

PLANNING COMMITTEE – 11 September 2025

25/1140/FUL - Construction of two storey side extension, single storey front extension; loft conversion including alteration to roof form and insertion of rear dormer window and front rooflights; extension to driveway and access; alterations to fenestration, external materials including render and timber cladding 12 WESTBURY ROAD, NORTHWOOD, HA6 3BT

Parish: Batchworth Community Council
Expiry of Statutory Period: 28.07.2025
Extension of Time Agreed: 19.09.2025

Ward: Moor Park And Eastbury
Case Officer: Danielle Kavanagh

Development Type: Householder development.

Recommendation: That Planning Permission be GRANTED subject to conditions.

Reason for consideration by the Committee: The application was called in by three Councillors should the officers be minded to approve, due to the bulk and massing on a narrow plot and impact on the street scene. Also overlooking into neighbours' property.

To view all documents forming part of this application please go to the following website:
[12 Westbury Road, Northwood, HA6 3BT](#)

1 Relevant Planning History

- 1.1 15/0079/FUL - Demolition of single storey rear extension, detached garage and greenhouse and construction of single storey side and rear extension - 16.03.2015 Permitted and implemented.
- 1.2 8/265/75 - Erection of a carport - 23.05.1975 Permitted.

2 Description of Application Site

- 2.1 The application site contains a two-storey detached dwelling located on the southern side of Westbury Road, in Eastbury, Northwood. The streetscene consists of detached dwellings of varied architectural style located on large plots.
- 2.2 The host dwelling has a red brick external finish with hipped roof form and front gable projection above the first floor level with a red and brown hung tile finish. There is a front bay window at ground floor level. The entrance to the dwelling is located centrally, and there is an existing arched porch with the entrance door recessed. Located to the eastern side of the dwelling adjacent to the boundary with No. 14 is a car port and single-storey side and rear extension.
- 2.3 The existing dwelling is served by a vehicular access which provides access to an area of hardstanding with parking for two cars. To the rear of the dwelling is a paved patio area, with the remaining garden area consisting of grass and an area of decking at the rear of the amenity space.
- 2.4 The adjacent neighbour to the east, No. 14 has a similar front building line to the host dwelling, the host dwelling extends past this neighbour's rear building line. No.14 is located on a slightly higher land level. The other neighbouring dwelling to the west, No. 10, has a front building line that is located further back relative to the host dwelling and sits at a lower land level, the host dwelling extends past the rear building line of No.10 by approximately 2.2m at ground floor level. No. 43 The Fairway is located to the rear of the host dwelling and sited perpendicular to the application site, some 35m from the existing rear elevation of the host dwelling.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of a two-storey side extension, single-storey front extension, a loft conversion including alteration to roof form and insertion of rear dormer window and front rooflights. As well as an extension to the driveway and access, alterations to fenestration, external materials including render and timber cladding.
- 3.2 The proposed side extension would infill an area to the east of the dwelling, The first floor level of the extension would have a width of 1.2m and depth of 7.7m to be constructed in line with the adjoining front and rear elevations of the existing dwelling. The existing ridge line would be extended across to accommodate the two-storey extension by 2.9m, the resultant roof would be hipped, and the eaves height of the side extension would match the existing. The ground floor of the side and front extension would be 10.5m deep, 6m wide, it would wrap around to the front elevation and would have a maximum depth of 1m where the existing porch is located, and a minimum depth of 0.5m under the front gable projection in place of the existing bay window. The ground floor element would have a mono-pitched roof with an eaves height of 2.7m and a maximum height of 3.6m, three new roof lights are proposed for the ground floor eastern flank roof. The roof tiles would be plain clay to match the existing. The development would include an increase in ridge height of the front gable projection by 0.4m to a maximum height of 7.7m.
- 3.3 The extended roof would accommodate a loft conversion including the insertion of a dormer to the rear. The dormer would have a flat roof with pitched roof elements to the flank and rear and would measure 2m high, 4m wide and have a depth of 2.8m. A triple pane window is proposed within the rear elevation of the dormer. One new roof light is proposed for the front roof slope to serve the loft conversion.
- 3.4 The existing access way to the application site would be widened by 1.9 m to a total width of approximately 5.4m where the site adjoins the footpath. No extension to the drop kerb is proposed under this application. The existing driveway would be extended by approximately 11 sqm, to accommodate the wider access and a new bin storage area.
- 3.5 The external materials for the proposed development would be red brick and roof tiles to match the existing, with the hung tiles on the front gabled element being replaced by off white render and timber cladding. The proposed windows would be white UPVC to match the existing.
- 3.6 Amended plans were requested and received during the course of the application, the following amendments were provided:
- The roof form was amended from a Dutch hip to a hipped roof, reducing the proposed ridge line extension from 6.1m to 2.9m.
 - A reduction to the scale of the rear dormer. See table below:

