

PLANNING COMMITTEE – 17 July 2025

25/0428/FUL – Demolition of existing bungalow and erection of a replacement two storey self-build dwelling at DENEWOOD, CHORLEYWOOD ROAD, RICKMANSWORTH, HERTFORDSHIRE, WD3 4EP

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 14.05.2025
Extension of Time: 25.07.2025

Ward: Chorleywood North & Sarratt
Case Officer: Tom Norris

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called to Committee by three members unless Officers are minded to refuse planning permission. Members cited impact on neighbouring privacy and the impact on the character of the area as the reason. The application was also called in by Chorleywood Parish Council unless officers are minded to refuse for the reason set out at 4.1.2.

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=SSWA4OQFFN400>

1 Relevant Planning History

- 1.1 00/00987/FUL - Single storey garage to replace existing car port - 29.09.2000 – Permitted
- 1.2 W/1930/73 - House in grounds - 30.07.1973 – Permitted and implemented

2 Description of Application Site

- 2.1 The application site contains a detached dwelling located on Chorleywood Road, Rickmansworth. The existing dwelling is a single-storey bungalow with a hipped roof and facing brick exterior. The dwelling is accessed via a driveway off the neighbouring dwelling's driveway at Sunnyside, who has a vehicle access directly off Chorleywood Road.
- 2.2 Forward of the application dwelling is a paved area, large enough to accommodate at least two car parking spaces. A brick wall separates the application site from the Chorleywood Road. Positioned on the boundary with the Chorleywood Road is a significant, mature Turkey Oak tree, which is covered by a Tree Preservation Order (TPO400).
- 2.3 To the rear of the dwelling is an amenity garden of some 450sqm in area. The land levels slope down slightly towards the rear of the site resulting in Chorleywood Road being slightly higher than the site.
- 2.4 The wider context of Chorleywood Road consists of large, detached dwellings of varied design and finish, with a diverse range of heights (including bungalows and two-storey dwellings), which gives a very mixed feel to the character of the street.

3 Description of Proposed Development

- 3.1 Full planning permission is sought for the demolition of the existing bungalow and the erection of a replacement two-storey dwelling.
- 3.2 It is proposed that the existing dwelling is demolished and a new replacement dwelling constructed in its place. The principal part of the proposed dwelling would be set back 17m from the public highway, 11m when factoring in the front projection. The dwelling would have a principal width of 16m, and a maximum width of 19.5m when factoring in the front and side glazed feature. The proposed dwelling would have a principal depth of 11m, and a maximum depth of 20m when factoring in the front and rear projections.

- 3.3 The proposed dwelling would have gabled roof forms with an eaves height of 5.9m, and an overall ridge height of 8.0m, taken from the front of the dwelling. The proposed dwelling would contain two-storey, front and rear gable projections, and a side glazed feature which reduces to single-storey from the front gable. The proposed dwelling would be sited 1.7m to the northern flank boundary with Sunnyside, and at least 1.5m to the southern flank boundary with a public footpath (Chorleywood 013), at its closest point.
- 3.4 The proposed dwelling would take on a relatively contemporary appearance, including significant areas of curved glazing to all elevations and the roof. The proposed dwelling would also include a first-floor rear balcony. The submitted detail indicates that the dwelling would have a facing brick exterior and a tiled roof.
- 3.5 The proposed development would utilise the existing vehicular access to the dwelling, which is via the neighbour, Sunnyside, and their vehicular access off the Chorleywood Road (certificate B on the application form has been signed). The proposed development includes a new sliding gate at the vehicular entrance to the application dwelling, where it adjoins Sunnyside.
- 3.6 Amended plans were received during the application which lowered the proposed ridge height to the replacement dwelling by 1.0m and the eaves height by 0.5m. The height to the single-storey rear projection and the eaves height to the side projection were also lowered by 0.5m, because of the changes. Amendments were also made to correct the indicative street scene, particularly the roof height of the adjoining neighbour at Sunnyside, which was originally portrayed as higher. Officers are now satisfied that the street scene is an accurate representation.

