

PLANNING COMMITTEE – 22 January 2026

25/1722/RSP – Part Retrospective: Construction of two outbuildings and alterations to rear land levels and landscaping works at 38 MOOR LANE, RICKMANSWORTH, HERTFORDSHIRE, WD3 1LG

Parish: Batchworth Community Council.

Ward: Rickmansworth Town

Expiry of Statutory Period: 03.12.2025
Extension of time agreed to 26.01.26

Case Officer: Lauren Edwards

Recommendation: That Part Retrospective Planning Permission be approved subject to conditions.

Reason for consideration by the Committee: The application has been called in by the Parish Council as detailed at 4.1.2 below.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=T3QXZ9QFIC400>

1 Relevant planning and enforcement history

- 1.1 W/4865/73 - Garage - Permitted
- 1.2 24/1071/FUL - Construction of two storey rear extension, loft conversion including rear dormer and front/side rooflights, internal alterations, rear juliet balcony, addition of windows to side elevations – Permitted, currently under construction.
- 1.3 25/1495/CLPD - Certificate of Lawfulness Proposed Development: Construction of an outbuilding – Permitted
- 1.4 25/0095/COMP- Enforcement enquiry- pending consideration.

2 Site description

- 2.1 The application site is an irregular shaped plot and is located on the southern side of Moor Lane, Rickmansworth. Land levels slope steeply upwards from the highway towards the rear of the site. The application dwelling is a detached two storey dwelling and is currently implementing the extensions consented via 24/1071/FUL.
- 2.2 To the front of the site is a driveway with steps up onto a terraced front garden. To the rear is a patio which steps up to an area of lawn.
- 2.3 The neighbour at No.36 is a detached two storey dwelling and extends deeper than the application dwelling at the rear.
- 2.4 The neighbour at No.40 is a two storey detached dwelling finished in a cream painted render and extends deeper than the application dwelling at the rear.

3 Description of proposed development and background

- 3.1 This application seeks part retrospective planning permission for the construction of two outbuildings and alterations to rear land levels and landscaping works.

- 3.2 The previous condition of the rear garden was such that there were 4 main sections; a patio at the ground level adjacent to the house, 2 sections of sloping lawn and a flat section at the rearmost parcel.
- 3.3 The land levels in situ still comprise of 4 similar sections however each level is now flat. In order to accommodate the extension and new patio these sections have also moved rearwards. Retaining walls have been constructed with central steps to facilitate the level changes.
- 3.4 Two outbuildings have been constructed which are located on the third level from the dwelling. They are built against the retaining wall of the highest section.
- 3.5 Outbuilding A which is located to the western side has a width of 5.5m and a depth of 4.5m. This building has a flat roof with a height of 2.5m (level with the upper level) and has a green roof.
- 3.6 Outbuilding B is located to the eastern side and has a width of 6m and a depth of 4.5m. This outbuilding has a height of 3.5m (protruding 1m above the highest section of the garden).
- 3.7 Amended plans have been received to confirm the use of the outbuildings (Outbuilding A would be a store/shed and outbuilding B would be a games room). The fenestration serving outbuilding B has also been revised on the drawings to accurately reflect that in situ.

4 Consultation

4.1 Statutory Consultation

4.1.1 National Grid: [No response received]

4.1.2 Batchworth Parish Council: [Objection]

BCC strongly objects to this application which was initially based on 25/1495/CLPD. However, what has been built is an unlawful development of this plan, which will almost certainly adversely affect the neighbouring properties and their amenity space.

There are also no details on the possible effect on drainage and water course.

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

Officer comment: The scheme subject to 25/1495/CLPD pertained solely to an outbuilding that was to be sited on the patio level immediately adjacent the rear elevation of the dwelling. It did not include the elements subject to this application. During the course of the investigation of an enforcement enquiry it was ascertained that the works that had been undertaken relating to the development subject to this application (land level changes and construction of two different outbuildings, unrelated to that subject of 25/1495/CLPD) were not considered to be permitted development and express planning permission was required. As a result this application was submitted which seeks to remedy the breach by obtaining retrospective planning permission. All material considerations including drainage and the impact on neighbouring amenity is considered below.