Dormer	Superseded Plans	Amended Plans
Width (m)	6	4
Depth (m)	3.1	2.8
Height (m)	2.5	2

4 Statutory Consultation

- 4.1 National Grid: [Holding objection, followed up with No objection]

Your planning application – Holding objection

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application which is in the vicinity of our gas asset/s. We are placing a holding objection on the proposal whilst our engineering team reviews the available information. We will be in touch once we have reviewed the proposals in more detail. In the meantime, we may contact you for more information to help us make the decision.

What you need to do

Please review our attached plans, which detail the Cadent gas asset/s in the area. If your application affects one of our high pressure pipelines, it is a statutory requirement that you input the details into the HSE's Planning Advice Web App. For further details visit www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels and storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at box.eaplantprotectionops@cadentgas.com

Follow up comments received:

After receiving the details of your planning application, we have completed our assessment. We have no objection in principle to your proposal from a planning perspective.

We have 762 mm ST HP pipeline in the works area which will need to be protected at all times this has an easement in place with BPD distance from the pipeline which must not be encroached upon, nothing to be built on or placed/stored on or over the pipeline, in or on top of the pipeline easement for all assets in the works area.

The BPD must be maintained with no encroachment towards the pipeline. No mechanical excavation within 3m of the High-pressure asset.

The ground levels must not be altered over the pipeline or in the easement.

Nothing to be built or positioned over the pipelines, or in the easement of the above said pipeline.

Please be aware that access to the pipeline will be always required in the event of an emergency or operational maintenance needs.

Any damage or any action that puts the pipeline at risk will be reportable to the HSE.

Please refer to MAHP and the BPD noted below.

Please review our attached plans, which detail the Cadent gas asset/s in the area. If your application affects one of our high- pressure pipelines, it is a statutory requirement that you input the details into the HSE's Planning Advice Web App. For further details, visit www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm

The HSE may wish to apply more stringent criteria for building proximity after assessment. Please ensure that you formally consult with them before you proceed.

In order to help prevent damage to our asset/s, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

The original holding objection was triggered due to the presence of a High-Pressure Major Accident Hazard Pipeline (MAHP) and/or an Intermediate Pressure Pipeline and/or an Above Ground Installation.

The minimum building proximity distance (BPD) for the pipelines and associated installations is as follows:

- Specific MAHP BPD (15.3 METERS MIN)*
- Specific IP BPD (3 METERS MIN)*
- Specific AGI BPD (based upon the hazardous area zoning) 10 METERS MIN*

The building proximity distance taken from The Institution of Gas Engineers and Managers publication IGEM/TD/1 Edition 5 which is the standard applicable to steel pipelines and associated installations for high pressure gas transmission and IGEM/TD/3 Edition 5 Steel and PE pipelines for gas distribution

Your responsibilities and obligations

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at box.eaplantprotectionops@cadentgas.com / quoting your reference at the top of this letter.

4.2 Batchworth Community Council: [Objection]

BCC strongly objects to this application due to the bulk and mass which will overwhelm the streetscene. The second floor which over looks 43 The Fairway will impact on the privacy and enjoyment of their amenity space. BCC has concerns that a five-bedroom dwelling will require additional parking space which will not be available on the site.

4.3 Hertfordshire Ecology [No Objection]

This application is exempt from Mandatory Biodiversity Net Gain. The Ecology Service (LEADS) has not undertaken any scrutiny of the validity of the claimed exemption, however taking it at face value in this instance, the requirement for mandatory 10% biodiversity gain does not apply.

