

## PLANNING COMMITTEE – 11 December 2025

### **24/2089/FUL - Construction of a single storey rear extension; driveway extension and conversion of garage into habitable accommodation at 20 TOWNFIELD, RICKMANSWORTH, HERTFORDSHIRE, WD3 7DD.**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 21.02.25  
Extension of Time Agreed: 28.11.25

Ward: Rickmansworth Town  
Case Officer: Danielle Kavanagh

Recommendation: That Planning Permission be GRANTED subject to the planning conditions recommended within the body of this report.

Reason for consideration by the Committee: The application was originally called in to committee in March 2025 by Batchworth Community Council, unless Officers were minded to refuse the application, for the reasons set out at 5.3

To view all documents forming part of this application please go to the following website:  
[24/2089/FUL - Construction of a single storey rear extension; driveway extension and conversion of garage into habitable accommodation at 20 TOWNFIELD, RICKMANSWORTH, Hertfordshire, WD3 7DD.](#)

## **1 Update from March Planning Committee**

1.1 This application was previously considered by the Council's Planning Committee on 20<sup>th</sup> March 2025 and members resolved to grant planning permission subject to the imposition of conditions as set out in the committee report that was before them on that date. Following the Planning Committee meeting, a complaint regarding the application and the basis on which the members had resolved to grant planning permission was subsequently made to the Council.

1.2 The complaint made can be summarised as follows:

- During the March Committee Meeting, the planning officer stated that a 3m deep extension could be constructed without express planning permission as permitted development, but failed to mention any height restriction that would apply (3m as compared to the 3.4m height proposed by the application).
- The Proposed Extension is 36% larger than would be permitted under permitted development rights. This is very different from the seemingly small 60cm difference that the Councillors were actively encouraged to factor into their decision making by the Planning Officer.
- Officers handling of a dispute between the parties as to the ownership of the rear boundary wall between No 18 and No 20 and officer's acceptance of the land ownership certificate completed by the applicant (Certificate A) which declared that the applicant was/is the sole owner. No 18 maintains they are the owner.
- The original committee report failed to set out the correct facts, contained false and/or misleading information and but for this, members may have reached a different decision.
- The development is likely to have a considerable negative impact on the amenities of No 18 (as members of the Planning Committee recognised but were prevented from assessing in a fair manner).
- The Committee Report contained factual inaccuracies and omissions:
  - Understated impact on privacy and amenity.
  - Incorrect measurements and misleading statements about compliance with policy.
  - Failure to record number of objections (4).
  - report summarised one of the objections as "absence of party wall agreement". The objection was regarding boundary ownership.

- Apparent bias in administrative decisions (e.g., second consultation on driveway extension seen as favouring applicant).
- Site visit did not include the affected property (No. 18), limiting proper assessment of amenity impact.

1.3 Following receipt of the complaint, officers considered it prudent to defer the issue of the planning permission in order to allow time for the issues raised to be investigated. One of those complaints pertained to the ownership of a boundary wall that forms part of the planning application. Following a comprehensive review of documents submitted by both parties in respect of the ownership position, the applicant subsequently submitted an amended land ownership certificate: Certificate B. The applicant had originally completed Certificate A, declaring that she was/is the sole owner of all the land to which this application relates. This was vigorously denied by the adjoining owner at No 18 Townfield. Certificate B is signed where the applicant is not the sole owner of the land subject of the application. Certificate B was completed by the applicant on a “without prejudice basis” i.e. that it should not be considered an admission of such ownership and was undertaken as a “procedural step”. Following receipt of Certificate B, a 21-day re-consultation exercise was conducted and this report also takes into account any representations made in response. The analysis section of this updated report reviews the proposal in light of the above complaints and further representations and also deals with any discrepancies in the previous report identified by officers.

## **2 Relevant Planning History**

2.1 No relevant planning history.

## **3 Description of Application Site**

3.1 The application site contains a three storey mid terrace town house, located on the southern side of Townfield, Rickmansworth.

3.2 The dwelling has an integrated garage at ground floor level. To the front, there is hardstanding to the frontage with space for one vehicle to park.

