

PLANNING COMMITTEE – Thursday 22 January 2026

25/2091/RSP – Retrospective: Construction of single storey rear extension at 39 - 41 HIGH STREET, ABBOTS Langley, HERTFORDSHIRE, WD5 0AA

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 28.01.2026

Ward: Abbots Langley and Bedmond
Case Officer: Nicholas Withers

Development Type: 'Minor other' development

Recommendation: That retrospective planning permission be **granted**.

Reason for consideration by the Committee: The acting agent on the application is an elected Ward Councillor (Cllr Jon Tankard).

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

[25/2091/RSP | Retrospective: Construction of single storey rear extension | 39 - 41 High Street Abbots Langley Hertfordshire WD5 0AA](https://www.hertsmere.gov.uk/planning-applications/25-2091-rsp-retrospective-construction-single-storey-rear-extension-39-41-high-street-abbots-langley-hertfordshire-wd5-0aa)

1 Relevant Planning and Enforcement History

- 1.1 No relevant planning history.
- 1.2 21/0213/COMP - Erection of signage – Pending Consideration.
- 1.3 25/0143/COMP - Change of use and unauthorised extension of kitchen – Pending Consideration (subject of this application).

2 Description of Application Site

- 2.1 The application site consists of a two storey end terrace building located on the eastern side of High Street, Abbots Langley. The site is classified as being located within a Secondary Shopping Frontage area of Abbots Langley town centre and is located within the Abbots Langley Conservation Area. The High Street mostly consists of commercial units at ground floor with residential use above.
- 2.2 The building is currently used as an Indian restaurant/takeaway (Class A3/A5) with the first floor level being used for storage and ancillary accommodation with a study/office. To the rear of the application site is a service road which provides access to the host building, other commercial units and residential dwellings located along The Crescent. No.1 The Crescent, a detached dwelling set back from the road immediately adjoins the application site to the east. This property has a car port up to the boundary with the application site.
- 2.3 To the north of the application site is a car park for an adjacent vacant restaurant. To the south and attached to the application is No. 43, a Chinese restaurant/takeaway.
- 2.4 There are restricted parking bays along High Street and there is also a public car park further to the south, close to the junction with Abbots Road

3 Description of Proposed Development

- 3.1 This application is for retrospective planning permission for the construction of a single storey rear extension.

- 3.2 The extension has been fully constructed and is used as an enclosed storage yard in association with and physically attached to the restaurant operating from the application site
- 3.3 The extension has a depth of 3.6m and a width of 3.6m. It has a mono pitch roof with a maximum height of 2.4m that slopes down to 2.1m. There is a doorway on the southern flank which exits into the courtyard / service yard to the rear.
- 3.4 The extension is constructed from timber cladding that has been painted black and has translucent UPVC roofing with a timber frame.

4 Consultation

4.1 Statutory Consultation

4.2 Abbots Langley Parish Council: No comment

4.3 National Grid: [No response]

4.4 TRDC Environmental Health: No objection

4.5 Watford Environmental Health: No objection

4.6 Public/Neighbour Consultation

4.7 Number consulted: 9 No of responses received: 0

4.8 Site Notice: Expired 05/01/2026 Press notice: Expired 05/01/2026

4.9 Summary of Responses: None received.

5 Relevant Planning Policy, Guidance and Legislation

5.1 Legislation

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).

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

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.

The Environment Act 2021.

5.2 Planning Policy and Guidance

National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2024 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 retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

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, 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 DM3, DM6 and DM9.

6 Planning Analysis

- 6.1 Design and Impact on the character of the area and Conservation Area.
- 6.2 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.
- 6.3 The application site is located in the Abbots Langley Conservation Area; as such Policy DM3 of the Development Management Policies LDD (adopted July 2013) applies. With regard to development in Conservation Areas, Policy DM3 states that development will only be permitted if the proposal is of a design and scale that preserves or enhances the character and appearance of the area.
- 6.4 The extension is located to the rear of the property, viewed in conjunction with other additions and is only 3.6m in depth and is single storey in height. The extension is therefore considered a small form of development which by virtue of its scale and materiality preserves the character and appearance of the building and does not impact upon the wider character of the area, including the Abbots Langley Conservation Area.
- 6.5 In summary, the development does not result in any adverse harm to the character or appearance of the building, streetscene or Abbots Langley Conservation Area. The development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM3 and Appendix 2 of the Development Management Policies LDD and the NPPF.
- 6.6 Impact on Neighbouring Amenity
- 6.7 Policy CP12 of the Core Strategy (adopted October 2011) 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'.

- 6.8 Policy DM9 of the Development Management Policies document also states that planning permission will not be granted for development which has an unacceptable impact on the indoor and outdoor acoustic environment of existing or planned development.
- 6.9 The extension is located to the rear of the building at ground floor level and is adjacent to a neighbouring car port of similar scale. Given its siting and single-storey nature of the extension, it is not considered that the development results in an un-neighbourly or loss of light to neighbouring properties.
- 6.10 In terms of noise associated with the extension, it is used for storage purposes ancillary to the restaurant. Given the limited floorspace and relationship with No.1 The Crescent and nearby flats it is not considered its use has an unacceptable impact on neighbouring amenity. Furthermore, as there are no windows or openings on the eastern elevation, there would be no loss of privacy or overlooking to No.1 The Crescent. The Environmental Health Officer was also consulted on the application and has raised no objections.
- 6.11 In summary, the development does not result in any adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM9 and Appendix 2 of the Development Management Policies LDD.
- 6.12 Highways and parking provision
 - 6.13 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
 - 6.14 The development does not alter the requirement for any additional parking to support the nature of the business or nor does it decrease the availability of parking. As such, no objection is raised in this regard.
- 6.15 Trees and Landscaping
 - 6.16 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.
 - 6.17 The application site is located within a conservation area however there are no protected trees on or near the site that have been or are affected by the development. Therefore, no objection is raised in this regard.
- 6.18 Wildlife and Biodiversity
 - 6.19 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.
 - 6.20 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications

that may be affected prior to determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests have been affected as a result of the development.

6.21 Mandatory Biodiversity Net Gain

6.22 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, and an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

6.23 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 development which is subject to the de minimis exemption.

7 Recommendation

7.1 That RETROSPECTIVE PLANNING PERMISSION BE GRANTED unconditionally.

Informatives:

I1 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.

I2 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 Biodiversity Gain Plan has been submitted to the planning authority, and
- 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 arrangement which mean that the biodiversity gain conditions does not always 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.

The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out applies).

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>.