of Application Site

- 2.1 The application site is located on Wolsey Road, Moor Park.
- 2.2 The application site contains a detached dwelling with a dark tiled hipped roof form. The dwelling contains a central gable feature which is finished in facing brick and the remainder of the dwelling is predominantly light render.

- 2.3 To the front of the dwelling is a carriage driveway and front garden. To the rear of the dwelling is an amenity garden that is predominantly laid as lawn. The area is generally characterised by large, detached properties set within generous plots.
- 2.4 The site falls within the Moor Park Conservation Area. It is noted from the planning history of the site that the dwelling was built pre-1958. Furthermore, prior to recent works being undertaken, the dwelling was largely unaltered from its original form except for a first-floor side extension and single storey rear additions. As discussed in further detail in this report, the Moor Park Conservation Area Appraisal highlights the importance of the preservation of pre-1958 dwellings.
- 2.5 Works are currently being undertaken on site to implement planning permission 24/1623/FUL.

3 Description of Proposed Development

- 3.1 This application seeks part-retrospective planning permission for 'Demolition of existing conservatory; construction of part single part two storey rear extensions, loft conversion including rear rooflights; conversion of garage to habitable accommodation, alterations to external materials including replacement render and roof tiles; alterations to fenestration detail; and associated internal alterations'.
- 3.2 This application follows permitted application 24/1623/FUL for a largely identical proposal. The principal difference between the permission and this current proposal is an infill first floor extension within the space between the two-storey rear projections. There would be a 0.3m height increase to the left-side two-storey rear projection, and two rear rooflights would be repositioned. The central enclosed balcony would be removed because of the infill extension. The proposal otherwise remains as permitted under 24/1623/FUL.
- 3.3 Amended plans were received during the application. The originally submitted plans proposed to increase the height of the existing two-storey side extension. This also enabled higher roofs to the two-storey rear projections. The plans were amended so that there would be no changes to the roof of the existing side extension, and the heights of the proposed rear projections were lowered. The proposed development is described in full below.
- 3.4 The existing conservatory has been demolished to the rear of the property and a single-storey rear extension has been constructed in its place with a bricked exterior to appear like the existing ground floor projections. This extension has a total depth of 6.25m, a width of 11.0m, and a flat roof with an overall height of 3.0m. The extension would contain a set of rear bifold doors.
- 3.5 First-floor extensions would be constructed at the rear of the property. The first-floor extension above the existing garage would have a depth of 2.2m, a width of 4.4m, and would have a hipped roof, with an eaves height of 4.8m and an overall height of 7.8m. The abovementioned infill first-floor rear extension would have a depth of 2.2m, which would not exceed the depth of the existing left-side rear projection. This would have a total width of 6.1m and would have an eaves height of 4.8m and an overall height of 7.8m. These extensions would be finished in materials to match the dwelling and would contain windows and a Juliet balcony at the rear.
- 3.6 It is proposed that the loft is converted to habitable accommodation. This would involve the insertion of five conservation style rooflights to the rear roof slopes of the dwelling. It is proposed that the roof covering is replaced with new plain brown roof tiles to match the existing.
- 3.7 It is proposed that the existing render to the dwelling is replaced with new white render. The existing brick features, such as the front gable and chimney, would remain as brick.

- 3.8 Fenestration alterations are proposed including the insertion of first floor level Juliet balconies, with metal rail balustrading, within the two rear projections. There would be a set of doors inserted at ground floor level. The window openings within the principal front elevation would be enlarged to adjoin the pairs of single casement windows. New windows would be inserted to the dwelling.
- 3.9 It is proposed that the existing attached garage is converted to habitable accommodation. The existing garage door would remain.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Conservation Officer: [Objection – to original proposal, amended extension is proportionate, however, concerns remain regarding detailing]

Comments on 23.05.2025

The application is for Demolition of existing conservatory; construction of part single part two storey side and rear extensions, loft conversion including rear rooflights; conversion of garage to habitable accommodation, alterations to external materials including replacement render; alterations to fenestration detail; and associated internal alterations.