3.3 To the rear the dwelling is served by a patio area which is on a slightly lower land level to the ground floor of the house. The patio is enclosed by a freestanding bricked wall, approximately 1.75m high and the three storey flank elevation of No.22 which projects beyond the rear of the host dwelling and No.18. From the patio area there is a step down to a gravelled amenity area with land levels sloping gently downwards towards the rear of the site. This part of the garden is enclosed by metal chain link fencing and close boarded fencing along the rear boundary.

3.4 The attached neighbour to the west, No.18 Townfield, is a three storey mid terrace dwelling of the same architectural style and design as the application dwelling. This neighbour is set on the same front and rear building lines as the application dwelling. It is also on the same land level.

3.5 The attached neighbour to the east, No.22 Townfield, is constructed in the same style and is on the same land level as the host dwelling. This neighbour is set back from the host dwelling by 3m at the front and rear building lines.

## **4 Description of Proposed Development**

4.1 This application seeks full planning permission for the construction of a single storey rear extension; driveway extension and the conversion of the existing garage into habitable accommodation.

4.2 During the course of the application, amended plans were accepted which reduced the depth of the rear extension from 4m to 3.6m.

- 4.3 The single storey rear extension as amended would have a depth of 3.6m and would have a flat roof form with a maximum height of 3.4m (measured from the top of the flat roof to gravelled amenity area at the rear). The extension would extend to a width of 5.1m: the freestanding boundary wall between No.18 and 20 would be removed and the flank wall of the rear extension built on its former footprint, and on the other side, the extension would be built up to the existing flank wall of No.22. Fenestration would be inserted into the rear elevation in the form of bi-folding doors. The rear amenity space would be accessible via two steps down from the extension.
- 4.4 The external material finishes proposed for the extension would be red multi stock bricks, black felt on the flat roof, and white framed doors, to match the existing external finishes of the dwelling.
- 4.5 The garage conversion would result in the existing garage door, in the front elevation of the host dwelling, being replaced by a triple casement window and a 0.7m high wall beneath. The new window and wall would be flush to the front elevation of the dwelling.
- 4.6 The driveway extension would require the removal of a flowerbed and result in an increase in the area of hardstanding measuring 0.9m wide and 7m deep (6.3 sqm) and constructed along the eastern side of the existing driveway. The proposal would create space for two cars to park.

## **5 Statutory Consultation**

- 5.1 Two re-consultations were carried out in addition to the initial consultation (3 consultation exercises in total therefore).

1<sup>st</sup> Re-consultation: Neighbours and consultees were reconsulted on 18.02.2025 following an amendment to the development description to clarify that an increase in hardstanding/driveway is proposed. The re-consultation expired on 11.03.2025 and 2 further objection comments (from a neighbour who had previously commented) were received. Those comments were before members when they originally resolved to grant planning permission on 20<sup>th</sup> March 2025.

2<sup>nd</sup> Re-consultation: A further neighbour and consultee re-consultation was carried out on 22.09.2025 following the receipt of ownership Certificate B in place of the formerly submitted Certificate A. 3 objections in total were received, 3 further objection comments (from a neighbour who had previously commented) and an objection comment from a surveyor appointed on behalf of a neighbour.

- 5.2 National Grid: [No response received]

- 5.3 Batchworth Community Council: [Objection]

Initial Comments: *BCC has discussed and noted this application.*

Further comments following re-consultation 1: (BCC were reconsulted following an amendment to the development description to clarify that an increase in hardstanding was proposed).

*Upon re-examining this application BCC now objects to the change of use of the garage to habitable accommodation, as it would dramatically change the street scene and the architectural symmetry of the Townfield terraced housing.*

*Regarding the rear extension BCC believes it should be reduced to match the back of number 22 Townfield and reduced in height. It will also require a privacy screen between the two neighbouring properties and agreed with the neighbour.*

*BCC would like to Call this application regarding the change of use of the garage into habitable accommodation unless officers are minded to refuse.*

Further comments following re-consultation 2: BCC discussed and noted this application.