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 2

4.2.2 Responses received: 0

4.2.3 Site Notice: Expired 11.11.2025.

4.2.4 Press Notice: Not required

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38 (6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.2 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.

6.3 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, DM4, DM6, DM8, DM13 and Appendices 2 and 5.

The Batchworth Neighbourhood Plan 2023-2038 (adopted May 2025). Relevant policies include Policies BW GB1 and BW DE1.

6.4 Other

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

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

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.

Environment Act 2021.

7 Planning Analysis

7.1 Impact on the character and appearance of the host dwelling and the locality

- 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 BW DE1 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. 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.
- 7.1.3 Owing to the land level changes across the site from the highway, the garden and outbuildings are visible from some oblique views along Moor Lane. However all of the dwellings on this side of Moor Lane have sloping land levels and as such there have been a variety of physical interventions made including different levelling works and retaining walls/steps which are evident across the rear gardens of neighbouring properties. As such it is not considered that the land level alterations and retaining walls appear as unduly prominent or incongruous additions to the character of the locality.
- 7.1.4 The outbuildings in situ are not excessive in their overall scale such that they appear disproportionate to the application site. They are contemporary in their design with dark cladding and green roofs however this reflects and compliments the dark slate used for the retaining walls and overall it is not considered that they appear as unduly prominent additions to either the application site or wider streetscene.
- 7.1.5 In summary it is not considered that the proposed development would result in any adverse impact on the character or appearance of the host dwelling, streetscene or area and the development would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the DMP LDD and Policy CA2 of the Croxley Green Neighbourhood Plan.

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 resultant land levels are such that no point would be higher overall than the previous sections. It is noted that some views could be had from the upper levels towards neighbouring gardens however it is not considered that unacceptable overlooking would now occur in comparison with the pre-existing condition of the land and inherent views from the change in levels along this side of Moor Lane. Owing to the separation distances from

the rear of neighbouring properties, together with modest scale and siting, it is not considered that the outbuildings have resulted in an overbearing impact or loss of light to neighbouring amenity. Owing to the positioning of the outbuildings against the retaining wall and mature boundary vegetation it is not considered that outbuildings would result in unacceptable overlooking towards neighbouring properties.

- 7.2.3 In summary it is not considered that the development in situs results in any adverse impact on the residential amenity of any neighbouring dwelling so as to justify refusal of the application in this regard and the development would therefore be acceptable in this regard 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).

7.3 Highways & Parking

- 7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

- 7.3.2 The development does not impact the requirement for or the provision of parking.

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 development has not increased the amount of bedrooms the dwelling has and ample useable garden is retained to serve a dwelling of this size.

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.

- 7.5.2 The application site is not located within a conservation area nor are there protected trees on or near the site. As such it is not considered that the proposal has/or would have an unacceptable impact in this respect.

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 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

7.9 Biodiversity Net Gain

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

7.9.2 In this case a biodiversity net gain plan would not be required owing to the retrospective and householder nature of the development.

7.7 Flooding and drainage

7.7.1 The application site is not located within an area at risk of flooding as identified by the Environment Agency (very low risk of surface water flooding and very low change of flooding from rivers and the sea). It is noted that there have been physical interventions to alter the land levels however areas of lawn have been retained and more flat sections of ground created in comparison to the pre-existing slope. Overall it is not considered that the development has or would result in any significant adverse increase in surface water flooding across the site.

8 **Recommendation**

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

C1 The development hereby permitted shall be carried out and maintained in accordance with the following approved plans: 2403-LA-01 REV A, 2403-LA-02 REV C, 2403-LA-03 REV C, 2403-LA-04 REV C, 2403-LA-07 REV A, 2403-PL-08 REV C, 23758-TOPO (Existing), 23758-TOPO (Proposed)

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM8, DM9, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Batchworth Neighbourhood Plan (2025).

C2 The outbuildings hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, or ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling or for commercial purposes at any time.

Reason: The creation and use of a separate and independent unit would not comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives**

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 £145 per request (or £43 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@threerivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

{\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 development maintains/improves the economic, social and environmental conditions of the District.
- 15 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>.