The property is in the Moor Park Conservation Area. The property is a pre-1958 dwelling and makes a positive contribution to the significance of the Conservation Area by virtue of its derivation, scale, form, and appearance.

This follows previous application 24/1226/FUL. The heritage consultation response raised concerns over removal of render, depth of rear extension, window alterations, front entrance, and balconies. It is noted that a later application 24/1623/FUL was also submitted.

In the current proposal, the existing southern side element has a distinctive curved roof form and is subordinate to the main dwelling house both in terms of its height and set back would be replaced. In the proposal although the new side element would be set back, it would be increased in height to almost match the main dwellinghouse and would then be extended far back to the rear and linked to three large rear gable features. Overall, these extensions, would result in excessive bulk in the roof form and detract from the existing attractive built form and would likely to be prominent in views from the south.

The removal of the existing windows at the front which form part of the original character would not be supported in heritage terms as they would result in a loss of the historic character, resulting in heritage harm. Also, the use of rear balconies would not be supported as this would be incongruous with the character of the dwellinghouse.

The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be considered. With regards to the National Planning Policy Framework the level of harm is 'less than substantial' as per paragraph 215.

Comments on 04.07.2025

This application is for Part-retrospective: Demolition of existing conservatory; construction of part single part two storey rear extensions, loft conversion including rear rooflights; conversion of garage to habitable accommodation, alterations to external materials including replacement render and roof tiles; alterations to fenestration detail; and associated internal alterations.

The property is in the Moor Park Conservation Area. The property is a pre-1958 dwelling and makes a positive contribution to the significance of the Conservation Area by virtue of its derivation, scale, form and appearance.

This application follows previous applications 24/1623/FUL and 25/0391/FUL.

Previous concerns were raised over removal of render and replacement with facing brick, over the depth of the rear extension and alterations to the fenestration.

In the current proposal, the extensions would be set to the rear and would be proportionate to the main house.

Alterations to the window design and use of a Juliet balcony is still proposed. These are still not supported for the same reasons as highlighted in responses applications 24/1226/FUL and 25/0391/FUL.

The render is proposed to be replaced, and replacement materials should be secured via planning condition.

This response has been made in the context of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and National Planning Policy Framework Chapter 16 'Conserving and enhancing the historic environment'

4.1.2 Batchworth Community Council: [Objection]

BCC objects to this application on the following grounds:

The three rear gables are not subservient to the original building, and the architectural reference of the flared eaves will now be lost.

The increase in ridge height is unacceptable, as this will be visible from the main road and therefore will have a detrimental effect on the character of the street scene in the Moor Park conservation area.

The drawings shown in the application are confusing regarding the ridge heights.

There is no Tree Protection Plan.

BCC would like to call this into committee unless officers are minded to refuse.

4.1.3 Moor Park (1958) Ltd: [Objection]

The Directors of Moor Park (1958) Limited object to the proposals contained in Application 25/0391/FUL.

The Council will be aware of our comments previously submitted with respect to Application 24/1226/FUL for the demolition of the existing conservatory and a single storey rear extension to which we had no objections. They will also be aware of the comments in respect of Application 24/1623/FUL in respect of the demolition of the existing conservatory and construction of a single storey rear extension, first floor rear extension, loft conversion including rear rooflights, conversion of garage to habitable accommodation, to which no objections were raised, but observations were made concerning the impact that the two storey rear extensions may have on the adjoining neighbours. It will also be noted it was set out in the comments relating to application 24/1633/FUL that the proposal does result in an increase in bulk in the building to the rear. This does not impact the building viewed from Wolsey Road and does not appear to impact views of the property from Wolsey Road. The current application however, with the increased roof height and the change in roof profile on the south side of the building being clearly visible from Wolsey Road, will have a

detrimental impact on both the character of this pre-1958 dwelling, which was built about 95 years ago, and on the character of the Moor Park Conservation Area.

The ridge height of the rooms serving the proposed rear extension have also been increased and there is considerable concern that these will now have a far greater impact on the adjoining properties, particularly the conservatory serving No 42. The higher roof height together with the change in roof profile from that previously approved is considered to be detrimental, both to the character of the property, the Conservation Area as a whole and to neighbouring properties.