#### 5.4 **Public/Neighbour Consultation**

Original Consultation:

5.5 Neighbours consulted: 10

5.6 Responses received: 4 Objections to the original consultation.

5.7 Summary of responses:

- Objection to the application incorporating boundary structures without permission.
- Loss of the uniform 1960s design of the terrace, due to the proposed garage conversion.
- Commenters were concerned about a possible precedent for garage conversions, and noted that no similar conversions exist in this terrace.
- Objections to the fenestration proposed for the garage conversion.
- Overlooking and privacy concerns.
- Concerns that the extension would be larger, taller, and closer to the boundary than others.
- Concerns about loss of light, overbearing effect, and potential encroachment.
- Claims that declarations of sole ownership are inaccurate.
- The extension is considered to harm the enjoyment of the neighbouring garden and living space.

1<sup>st</sup> Re-consultation:

5.8 Summary of responses:

- The submitted plans give a limited view of the development and its potential impact on the neighbouring property.
- The neighbouring property is already set back further than the adjacent properties. This makes the property particularly vulnerable to further enclosure.
- The proposed extension would cause further overshadowing and impact daylight of neighbouring dwelling.
- Suggested breaches of the 45-degree rule from key windows and doors.
- The proposed extension would materially reduce the amenity of both the terrace and indoor living areas.
- The proposed extension of the driveway would harm the street scene by removing planted areas.
- Commenter notes that there is already ample on-street parking, making the garage conversion unnecessary.

2<sup>nd</sup> Re-consultation:

5.9 Summary of responses:

5.10 The objection comments are summarised as follows:

- Converting only one of the two mirror-image garages (at No. 20) would appear unbalanced and visually dissonant.

- Commenter noted that they considered that the garage conversion would conflict with Policy CP12: Calls for development that enhances sense of place and avoids deterioration of built environment. And Policy DM1: Requires development to align with local character and appearance.
- They noted that the conversion of the garage to a habitable room raises significant privacy concerns for both Nos. 18 and 20. And introduces unacceptable overlooking. Contravening Policy 4.7(b) and Policy DM1.
- A commentary document on the ownership certification regarding this application, with evidence to support their view.
- A response to comments submitted by the applicant regarding their reasons for proposing to extend their dwelling and their opinion on this reasoning.
- Claims that the applicant is seeking to mislead the LPA into believing that the development is essential.
- Comment states that the proposed development would severely impact the amenity of a neighbour, degrade the streetscene and make a family sized house even less affordable.
- A commentary on the validity and availability of a 1967 conveyancing document, and the ownership certification submitted by the applicant as part of this application.

5.11 A letter from PA Planning (instructed by No. 18) expressing the following views as a matter of planning judgment and is summarised as follows:

- The height and proximity of the rear extension would create a visually oppressive and overbearing effect, especially on the kitchen and dining room of No. 18.
- The extension's 3.6m depth is at the maximum limit allowed by the Three Rivers Local Plan, which only permits such depth if it does not adversely affect neighbouring properties.
- In this case, it would cause harm, making it non-compliant with the Local Plan and Appendix 2.
- The cumulative impact with existing neighbouring structures would materially worsen the living environment at No. 18.
- This would result in a visually intrusive and unbalanced development, contrary to Policy DM1 on character and design.
- The floor-to-ceiling glazed doors at the rear would overlook the neighbouring garden, reducing privacy. The converted garage window would overlook the neighbour's parking area.
- The proposal is not considered to be compliant with Policy 4.7(b), which requires a private garden zone not visible from neighbouring dwellings.
- The proposal would negatively impact the neighbouring property's amenity, privacy, and enjoyment of their home. It would conflict with multiple policies in the Three Rivers Development Management Policies LDD, especially Policy DM1 and Appendix 2, and should therefore not be approved.