4 Consultation

4.1 Statutory Consultation

4.1.1 TRDC Tree and Landscape Officer: [No objection]

Recommend: Approval

There is Oak tree (T1) to front of the property which is protected by Tree Preservation Order (TPO400). The submitted plans indicate that the Root Protection Area of the tree would be protected during construction works. However, no indication of the layout of the landscape to the front of the dwelling, following development has been provided. A condition should be applied requiring further detail on the proposals for remedial landscaping to the front garden. This should include details of the landscaping within the RPA of the tree, which should be predominately soft landscape rather than hard surfacing.

4.1.2 Chorleywood Parish Council: [Objection]

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

The committee had major concerns with regard to the access to the property. The current access to the site is via the next plot by right of a very restricted covenant. The block plan does not make clear the proposed access, but the 3D Plans seem to show access to the front of the property directly onto the A404. Bearing in mind the nature of the road and the positioning directly opposite the emergency exit from the Royal Masonic School, the Committee consider that this new access onto the A404 is unsafe. It is requested that Hertfordshire Highways are consulted on the proposed access to the property. The flank windows to the property need to use obscured glass to avoid a negative impact on the privacy of neighbouring properties. The inclusion of a front projection is likely to cause a echo chamber effect to the right-hand side neighbour as there is already a projecting wall on the property to the other side of this neighbouring property. There are concerns that the

plans are not complete, with very little detail being provided on the block plan, the street scene not accurately reflecting the actual street view and potential errors in the levels shown.

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

4.1.3 HCC Footpath Section: [No response received]

4.1.4 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 4.

4.2.2 Responses received: 2 (Objections)

4.2.3 Summary of responses:

- Concerns over height and overbearing appearance.
- Dispute over height shown to neighbouring properties.
- Concerns over scale and massing.
- Concerns over proximity to the boundary.
- Concerns of overdeveloping an infill plot.
- Loss of privacy due to proposed glazing.
- Overbearing impact to neighbours given scale, height, and depth.
- Loss of boundary screening.
- Concerns over road traffic safety during construction.
- Dispute over notice served on neighbouring occupiers.
- Impact upon protected trees.
- Concerns over accuracy of information presented (heights and elevations).

4.2.4 Site notice posted: 04.04.2025, expired: 27.04.2025.

4.2.5 Press notice published: 28.03.2025, expired: 19.04.2025.

5 Reason for Delay

5.1 Committee cycle.

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

6.1.3 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.

6.1.4 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 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 DM1, DM4, DM6, DM8, DM10, DM13 and Appendices 2 and 5.
- 6.2.6 The Chorleywood Neighbourhood Development Plan (Referendum Version August 2020). Relevant policies include Policies 2 and 4.

6.3 Other

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

7 Planning Analysis

7.1 Principle of Demolition

- 7.1.1 The application dwelling is not situated within a conservation area and is not a Listed or a Locally Listed Building. As such, there are no overriding policy requirements to retain the existing dwelling, and the principle of demolition and construction of a replacement dwelling is acceptable, subject to other material considerations.
- 7.1.2 The site is located within the Chorleywood Neighbourhood Development Plan area. Policy 4 of the Chorleywood Neighbourhood Plan relates to 'Housing to meet the needs of local people'. This policy states that “in areas characterised by groups of bungalows those developments which require the submission of a planning application will be carefully assessed to ensure that the supply of housing suitable for older and disabled people is not diminished. This will usually mean that suitable bungalows will not be able to be converted into multi-level dwellings”.
- 7.1.3 The proposal would result in a loss of a bungalow and the creation of a 'multi-level dwelling' and would therefore not comply with Policy 4, mentioned above. It is not considered that the principle of constructing an additional storey to the bungalow to make it a multi-level dwelling is unacceptable or would justify refusal of planning permission subject to other material considerations. As referenced in Policy 4, various alterations can be made to

properties without the need to apply for planning permission, via 'permitted development' and as such can transform a bungalow into a 'multi-level dwelling'.