4.1.4 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 11

4.2.2 Responses received: 1 objection

4.2.3 Site notice posted 04.04.2025, expired 27.04.2025.

4.2.4 Press notice published 28.03.2025, expired 19.04.2025.

4.2.5 Summary of responses

- Overlooking concerns
- Concerns of loss of light
- Concerns over scale of rear projections
- Concerns over street scene impact

4.2.6 Material planning considerations are addressed in this report.

5 Reason for Delay

5.1 Committee cycle and for Officers to seek amendments.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

6.1.1 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).

6.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

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

6.1.4 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.

6.1.5 The Environment Act 2021.

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

- 6.2.1 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”.
- 6.2.2 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).

The Three Rivers Local Development Plan

- 6.2.3 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.
- 6.2.4 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.
- 6.2.5 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 Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5.
- 6.2.6 The Batchworth Neighbourhood Plan (Referendum Version) was approved in May 2025 following a residential referendum. Relevant policies include Policies BW CC1, and BW DE1. The Batchworth Neighbourhood Design Code is also relevant, as an appendix to the Plan. Moor Park is defined as Character Area 5.

6.3 Other

- 6.3.1 Moor Park Conservation Area Appraisal (2006).
- 6.3.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 Planning Analysis

7.1 Site Overview

- 7.1.1 As set out above, in the description of development section, works are underway to implement planning permission 24/1623/FUL. The principal difference between the permission and this current proposal is an infill first floor extension within the space between the two-storey rear projections. This is factored into consideration in the following sections of this report.

7.2 Impact on Character and Appearance

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) 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.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the

visual amenities of the area. Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council.

- 7.2.3 The site is located within the Moor Park Conservation Area therefore Policy DM3 of the Development Management Policies LDD (adopted July 2013) is also applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area.
- 7.2.4 The Batchworth Neighbourhood Plan (Referendum Version) was approved in May 2025 following a residential referendum. Relevant policies include Policies BW CC1, and BW DE1. The Batchworth Neighbourhood Design Code is also relevant, as an appendix to the Plan. Moor Park is defined as Character Area 5, and the Design Code seeks to retain open frontages, front building lines, building heights, and roof typologies, in accordance with the MPCAA guidance.
- 7.2.5 Paragraph 3.1 of the Appraisal is relevant to the consideration of this application which states that the Council "will give high priority to retaining buildings which make a positive contribution to the ... Conservation Area" and that, as a guide, the Council will seek the retention (and suitable protection) of buildings erected prior to 1958. Paragraph 2.7 is also of relevance to the consideration of this application, which states that the buildings on the Moor Park Estate that make a "positive contribution" to the Conservation Area will be those "examples of relatively unaltered buildings where their style, detailing and building materials are characteristic of the Conservation Area"
- 7.2.6 As set out within the Planning History and Site Description sections of this report, the application dwelling is a pre-1958 dwelling for the purposes of the Moor Park Conservation Area Appraisal. Given its relatively unaltered form, it is considered to make a positive contribution to the significance of the Conservation Area.
- 7.2.7 As considered in granting approval for 24/1623/FUL, the proposed single-storey rear extension would be largely obscured from the street scene but for significantly limited oblique views from Wolsey Road. There would be some limited views from within neighbouring gardens. The first-floor extensions would replicate the design of the existing rear projection and would have a relatively modest depth. It is considered that the proposed rear extensions, as amended, would integrate acceptably with the host dwelling and would preserve the character and appearance of the dwelling and its contribution to the Conservation Area. The single-storey extension would have a depth of between 4.0m and 6.25m which, at its maximum depth, would exceed the Design Criteria depth by 2.25m. Notwithstanding, its scale and flat roof form allows it to appear as a legible addition to the dwelling. The proposed extensions would be built in materials to match the dwelling.
- 7.2.8 The proposed alterations to the fenestration of the dwelling are considered to preserve the character and appearance of the dwelling. It is noted that the single casement windows within the front elevation are a characterful feature of the dwelling however are proposed to be combined to form wider, three-casement openings. The Conservation Officer stated, when application 24/1226/FUL was granted for the same works, that the alteration to the front windows is regrettable however the proposed openings are well proportioned and would preserve the character of the dwelling. The existing and new window openings across the dwelling would be fitted with new windows. It is considered that the design of the windows would preserve the character and appearance of the dwelling. The proposed replacement window details were agreed under discharge of condition application 24/2021/DIS relating to 24/1623/FUL. A condition will be included on any part-retrospective permission granted for the materials to be in accordance with these details.
- 7.2.9 The proposed rear rooflights would be of conservation style and would be confined to the rear roofslope, and not visible from the street scene. The proposed rooflights would be acceptable and would comply with the provisions of the Appraisal.