**Table of responses to consultation periods**

<b>Consultation 1</b>	
<b>Comment/Document Type</b>	<b>Source</b>
Objection Comment	Comment From 18 Townfield
Objection Comment	Comment From 10 Townfield
Objection Comment	Comment From 16 Townfield
Objection Comment	Comment From 24 Townfield

<b>Reconsultation 2</b>	
Objection Comment	Comment From 18 Townfield (2)
Objection Comment	Comment From 18 Townfield (3)

<b>Reconsultation 3</b>	
Objection Comment	Comment From 18 Townfield (4)
Objection Comment	Comment From PA Planning On Behalf Of 18 Townfield
Objection Comment	Comment From 18 Townfield (5)
Objection Comment	Comment From 18 Townfield (6)

<b>Information submitted by the applicant</b>	
Supporting documents	ADS Survey (On Behalf Of 20 Townfield)
Supporting documents	Appeal Decision
Supporting documents	Comments From Applicant No. 20 Townfield
Supporting documents	Document A Photos (Submitted By Applicant No. 20 Townfield)
Supporting documents	Document B (Submitted By Applicant No. 20 Townfield)

**Officer Note:** Issues regarding land ownership are not material to the planning assessment. A person can make an application for planning permission in respect of any land irrespective of whether that person has any legal interest in the land in question. The applicant has provided a Certificate B Notice which is sufficient to enable the LPA to entertain the application.

5.12 Site Notice: Expired 23.01.2025.

5.13 Press Notice: Not Required

## **6 Reason for Delay**

6.1 The issue of the planning permission was delayed due to the receipt of a complaint and a subsequent review by officers. Following that review and receipt of Certificate B officers are content that the application can be determined.

## **6.2 Materiality of previous resolution to grant planning permission**

At the committee meeting of 20<sup>th</sup> March 2025, Members resolved to grant planning permission. Whilst no decision was issued, that resolution is still clearly material. Consistency in decision-making is a material planning consideration. Members are not bound to follow their previous decision but if they determine to depart from that previous resolution, then they must give clear, rational and supported reasons for doing so. Members should not limit their consideration of the application only to the reasons which have led to the application coming back to committee.

## **7 Relevant Planning Policy, Guidance and Legislation**

### **7.1 Legislation**

7.2 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.

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

7.4 The Conservation of Habitats and Species Regulations 2017.

7.5 The Natural Environment and Rural Communities Act 2006.

7.6 The Environment Act 2021.

### **7.7 National Planning Policy Framework and National Planning Practice Guidance**

In 2024 the new National Planning Policy Framework (NPPF) was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government policy/guidance 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.

### **7.8 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.

### **7.9 Other**

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

## 8 Planning Analysis

### 8.1 Impact on the character and appearance of the host dwelling

- 8.1.1 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.
- 8.1.2 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.
- 8.1.3 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.
- 8.1.4 Policy BW CC4 sets out that where it is proposed to pave over front gardens and the submission of a planning application is required, all proposals should: a) Seek to maximise the retained area of lawn and vegetation. b) Incorporate, as far as possible, Sustainable Drainage Schemes (SuDS). c) 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). d) Include new planting of non-invasive tree and shrub species.
- 8.1.5 The proposed amended extension would be sited to the rear of the dwelling and would not be readily visible from public vantage points in Townfield. At an amended 3.6m depth the extension would comply with Appendix 2 guidance, and is not considered that it would appear as a disproportionate addition to the townhouse. The roof would be flat which would be in keeping with the flat-roofed design of the host dwelling, and neighbouring properties. The extension would also have a bricked exterior which would be in keeping with the existing dwelling and wider row of terrace dwellings. As such, it is considered that the amended extension would not unacceptably harm the character of the existing dwelling or wider area.
- 8.1.6 The proposed garage conversion would be readily visible from the streetscene due to its location at ground floor level to the front elevation of the dwelling. The existing garage would be converted to form habitable accommodation, involving the modification from a garage door to the insertion of a three casement window. The plans indicate that the window would be of a similar style to the existing fenestration detail.
- 8.1.7 Concerns were raised in comments submitted by neighbours regarding the impact that the garage conversion would have on the cohesiveness of the terrace, as this particular terrace of dwellings in Townfield has all of the original garages retained. Whilst the concerns raised are noted, there is some variation across the existing terrace group through variations in the style of fenestration and variation in the colour of front doors and garage doors. Similarly, the existing stepped nature of the terrace group provides a clear break between properties. As such, whilst the loss of the garage door would alter the appearance of the dwelling, it is not considered that the change from a garage door to a three casement window would have a harmful impact on the visual amenity of the row of terraces and would not be out of character when taking into account the whole of Townfield.