After an assessment of the application and supporting ecological documents, we have concluded that the proposals are unlikely to have any significant ecological impacts, therefore the application can be determined accordingly. However, in the unlikely event that bats are found, we advise a precautionary approach to the works is taken and recommend the following informative is added to any permission granted:

“If bats or evidence of them are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.”

4.4 Public/Neighbour Consultation

4.5 Neighbours consulted: 5

4.6 Responses received: 0

4.7 Site Notice: Not Required

4.8 Press Notice: Not Required

5 Reason for Delay

5.1 Committee Cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

6.2 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).

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

6.4 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.

6.5 The Environment Act 2021.

6.6 National Planning Policy Framework and National Planning Practice Guidance

In 2024 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. 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.

6.7 The Three Rivers Local Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM8, DM13 and Appendices 2 and 5.

6.8 Other

Batchworth Neighbourhood Plan 2023-2038 (2023 Submission Version) Adopted May 2025. Relevant policies include Policies BW GB1, BWCC1, BW CC4 and BW DE1.

7 **Planning Analysis**

7.1 Impact on the character and appearance of the host dwelling

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness 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.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.1.3 Policy BW DE1 of the Batchworth Neighbourhood Plan 2023-2038 (Submission Version) sets out that new development in the Batchworth Neighbourhood Plan area shall be based upon a design-led approach to development underpinned by good practice principles and reflecting a thorough site appraisal. Development should respond positively to guidance and principles established in the Batchworth Neighbourhood Design Code, including but not limited to prevailing building heights, materials, development frontages, plot widths, boundary treatments and street enclosure'.
- 7.1.4 Amendments were requested and received during the course of the application which resulted in the proposed roof form being changed from a Dutch hip to a hipped roof. The extension would result in the width of the resultant roof reducing from 7.9m to 3.7m, as well as a reduction in the overall scale and design of the proposed rear dormer.

- 7.1.5 The majority of the proposed development would be visible from the streetscene of Westbury Road, with views of the rear dormer possible from The Fairway.
- 7.1.6 The proposed two-storey side extension and associated extension of the ridge line by 2.9m would increase the width and visual bulk of the dwelling when viewed from the streetscene. Appendix 2 of the DMP LDD sets that two storey side extensions may be positioned on the flank boundary provided that the first floor element is set in by a minimum of 1.2 metres. In this case the two-storey side extension is set up to the shared boundary with No. 14 at ground floor level and set in from the same boundary by 1.2m at first floor level. It is noted that the proposed development would increase the bulk and bring the built form closer to the flank boundary. However, the proposed 1.2m set in and existing 1.5m set in of the western elevation from the boundary would result in a development that would provide sufficient spacing that would respect the character of the street scene and would be in compliance with Design Criteria. The proposed development is not considered to appear disproportionate in scale in relation to the dwellinghouse or result in overdevelopment of the plot. The proposed scale of the two storey side extension and associated roof extension are considered to be acceptable from a character and street scene perspective.
- 7.1.7 The proposed single storey front extension would have a maximum depth of 1m where the existing porch is located, and a minimum depth of 0.5m under the front gable projection in place of the existing bay window. The roof form would be mono pitched and a continuation of the roof serving the single-storey element of the side extension. The front extension, in conjunction with the two-storey side extension, would have the effect of squaring off the front of the dwelling and altering the existing traditional character. The existing bay window would be replaced by a wall flush with the existing first floor, which currently overhangs the ground floor level, above the bay window. The proposal would result in a more modern appearance which would be emphasised by the proposed change of external materials and fenestration details. While this change to the character of the dwelling is notable, it is considered that the dwellings within the streetscene are of mixed architectural design with examples of modern design elements mixed with dwellings of a more traditional character. Taking the varied nature of the street scene into consideration the proposed development would not appear incongruous.
- 7.1.8 A rear dormer is proposed to serve the loft conversion. As set out in the Design Criteria dormer windows should always be subordinate to the main roof. They should be set below the existing ridge level, set in from either end of the roof and set back from the plane of the front or rear wall. The roof form should respect the character of the house if possible. While the dormer is a notable new feature of the rear roof slope, and views would be possible from public vantage points along The Fairway, it is noted that the dormer is of a scale that allows it to be set down from the roof ridge, set in from the flanks and up from the eaves. As a result, it can be argued that the dormer would be subordinate to the proposed roof form and would not result in a dominant feature as viewed from public vantage points. The proposed dormer is considered to be compliant with the Design Criteria set out in Appendix 2, and considered to be acceptable from the perspective of impact on streetscene and the character of the host dwelling.
- 7.1.9 The existing drive would be widened by 1.9m to a total width of approximately 5.4m where it adjoins the footpath. The existing driveway would be extended by approximately 11 sqm, to accommodate the wider access and a new bin storage area. The extension to the drive is not considered to have a harmful impact on the wider streetscene. The existing front boundary wall is low level and would be rebuild as part of the proposal. The plans indicate that there would be at least space for two cars to park. The driveway extension is of a modest scale; an area of soft landscaping adjacent to the boundary with No. 10 would be maintained, which would soften the appearance of the driveway and ensure the character and appearance of the street scene is maintained.
- 7.1.10 In summary, the proposed development would not be of a size, scale or design that would result in any adverse harm to the character or appearance of the host dwelling or