- 7.1.4 Concerns are not raised that the proposal would demonstrably diminish the supply of housing suitable for older or disabled people, as the proposed dwelling could still, with or without further adaptation, provide suitable living accommodation for older or disabled people.

7.2 Design and impact upon Character & Street Scene

- 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. The Design Criteria at Appendix 2 states that the first-floor element of development should be set in by a minimum of 1.2 metres to prevent a terracing effect within the street scene. The Design Criteria at Appendix 2 further states that increases to ridge height will be assessed on their own merits at the time of a planning application. 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 Policy 2 of the Chorleywood Neighbourhood Plan states that all development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale, and design. It also states that all developments must demonstrate how they are in keeping with, and where possible enhance, the special characteristics of Chorleywood.
- 7.2.4 In terms of the individual design, the dwelling would have a relatively modern and contemporary appearance. Given the considerable variance in the street scene of Chorleywood Road in terms of house type, design, size and facing materials, there is not an objection to a dwelling of a more modern and contemporary character. Officers note examples of this include "Casa KCN", which is complete and located next to the site, and other examples such as "Yogi Bhuvan" which is currently under construction. The proposed dwelling would have a gabled roof and front and rear projecting gabled features. The main portion of the dwelling would adhere to the established front and rear building lines of the street, including to the neighbour to the north at Sunnyside. It is noted that the dwelling would contain a two-storey front gable, and glass conservatory, which would project some 5.0m forward of the principal front building line. It is considered that this would be a visually subordinate feature in the context of the dwelling and would still be set back nearly 10m from the front boundary, thus not appearing visually prominent or incongruous within the street scene. This feature is also somewhat mitigated by the slight change in land level from the street and the presence of a front boundary wall which is to be retained.
- 7.2.5 The submission does not specify the proposed finish materials however the proposed visuals indicate how the dwelling may appear, including a light facing brick exterior and tiled roof, which is considered acceptable. It is considered appropriate to secure final material details via condition.
- 7.2.6 The proposed replacement dwelling would be two-storey therefore would be more prominent in the street scene, given that the existing dwelling is a bungalow. Officers sought amendments to the scheme, as it was established that the ridge height of Sunnyside was not represented correctly on the original plans. This has been updated, and Officers are satisfied that this is now accurately shown. Amendments were made to the scheme to reduce the proposed ridge height of the new dwelling by 1.0m, and the eaves height by 0.5m. The proposed street scene indicates that the overall height of the dwelling would be

slightly higher than Sunnyside by approximately 0.6m. It is noted that Sunnyside has a ridge height which is somewhat modest in the context of the street scene. It is considered that the proposed ridge height and eaves height, as amended, would respect the neighbouring ridge heights. As amended, it is considered that the proposed replacement dwelling would sit comfortable next to Sunnyside and, when factoring in the flank spacing (2.8m total between) it would not appear overly dominant next to Sunnyside. While it may slightly exceed Sunnyside, it would not result in demonstrable harm to the street scene to justify refusal of planning permission, particularly given the variance of the Chorleywood Road.