- 8.1.8 The proposed driveway extension would result in the removal of a flower bed and an increase in hard standing to the frontage of the host dwelling, providing an increase of one assigned parking space for the host dwelling. While the loss of an area of soft landscaping would conflict with Policy BW CC4, there are other examples of extensions to driveways along the terrace of dwellings, notably, the adjoining neighbour No.18 has implemented a similar extension to their driveway. As the host dwelling and No.18 are set forward of the other dwellings in the terrace, the driveway extension would have a balanced appearance when viewed with that of No.18. Therefore, it is not considered that the extension to the driveway would result in harm or a loss of character to the host dwelling or streetscene of Townfield. Officers recommend that a condition requiring the driveway extension to have a permeable surface or provision made for surface water run off within the site, as required by Policy BW CC4 should be imposed pursuant to the grant of planning permission. It should be noted that the extent of the driveway extension: approximately 6.08sqm, could be separately carried out under permitted development rights, subject to meeting the limitations of Part 1 Class F of the General Permitted Development Order 2015. There is no Article 4 direction in place removing any permitted development rights for Townfield or any extant planning permissions in respect of the application dwelling which removed such permitted development rights. This “fall-back” position (ie. what the applicant could do without any fresh planning permission) is a material consideration if there is a possibility or real prospect of it materialising, as a matter of planning judgment. If the “fall-back” position is a material consideration, the weight to be afforded to it (if any) is a matter for the Members.
- 8.1.9 In summary, the proposed amended development would not 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 and BW CC4 of the Batchworth Neighbourhood Plan 2023-2038 (Submission Version).
- 8.2 Impact on amenity of neighbours
- 8.2.1 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.
- 8.2.2 For proposed single storey rear extensions, the Design Criteria as set out within Appendix 2 states that *‘generally, the maximum depth should be 3.6m, or 4m in the case of detached dwellings. This distance may be reduced if the extension would adversely affect adjoining properties or is unduly prominent.’*
- 8.2.3 The proposed single storey rear extension as amended would have a maximum depth of 3.6m. As highlighted above, the guidance states that this distance may be reduced if the extension is considered to adversely affect adjoining properties or is unduly prominent.
- 8.2.4 It is evident from a site visit that the extension would have a greater impact on No.18 Townfield, noting that the extension would not project beyond the three storey flank wall of No.22.
- 8.2.5 In respect of No.18 to the west, the existing rear wall of the host dwelling is level with the neighbour. The proposed amended rear extension would extend past the existing rear elevation of No.18 by 3.6m and would be built on the footprint of the current flank wall (following its demolition) between Nos. 20 and 18. Due to the staggered nature of the properties in Townfield, No.18 physically adjoins No.16 which projects in total, approximately 7.68m beyond the rear of No.18. This projection is via a 2 storey flank wall between No.16 and 18, which extends outwards by 3.63m and a single storey conservatory which attaches to the rear elevation of No 16 that extends a further 4.05m. A boundary wall

approximately 1.7m in height also exists between Nos.16 and No.18, and is set up to No 16's conservatory (The measurement of 3.63m (flank wall) and 4.05m (No 16's conservatory) were provided by No.18 and while this measurement is not disputed by officers, it has not been verified by them). As a result of the above circumstances, it is acknowledged that the proposed extension would have an enclosing effect upon No.18 given the layout and extent of No.16 to the south west.