- 7.2.10 The proposed renewal of the external render is considered to preserve the character and appearance of the dwelling. It is proposed that the roof covering is replaced with new tiles to match, which is considered to preserve the character of the dwelling. Material details for the render, roof tiles, and brickwork were agreed under discharge of condition application 24/2021/DIS relating to 24/1623/FUL. A condition will be included on any part-retrospective permission granted for the materials to be in accordance with these details.
- 7.2.11 The proposed scheme, as amended, would be acceptable in terms of its impact upon the host dwelling and Conservation Area.
- 7.2.12 The proposed development would not affect the frontage which would remain as existing in terms of the extent of hardstanding and landscaping. The proposed development would not impact the front building line or overall building height of the dwelling. The proposed extensions, as amended, seek to replicate the roof typology of the existing dwelling. The proposed development would therefore adhere to the Batchworth Neighbourhood Design Code, specifically Character Area 5 for Moor Park.
- 7.2.13 It is also important to consider whether the proposals comply with the planning guidance for Moor Park as set out in the Conservation Area Appraisal (Oct 2006). Key aspects of the Moor Park guidance in relation to this application are the percentage of plot coverage in area, plot width coverage and distance to the boundaries. The Moor Park Conservation Area Appraisal sets the following guidance:
- Maximum building line width of 80% at the front building line
 - Buildings should not cover more than 15% of the plot area.
 - 1.5m being kept clear between flank walls and plot boundaries
- 7.2.14 The proposed development would not increase the front building line of the existing dwelling and would not impact the flank spacing. The proposed development would result in a plot coverage of approximately 16.5%. The increased plot coverage is due to the footprint of the single-storey rear extension which is deemed to be proportionate in scale to the host dwelling. Overall, while the extension would exceed the appraisal guidance, it would not harmfully erode the spacious character of the Conservation Area.
- 7.2.15 In summary, the proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), Policies BW CC1 and BW DE1 of the Batchworth Neighbourhood Plan and Design Code (2025), the Moor Park Conservation Area Appraisal (2006) and the NPPF (2024).

7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties. The Design Criteria at Appendix 2 states that 4.0m is the depth generally considered acceptable for extensions to detached dwellings, and that two-storey development should not intrude a 45-degree splay line, drawn at a point on the boundary level with the rear wall of each neighbour.
- 7.3.2 The proposed single-storey rear extension would have a depth of 6.25m from the existing rear wall, adjacent to the neighbour at no.42. The proposed extension would be set off the boundary with this neighbour by approximately 2.0m and the extension would have a relatively low-profile flat roof of 3.0m in height. In addition, it is noted that this neighbour has a conservatory extension which, as existing, extends some 2.0m beyond the rear wall of the application dwelling. Overall, given the depth, height and proximity to the boundary of

the proposed extension, it would not have an overbearing impact or loss of light to the neighbour at no.42. The proposed extension would be spaced more than 6.0m to the shared boundary with no.46. The above considerations would apply, and it is not considered that an overbearing impact or loss of light would occur. The proposed extension would not impact any other neighbour in this regard. Given that the fenestration to the rear extension would be confined to ground floor level, it would not cause overlooking to any neighbour.