- 7.2.7 The proposed dwelling would provide a 1.7m spacing to the flank boundary with Sunnyside and at least 1.5m to the other side, which adjoins a public footpath (Chorleywood 013). Overall, the proposed flank spacing maintained would respect the character and appearance of the area.
- 7.2.8 Officers note concerns regarding overdevelopment of a former infill plot however note that the plot width is comparable with the surrounding character and the proposed dwelling would provide policy compliant flank spacing and a height comparable to the directly adjoining neighbour. Overall, it is not considered that harm would arise on this basis.
- 7.2.9 Officers note the concerns of neighbours regarding the proposed indicative street scene elevation drawing, and heights of adjoining neighbours. While concerns regarding the height of this dwelling have been raised, this application must be assessed on its individual merits. For the reasons expressed above, the resultant relationship with Sunnyside and how the dwelling would integrate with the wider street scene is considered acceptable.
- 7.2.10 It is considered appropriate for permitted development rights to be removed under Schedule 2, Part 1, Class A and Class B of the Town and Country Planning (General Permitted Development) Order 2015 as part of a condition that would be included to any planning consent to prevent overdevelopment within the plot by ensuring that all further extensions and additions require a grant of express planning permission.
- 7.2.11 In summary, the proposed development is acceptable in accordance with Policy CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies LDD, and Policy 2 of the Chorleywood Neighbourhood Plan.

7.3 Impact on 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. Two-storey development should not intrude the 45-degree splay line measured from a point on the shared boundary level with the rear wall of the dwelling.
- 7.3.2 The proposed dwelling would not intrude the 45-degree splay lines with any adjoining neighbours, including Sunnyside to the north and Cottingham House to the south and beyond the public footpath. In respect of Sunnyside, the proposed dwelling would not intrude the 45-degree splay line at the front, at the rear at first floor level, or at the rear at ground floor level, factoring in the single-storey projection to Sunnyside. It is therefore not considered that the proposed dwelling would result in a loss of sunlight or daylight to the front and rear windows of Sunnyside. The proposed dwelling would be sited at least 9.0m from any part of neighbouring plot at Cottingham House and therefore it is not considered that it would result in any loss of light or overbearing impact.
- 7.3.3 It is acknowledged that the single-storey rear portion of the proposed dwelling, adjacent to the shared boundary with Sunnyside would project beyond the rear of this neighbour. This

would be limited to a depth of 3.6m and would be spaced 1.7m to the shared boundary. The Design Criteria at Appendix 2 states that 4.0m is the depth generally considered acceptable for single-storey extensions to detached dwellings, which this would comply with in this sense. While it would have a relatively tall overall height of 3.9m, the relative land levels are set down 0.7m on the applicant's side and given the above circumstances it is not considered that this feature of the development would result in a loss of light or overbearing impact.

- 7.3.4 It is acknowledged that the front gable would extend forward of the principal front building line. As set out above, this would be sited such a distance from the shared boundary with Sunnyside that it would not intrude the 45-degree splay line. Officers note concerns that this would be prominent and overbearing to neighbours. It is acknowledged that it would be visible when stood within the site frontage of Sunnyside, and to a lesser extent when stood within the frontage of Cottingham House. Notwithstanding this, it is not considered that it would result in overbearing harm.
- 7.3.5 It is acknowledged that the proposed replacement dwelling would be visible to varying degrees within neighbouring plots, however it is not considered that the proposed dwelling would result in a demonstrably harmful impact in terms of a loss of light or overbearing impact to any neighbour which would justify the refusal of planning permission.
- 7.3.6 The proposed dwelling would contain glazing at ground and first-floor level within its front, side, and rear elevations. The proposed dwelling would also contain rooflights. It is acknowledged that the front and rear elevations contain full height, relatively substantial openings. While this is noted, it is not considered that the views afforded from the front and rear facing windows would result in overlooking to any neighbour. There would be approximately 30m to the rear boundary of the site, and some 45m to the dwelling in the plot to the rear at Aum. It is not considered that overlooking would arise from the proposed development to this neighbour.
- 7.3.7 The proposed development contains a first-floor rear balcony, which is positioned centrally within the context of the rear elevation and includes solid, full height screening to obscure any direct sideward views, particularly towards Sunnyside. Subject to conditions, it is considered that the proposed balcony is acceptable.
- 7.3.8 It is considered appropriate to condition the first-floor level glazing, within the flank elevation facing towards Cottingham House (from the master bedroom) and within the front gable facing towards Sunnyside, to be obscurely glazed and non-opening below 1.7m from the internal floor level. It is considered acceptable for the glazing serving bedroom 3 to be clear given its position (would overlooking small portion of frontage to Cottingham House and Chorleywood Road). Subject to conditions, this glazing is considered to be acceptable and would not cause overlooking.
- 7.3.9 In summary, the proposed development is acceptable 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 proposed development proposes to utilise the existing access arrangement which is via a driveway across the frontage of Sunnyside. The applicant and neighbours are reminded that any private rights of access agreement are a civil matter.