- 8.2.6 The neighbour at No.18 is sited to the south-west of the host dwelling so the proposed rear extension may have some impact on the light received by the ground floor windows in the rear elevation of No.18 in the early part of the day. Notwithstanding the acknowledgment that the extension would have an enclosing impact and also affect the level of light received in the morning, it is not considered that it would have a significant impact on the amenity of the occupiers at No. 18 to such an extent that their living conditions (i.e. impact to the kitchen diner and amenity area) would be demonstrably harmed. This view has also been reached having regard to the fact that No.22 projects significantly beyond both the host dwelling and No.18 and thus already limits light received in the morning to both properties currently. Additionally, officers consider that any single storey rear extension of the host property, even one which was reduced further from the amended proposal, would likely have a very similar impact in terms of enclosure (given the original layout of the dwellings) and levels of light received. Consequently, it is not considered that reducing the depth of the amended extension further, as per the Design Criteria, would have a material effect. Accordingly, whilst acknowledging the impact which would be caused, it is not considered that the impact would be unacceptable to the residential amenity of the occupants of No.18. Furthermore, as set out at section 8.8 below, the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO") grants planning permission for rear extensions (subject to limitations and conditions) and officers consider, as a matter of planning judgment, that such a rear extension built pursuant to the GPDO would have a very similar impact upon No.18.
- 8.2.7 Appendix 2 sets out that a proportion of each garden should be a private zone abutting or close to the dwelling that is not visible from the gardens or ground floor habitable rooms of adjoining properties. This should be of a minimum distance of 3 metres from a wall of the dwelling and be permanently screened by walls or fences. The existing patio areas of No. 18 and the application dwelling are separated by a wall. Under the proposal the rear extension would extend past the rear elevation of No.18 by 3.6m, no flank windows which face No. 18 are proposed, therefore the neighbouring dwelling would have a private zone of 3.6m abutting their dwelling in line with Appendix 2 guidance. Additionally, the outlook from the rear facing windows would not be materially any different to the existing situation, although arguably it could be said that the extension would provide greater privacy via the private zone of 3.6m abutting No.18. As a result, no overlooking or loss of privacy would arise to No.18.
- 8.2.8 No.22 Townfield is the neighbour to the east of the host dwelling, this neighbour is set on a staggered building line with the front and rear elevations sitting 3m back from those of the host dwelling. The proposed rear extension would extend in line with the flank wall of No. 22 for 3m, then past the rear building line of No.22 by 0.6m, there is also a 1.7m high wall which extends along the shared boundary for 1.6m. Given the relationship between the two dwellings and the modest distance the extension would extend past this neighbour, the rear extension is not considered to have any adverse impact on the light or amenity of No. 22 and is acceptable in this regard.
- 8.2.9 The proposed garage conversion would involve the modification from a door to a casement window, which would be flush with the front elevation of the dwelling. The front window would face the application dwelling's frontage and it is not considered that overlooking would be facilitated. The extension to the driveway would not result in harm to neighbouring amenity.

8.2.10 The proposed driveway extension would result in an increase in hardstanding to the frontage of the host dwelling of 6.3 sqm. This change is not considered to be of a scale that would be harmful to or impact neighbouring amenity.

8.2.11 The proposed development as amended 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.

### 8.3 Highways & Parking

8.3.1 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 benefits from 2 spaces (one on the drive and one in the garage).

8.3.2 The proposed development would result in the loss of one assigned parking space via the garage conversion, however, an extension to the existing driveway is proposed which would ensure that two on-site parking spaces of 2.4 x 4.8m that would conform with Hertfordshire County Council's guidance can be accommodated. Therefore, whilst a shortfall of 1 space would remain, this is reflective of the existing situation and there would be no increased shortfall, nor would the proposal result in the uplift of additional bedrooms.

8.3.3 To ensure that an acceptable level of on-site parking is secured, a condition has been recommended requiring the driveway alterations to be implemented prior to the conversion of the garage and to be retained thereafter.

### 8.4 Rear Garden Amenity Space

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

8.4.2 The application dwelling is a four bedroom dwelling and Appendix 2 of the Development Management Policies document sets out that a four bedroom dwelling should provide 105sqm of private, usable amenity space.

8.4.3 The application site would retain approximately 91sqm of amenity space to the rear. The proposal would therefore result in a shortfall of 14sqm of amenity space. However, given the fact that 91 sqm of usable amenity space would still be available, including a 17m long garden, it is not considered that the loss of some rear amenity space would impact the occupant's enjoyment of the space. The application dwelling's proximity to public open space and recreation areas, with Rickmansworth Aquadrome within walking distance of the site, is also noted. Therefore, the dwelling is considered to have access to suitable amenity space despite its remaining garden space being less than the amount suggested by Appendix 2. The development is considered acceptable in this regard.