streetscene. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013) and Policy BW DE1 of the Batchworth Neighbourhood Plan 2023-2038 (2023 Submission Version).

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels 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.
- 7.2.2 The neighbour to the west is No. 10 Westbury Road. This neighbour is sited to the opposite side of the proposed two-storey side extension, and due to this siting this element of the development is not considered to have any harmful impact on the light or amenity or give rise to any additional overlooking of this neighbour.
- 7.2.3 To the east the neighbouring dwelling is No. 14 Westbury Road. The proposed two storey extension would be set up to the shared boundary with this neighbour at the ground floor level and set in by 1.2m at first floor level. This would be in compliance with Appendix 2 as set out above. The extension would be flush with the existing rear first-floor elevation, and as such, the 45-degree rule is not required to be applied, it is noted however, that there is no intrusion of the 45-degree line in this case when taken from a point on the shared boundary level with the rear elevation of No. 14. This element of the extension would bring built form closer to No. 14 at ground and first floor level, however the 1.2m set in would help to offset any perception of an overbearing form of development. With regard to glazing, the plans show the replacement and relocation of a window in the first-floor eastern flank elevation. However, it would serve a stairwell which would be classed as a non habitable room and thus can be conditioned to be obscure-glazed and top vent opening only. The proposed plans identify that the first floor rear window in the rear extension would serve a bathroom and although would bring built form closer to the boundary with No.14 at first floor level would not facilitate unacceptable overlooking. Three roof lights are proposed for the mono-pitched roof of the ground floor element of the side extension, due to this location in the roof slope, they are not considered to be a case for additional overlooking of No. 14. Therefore, the development is not considered to be harmful to the light and amenity of No. 14 or give rise to any additional overlooking.
- 7.2.4 The proposed loft conversion would include a rear dormer window and an extension to the ridge by 2.9m. The proposed rear dormer may increase the perception of overlooking towards neighbouring amenity. However, due to the set in of the dormer it would not result in greater overlooking into the neighbouring properties than the existing first floor windows. The siting of No. 43 the Fairway, perpendicular to the application site is noted; however, there is a distance of approximately 37m between the rear dormer and the rear garden boundary which serves as the northern flank boundary of No.43. The dwelling at No. 43 is also set off this boundary. Appendix 2 guidance refers to a back to back distance of 28m as being generally acceptable. In this case the relationship is back to flank, however, the separation is considered sufficient such that the proposed dormer window and roof alteration would not result in a loss of light or appear overbearing towards neighbouring properties, as is considered to be acceptable from the perspective of neighbouring amenity.
- 7.2.5 The single-storey front extension would have a maximum depth of 1m and would be set in from the shared boundary with No. 10 by approximately 1.4m and would be set up to the shared boundary with No. 14. New replacement fenestrations are proposed for the front extension, as well as the windows in the extending first-floor front elevation. The extension is of a modest depth and is not considered to be harmful to the light or amenity of either direct neighbour. The replacement windows would be of an increased scale to those

existing, but not disproportionately so. The windows would overlook the dwelling's frontage and as such, no additional overlooking is considered to result from the implementation of the replacement windows or front extension.