- 7.4.3 The proposed driveway would be large enough to accommodate three car parking spaces which would meet the adopted standards for a dwelling of this size. The proposed development also includes a new sliding gate between the access drive within the frontage of Sunnyside and the private driveway of Denewood.
- 7.4.4 Given the location of the site, on a busy road, and the nature and scale of the proposed development, it is considered appropriate to include a condition for a Construction Management Plan. It is also considered appropriate to include a condition requiring details of quantity and method of how spoil is to be removed from the site. It is noted that Denewood has a right of access over the driveway frontage to Sunnyside. The frontage to Sunnyside is largely open, with no fencing or hedging distinguishing the track. It is considered appropriate to include the requirement for details within the CMP to show how this access will be managed (i.e. temporary fencing or hoardings) during the whole course of development, so as to minimise any adverse impact on Sunnyside.
- 7.4.5 The proposed development, subject to conditions, 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 Trees & Landscape

- 7.5.1 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.
- 7.5.2 The application site contains a significant, mature Turkey Oak tree which is positioned on the front boundary of the site, which is covered by a Tree Preservation Order (TPO400). It is noted that there is also a TPO tree adjacent to the vehicular access to Sunnyside, another mature Turkey Oak. The application is accompanied by an Arboricultural Impact Assessment, Arbol Euro Consulting, dated 28/03/2025, which includes a tree survey and tree protection plan.
- 7.5.3 The Landscape Officer was consulted on the application and commented that the submitted plans indicate that the root protection area of the tree would be protected during construction works. Notwithstanding, the plan does not specify any protection to the TPO tree adjacent to the access to Sunnyside off the Chorleywood Road. While there would not be any direct impact, there is scope for this tree to be impacted by construction traffic. A condition will be included on any permission granted for the submission of a tree protection plan which factors in the TPO, adjacent to the entrance to Sunnyside.
- 7.5.4 The Landscape Officer noted that no indication of the layout of the landscape to the front of the dwelling has been provided and therefore a condition should also be applied requiring further detail on the proposals for landscaping to the front garden. The Landscape Officer stated that this should include details of the landscaping within the RPA of the tree, which should be predominately soft landscape rather than hard surfacing. A condition will be included on any permission granted for a hard and soft landscaping scheme.
- 7.5.5 In summary, subject to conditions, the proposed development is acceptable in this regard, in accordance with Policy CP12 of the Core Strategy (2011) and Policy DM6 of the Development Management Policies LDD (2013).

7.6 Amenity Space

- 7.6.1 Appendix 2 of the Development Management Policies LDD sets out standards for the provision of amenity space and states the following indicative levels:
- 4-bed dwelling - 105 square metres
- 7.6.2 The proposed dwelling would retain a rear amenity garden of over 420sqm and therefore the proposed development is acceptable in this regard.
- 7.7 Energy & Sustainability
- 7.7.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero-carbon standard (as defined by central government). However, the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.
- 7.7.2 The application is not accompanied by an Energy Statement. A condition will be included on any permission granted which will be required to demonstrate that at least a 5% reduction in CO2 emissions below the baseline emission rate will be achieved, based on Part L of the Building Regulations 2013 edition.
- 7.8 CIL
- 7.8.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing. The Charging Schedule sets out that the application site is within 'Area A' within which there is a charge of £180 (plus indexation) per sq. metre of residential development.
- 7.9 Refuse & Recycling
- 7.9.1 Policy CP1 of the Core Strategy states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies LDD sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.
- 7.9.2 The dwelling is located within a residential area and the collection of refuse and recycling bins adjacent to the highway would be considered acceptable. The site frontage would accommodate sufficient area for bin storage which is acceptable.
- 7.10 Biodiversity
- 7.10.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.10.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for

applications where biodiversity may be affected prior to the determination of a planning application.