### 8.5 Trees & Landscape

8.5.1 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.

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

## 8.6 Biodiversity

8.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity.

8.6.2 Biodiversity protection and protected species are a material planning consideration. 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 , 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.

8.6.3 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.

## 8.7 Mandatory Biodiversity Net Gain

8.7.1 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.

8.7.2 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.

## 8.8 Other Material Considerations

8.8.1 No previous extant planning permission has removed permitted development rights for the application site, nor is it covered by an Article 4 Direction which may have removed such rights. The law as to any "fall-back" position is set out above. Officers are not aware of any reason (or impediment) why the applicant would not construct a rear extension pursuant to the GPDO in the alternative, were planning permission to be refused. On the other hand, the applicant has not explained the possibility of it occurring if permission is refused.

8.8.2 Within the dimensional constraints imposed by the GPDO, a number of extensions of differing built form would be permissible. As a guide, a permitted development single storey rear extension is limited to no more than 3m in depth and no more than 4m in height with a pitched roof sloping down to an eaves height of 3m or if a flat roof is proposed the height is limited to 3m. A parapet wall would be permitted to exceed 3m in height but would be subject to the 4m height rule.

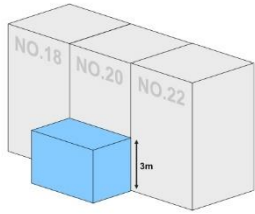
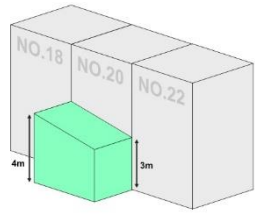
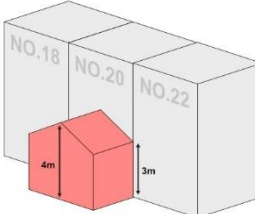
8.8.3 From a review of planning history within Townfield, officers note that many single storey rear extensions have been constructed pursuant to the planning permission automatically granted by virtue of the GPDO.

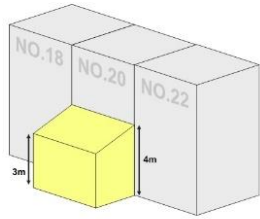
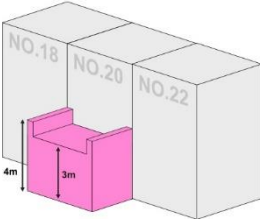
8.8.4 Whilst recognising that the proposal is deeper (by 0.6m) than a single storey rear extension which would be permitted by the GPDO (putting to one side that part of the GPDO which permits single storey rear extensions up to 6m in depth, subject to prior approval), any such rear extension could lawfully be constructed in a number of different built forms (see below) including with a pitched roof and a flank wall of up to 4m in height (see option 2 and 4 below). As a matter of planning judgment officers consider that there is a real prospect that a fallback extension with a potentially similar impact would be implemented were permission to be refused. Accordingly, this is given limited weight by officers in the assessment of the

proposed rear extension and its impact on No.18 as highlighted above at section 8.2.6. In the final analysis though, Members will need to determine the real prospect or otherwise of any fall-back materialising and the weight (if any) to afford to any such fall-back. With the prospective permitted development fallback position considered, and for the reasons outlined in the analysis section of this report, it is considered that Planning Permission should be granted.

- 8.8.5 One of the contentions made by No.18 following the first planning committee was that the proposed rear extension would be 36% larger than would be permitted under the GPDO and that officers' reference only to a 60cm difference between the proposed extension and that permitted by the GPDO was misleading. Whilst this volume difference would be accurate were the GPDO only to permit a rear extension that was 3m deep and 3m in height, the below pictorial examples set out different permutations for single storey rear extensions to non-detached dwellings of different volumes which officers consider could lawfully be constructed pursuant to the GPDO, having regard to the 3 main constraints imposed by the Order: (1) it may not extend beyond the rear wall of the original dwellinghouse by more than 3m (A.1.(f) (i)), (2) it may not exceed 4m in height (A.1(f)(ii)) and (3) where the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, the height of the eaves of the enlarged part may not exceed 3 metres in height (A.1(ii)) Government guidance "*Permitted Development Rights for Householders: Technical Guidance*" defines eaves for the purposes of measuring height as being "*the point where the lowest point of a roof slope, or a flat roof, meets the outside wall.*"