7.3.3 The proposed first floor rear extensions would not intrude the 45-degree splay line with no.46 and would be located a significant distance away from no.42. It is not considered that this feature would result in an overbearing impact or loss of light to any neighbour.

7.3.4 It is otherwise considered that the proposed fenestration alterations and new fenestration, such as rear rooflights and Juliet balconies, would not cause harmful overlooking. While the Juliet balconies would be close to the flank boundaries, they would not provide a materially different view to a window nor would allow any occupant to seek deliberate or harmful views to the detriment of adjoining neighbours. The new first floor flank windows would be obscurely glazed and would not harm the amenities of either neighbour.

7.3.5 The proposed development would therefore be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.4 Highways & Parking

7.4.1 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.

7.4.2 The application dwelling would retain a driveway large enough to accommodate at least three car parking spaces which would be acceptable to serve the dwelling.

7.4.3 The proposed development is therefore acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

7.5 Rear Garden Amenity Space

7.5.1 Policy CP12 of the Core Strategy states that development should consider the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

7.5.2 The application site would retain a rear garden of over 600sqm which would exceed the amenity space standards.

7.6 Trees & Landscape

7.6.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows, and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.

7.6.2 The application site and adjoining neighbouring site contains trees covered by individual Tree Preservation Orders (TPO) and other trees which are afforded protection by virtue of the Conservation Area status. Tree protection was agreed under application 24/1623/FUL to protect the individual, substantial scale TPOs within the amenity garden. Officers visited the site in June 2025 and are satisfied that the protective fencing is in situ, adhering to the

conditions of the previous approval. It is understood that a small to medium scale tree was removed near the boundary with no.46. While not individually protected, as set out above, it was afforded protection by the Conservation Area status. The Tree Officer visited the site and recommended that a condition be included on any permission granted for a tree to be planted in its place. A condition will be included on any permission granted to secure this.

- 7.6.3 In summary, subject to conditions for the tree protection measures to be maintained and for replacement planting, the proposed development is acceptable in accordance with Policy CP12 of the Core Strategy (2011) and Policy DM6 of the Development Management Policies LDD (2013) and the NPPF (2024).

7.7 Biodiversity

- 7.7.1 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.

- 7.7.2 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.

- 7.7.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application.

7.8 Mandatory Biodiversity Net Gain

- 7.8.1 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.

- 7.8.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development. The LPA agree that Mandatory BNG would not apply in this instance.

8 **Recommendation**

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

- C1 The parts of the development, hereby permitted, not begun shall be begun before the expiration of three years from the date of this permission.

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

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC-01 (Location Plan), 1762/01, 6167-PL010 A, 6167-PL011 A, 6167-PL012 A

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the character and appearance of the Conservation Area and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9,

CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policies BW CC1 and BW DE1 of the Batchworth Neighbourhood Plan and Design Code (2025), the Moor Park Conservation Area Appraisal (2006) and the NPPF (2024)

- C3 The parts of the development, hereby permitted, not begun shall be implemented in accordance with the material details approved under 24/2021/DIS pursuant to application 24/1623/FUL. Any proposed changes to the materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason: 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 Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 The protective measures, including protective fencing in accordance with BS 5837:2012 standards, detailed on 6167-PL010 A (07.07.2025) shall be maintained on site throughout the entire course of the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To prevent damage 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).

- C5 Prior to the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner, a replacement Indian Bean tree (*Catalpa Speciosa*) shall be planted in the rear garden of the property, as shown on drawing 6167-PL010 A (07.07.2025). Any alternative species shall be agreed in writing with the Local Planning Authority prior to planting.

The tree should be securely supported in the ground with stakes or anchoring; protected against animal damage and browsing; and mulched to prevent weed growth and retain moisture in the soil. If the replacement tree dies, it should be replaced with another until a new tree is successfully established.

Reason: In the interest of the visual amenities of the area 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).

- C6 Before the first occupation of the development hereby permitted, the windows in the first-floor flank elevations shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the rooms in which the window are installed. The windows 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).

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 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 (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:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site

and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the district.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

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

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

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

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

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

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

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

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

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