- 7.10.3 The application is accompanied by an Ecological Appraisal. The appraisal concludes that no evidence of protected species was found on or adjacent to the site and no protected species are to be affected by proposals. The report recommends that a precautionary approach is taken to construction and that all works should cease immediately if any protected species are encountered.

7.11 Mandatory Biodiversity Net Gain

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

- 7.11.2 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 self-build development. The LPA agree that BNG would not apply in this instance.

8 Recommendation

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

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

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

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: DW_001 REV 02, DW_005 REV 02, DW_010 REV 00, DW_015 REV 00, DW_020 REV 01, DW_021 REV 02, DW_025 REV 03, DW_026 REV 03, DW_027 REV 02, DW_029 REV 01

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM4, DM6, DM8, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), the Chorleywood Neighbourhood Plan (adopted 2020), and the NPPF (2024).

- C3 Prior to the commencement of works above ground level, samples and details of the proposed materials and finishes, including details of bricks, roof tiles, windows, conservatory glazing, balustrading, and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed only in accordance with the details approved by this condition.

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), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), the Chorleywood Neighbourhood Plan (2020), and the NPPF (2024).

- C4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. parking of vehicles of site operatives and visitors
- ii. construction of access arrangements including the routing of vehicles
- iii. loading and unloading of plant and materials
- iv. storage of site facilities, plant and materials used in constructing the development

- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- ix. Details of how spoil will be removed from the site, and where it would be removed to
- x. Confirmation that all spoil arising from any excavation of the site and foundations shall be removed from the site in accordance with the details above and will not be spread or redistributed across the application site.

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience, and to protect neighbouring amenity and trees on and adjacent to the site, in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

- C5 No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: This condition is a pre-commencement condition in order to ensure a satisfactory form of development relative to surrounding buildings and landscape and to meet the requirements of 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).

- C6 Notwithstanding what is shown on the tree protection plan, a new tree protection plan shall be submitted to and approved in writing by the Local Planning Authority, also showing details of how all trees, including the tree adjacent to the entrance to Sunnyside will be protected throughout the construction phase.

Following receipt and agreement of this plan, the agreed protection measures shall be installed in full accordance with the approved drawing before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is required to ensure that no development takes place until 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).

- C7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials, and method of drainage around the areas of the site affected by the development.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e., November to March inclusive).

Reason: In the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C8 Prior to the commencement of development, hereby permitted, an energy statement, demonstrating that at least a 5% reduction in CO2 emissions below the baseline emission rate will be achieved, based on Part L of the Building Regulations 2013 edition, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved energy statement.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

- C9 Prior to the first occupation of the development hereby permitted, the window within the southern flank elevation at first floor level, serving the master bedroom and facing Cottingham House, shall be fitted with purpose made obscured glazing and any part of any such window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in this condition.

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).

- C10 Prior to the first occupation of the development hereby permitted, a solid privacy screen shall be erected along the total depth of the north flank of the rear balcony, screening views towards Sunnyside as shown on drawing number DW_026. Once erected, the solid privacy screen shall be permanently retained therefore in terms of its design, siting and height.

Reason: To safeguard the amenities of the occupiers of Sunnyside 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).

- C11 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Class of Schedule 2 of the Order shall take place.

Part 1

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

Class B - additions etc. to the roof

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

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, 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

- 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 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.

Self and Custom Build Development, meaning development which:

- a) consists of no more than 9 dwellings;
- b) is carried out on a site which has an area no larger than 0.5 hectares; and
- c) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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

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

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

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