7.2.6 The proposed driveway extension would result in an increase in hardstanding to the frontage of the host dwelling of 11 sqm. This change is not considered to be of a scale that would be harmful to or impact neighbouring amenity.

7.2.7 The proposed development would therefore be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD.

7.3 Highways & Parking

7.3.1 Core Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD. The existing property benefits from 4 bedrooms and no increase in bedrooms is proposed. The parking standards require 3 spaces for a property of this size, and therefore there is an existing shortfall of 1 space as the property currently only benefits from 2 spaces (one on the drive and one in the garage).

7.3.2 Policy BW CC4 states where it is proposed to pave over front gardens and the submission of a planning application is required, all proposals should: Seek to maximise the retained area of lawn and vegetation. Incorporate, as far as possible, Sustainable Drainage Schemes (SuDS). Not direct run-off straight into the drainage system (both to avoid adding to flood risk and to ensure pollutants do not enter the main river system). Include new planting of non-invasive tree and shrub species.

7.3.3 The proposed development would result in a 5 bedroom dwelling, an increase of two bedrooms. Appendix 2 sets out a general need for a 5 bedroom dwelling to have 3 assigned spaces within the curtilage. There are two existing parking spaces, part of this proposal would extend the driveway by approximately 11sqm. The plans indicate that two spaces would be maintained on the extended driveway which would retain the shortfall of one space. It is also however noted that the extended driveway is generous, and there may be space to park 3 cars tandem if required. The agent for the application has confirmed the driveway extension would be block paving to match existing, laid with a fall away from the highway towards the soft landscaping. It is therefore considered that the proposed development would not result in surface run off onto the highway.

7.4 Rear Garden Amenity Space

7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

7.4.2 The proposed development would not encroach upon the rear amenity space of the host dwelling. 383 sqm of useable amenity space would remain, which is acceptable to serve the five-bedroom dwelling.

7.5 Trees & Landscape

7.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards. The proposed development would not involve the removal of any trees or lie in close proximity to trees.

7.5.2 The proposed development would not require the removal of any trees nor is considered to result in any harm to others.

7.6 Biodiversity

- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.6.2 Biodiversity protection and protected species are a material planning consideration during the application process of this application. This is in accordance with Policy CP9 of the Core strategy in addition to Policy DM6 of the Development Management Policies Local Development Document. Local Authorities, in line with National Planning Policy, are required to ensure that a protected species survey is completed for applications whereby biodiversity may be affected prior to the determination of the application.
- 7.6.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment. Owing to the nature of the development with works to the roof a precautionary informative will be added.
- 7.6.4 A bat survey was submitted with the application. Hertfordshire Ecology has raised no objection to the development. An informative will be added to any grant of planning permission in line with their request.

7.7 Mandatory Biodiversity Net Gain

- 7.7.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 7.7.2 In this case, 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.

8 **Recommendation**

- 8.1 That Planning Permission be **GRANTED** subject to 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: P-002, P-003 REV D, P-001.

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM8 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and Policies BW GB1, BW CC1, BW CC4 and BW DE1 of the Batchworth Neighbourhood Plan 2023-2038 (Submission Version).

- C3 Unless specified on the approved plans, all new works or making good to the retained fabric

shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Before the first occupation of the two storey side extension hereby permitted, the window in the eastern first floor flank elevation of the extension shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

- C5 The driveway extension shall be undertaken in a permeable material or provision made to direct run off water to a permeable or porous area or surface within the site. The driveway shall be retained as such thereafter.

Reason: In the interests of highway safety, to ensure appropriate provision for run off and to ensure sufficient on site parking is provided in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM8, DM13 and Appendix 5 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. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

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

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

submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

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

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

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

- I2 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- I4 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>.

- 15 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to. The original holding objection was triggered due to the presence of a High-Pressure Major Accident Hazard Pipeline (MAHP) and/or a Intermediate Pressure Pipeline and/or an AboveGround Installation.
- 16 If bats or evidence of them are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.