Volume of single storey rear extension proposed under planning application 24/2089/FUL:  
 $5.1 \text{ (w)} \times 3.4 \text{ (h)} \times 3.6 \text{ (d)} = \mathbf{62.424m^3}$

<p><b><u>PD Option 1</u></b></p> <p>Volume for a single storey rear extension with flat roof form:</p> <p><b>TOTAL VOLUME = 45.9m<sup>3</sup></b></p>	
<p><b><u>PD Option 2</u></b></p> <p>A single storey rear extension with a mono-pitched roof. This extension could have a depth of 3m, maximum height of 4m along or close to the boundary with No.18 Townfield, sloping down to an eaves height of no more than 3m, on or close to the boundary with No.22 Townfield.</p> <p><b>TOTAL VOLUME = 53.6m<sup>3</sup></b></p>	
<p><b><u>PD Option 3</u></b></p> <p>A single storey rear extension with a pitched roof form (gabled). This extension could have a depth of 3m, maximum height of 4m, central to the extension with a roof sloping down towards each of the boundaries with a maximum eaves height of 3m.</p> <p><b>TOTAL VOLUME = 53.6m<sup>3</sup></b></p>	

<p><b>PD Option 4</b></p> <p>A single storey rear extension with a mono-pitched roof form. This extension could have a depth of 3m, with a roof which slopes from the rear wall of the existing dwelling at a maximum height of 4m downwards, rearwards to an eaves height of 3m.</p> <p><b>TOTAL VOLUME = 53.6m<sup>3</sup></b></p>	
<p><b>PD Option 5</b></p> <p>A single storey rear extension with a flat roof and parapet walls. This could have a depth of 3m, with a parapet wall to either flank elevations (up to or close to the boundaries) not exceeding 4m in height with a flat roof of no more than 3m in height. A parapet wall is ignored for the purposes of the eaves measurement so dictated by the 4m height limitation</p>	

8.8.6 The applicant has also stated that the extension would enable better living space for her family. Whilst this is certainly a positive outcome, this can only be given limited weight as the dwelling is also considered suitable for a family without extension.

8.8.7 On balance, it is considered that even if the proposed rear extension were to be reduced in depth (eg to between 3m and 3.6m in depth), such development would have a very similar impact to the proposed scheme in terms of enclosure (given the original layout of the dwellings) and would also have similar impact in terms of the levels of light in the kitchen, dining and amenity area of No. 18. Therefore, it is not considered that any such reduction would be necessary and that the rear extension in its current form would be acceptable in planning terms having regard to the residential amenity of the occupants of No.18. The proposal is therefore considered to be acceptable with regard to its impact on the character of the host dwelling, streetscene and neighbouring amenity.

## 9 Recommendation

9.1 That PLANNING PERMISSION IS 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: 3234-1-1A, 3234-1-2A, 3234-1-3C, 3234-2-1B, 3234-2-2B, LOCATION PLAN.

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, DM3, DM6, DM8 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and Policies BW C05 and BW DE1 Batchworth Neighbourhood Plan 2023-2038 (Referendum 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 Prior to the conversion of the garage into habitable accommodation, the driveway extension shall be undertaken in accordance with drawing number 3234-1-3C in order that the completed driveway can accommodate two vehicles. The driveway extension shall be undertaken in a permeable material or provision made for surface water run off within the site. The driveway following the works shall be retained as such thereafter and made available for occupants of No.20 Townfield and visitors to the land.

Reason: In the interests of highway safety 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 The applicant is reminded that a grant of planning permission does not overcome the need to obtain any consents under private land law (e.g. due to boundary disputes, party wall matters or restrictive covenants and easements).

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](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this ([cil@threeivers.gov.uk](mailto: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>

- 12 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.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
  - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - b) the planning authority has approved the plan.

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

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

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

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England)



Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

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

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

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

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

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

- 15 The applicant is advised that the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.