

## PLANNING COMMITTEE – 19 March 2026

**25/1984/FUL - Construction of part-single, part two storey front and rear extensions, first floor side extension; loft conversion including roof extension with rear dormers and rooflights, relocation of entrance door, internal alterations and alterations to fenestration and raised terrace to the rear at 43 CHESTNUT AVENUE, RICKMANSWORTH, HERTS, WD3 4HA**

Parish: Chorleywood Parish Council  
Expiry of Statutory Period: 22 January 2026  
Extension of Time Agreed: 31 March 2026

Ward: Chorleywood North and Sarratt  
Case Officer: Suzanne O'Brien

**Development Type:** Householder development.

**Recommendation:** That Planning Permission be GRANTED subject to conditions.

Reason for consideration by the Committee: The application was called in by Chorleywood Parish Council due to concerns that the bulk and massing would impact on residential amenity and development would be out of keeping with the character of the area.

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=T5UY4MQFIV700>

### 1 Relevant Planning History

8/709/74 - Garage, Bathroom, Bedroom, Hobbies – Permitted - 15.01.1975

### 2 Description of Application Site

- 2.1 The application site contains a detached two storey pitched roof dwelling located along Chestnut Avenue. The dwelling has been previously extended at ground floor level with a single storey front, side and rear extension. The dwelling is set back from the highway with a drive and soft landscaping within the front amenity space. The land levels of the site drop gently in a north west to south east direction. The land levels also drop to the rear of the site; the dwelling is served by a raised patio to the rear. The rear portion of the site includes a wooded area which is protected by Tree Preservation Order 738.
- 2.2 The dwelling is set in from both the north west and south east boundaries. The rear elevation of the neighbouring property to the south east (No.41) angles towards the application site. This dwelling is set in from the common boundary and is set on slightly lower ground to the application dwelling. No.41 has a single storey rear extension which has a similar building line to the ground floor rear elevation of the application dwelling.
- 2.3 The neighbouring property to the north west (No.45) is set on slightly higher ground level to the application dwelling although the ridge heights appear to be similar height. No.45 is constructed close to the common boundary at ground floor level and is set in approximately 1.2m at first floor level. The first floor level closest to the application site is set forward of the rear elevation of the application dwelling. No.45 projects beyond the rear elevation of the application dwelling at ground floor level; including a flat roof projection that is constructed close to the common boundary that projects beyond the first floor level of the application dwelling.

### 3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of part-single, part two storey front and rear extensions, first floor side extension; loft conversion including roof

extension with rear dormers and rooflights, relocation of entrance door, internal alterations and alterations to fenestration and raised terrace to the rear.

- 3.2 The rear extension would have a maximum depth of 7m along the north western elevation at ground floor level; it would project 3m beyond the rear most elevation along the south eastern elevation. The ground floor would have a total width of 16m to be constructed in line with the flank elevations of the existing dwelling. The first floor level would extend a total of 3m beyond the rear elevation. The first floor level would include the first floor side extension which would project 6m beyond the south eastern first floor flank elevation to have a total width of 15.8m along the rear elevation. The north western part of the first floor rear extension would be stepped so that it would have a depth of 1.4m for a width of 3.3m. The first floor side extension would be constructed in line with the original front elevation to have a total depth of 10m.
- 3.3 The ground floor would have a flat roof with a height of 3.8m from the lower ground level. The first floor would incorporate a roof extension to the front (extending over the existing front projection), side and rear at the same height as the existing ridge to create a crown roof with a depth of 3.7m and width of 9.4m. The roof form would extend over the recessed first floor level to create a covered area.
- 3.4 To the front the proposal would include a two storey front extension. It would be stepped to bring the front elevation out in line with the existing two storey front projection and introduce a central 1.9m deep projection that would have a width of 3.6m. The proposed extension would have a pitched roof with a gabled end and a height of 7.8m. Fenestration would be inserted within the front, side and rear elevations of the extensions at ground and first floor level.
- 3.5 The loft conversion would be facilitated by the roof extension (as identified in paragraph 3.3) and would be served by two rear dormers and central rear rooflight. The dormers would be identical in size and would measure 3m in width by 1.9m in height and 1.9m in depth.
- 3.6 The plans include the provision of a raised rear patio. The patio would have a depth of 2.6m beyond the rear extension and width of 17.6m and would be constructed in line with the north west boundary. The plans indicate that the proposed patio would have a maximum height of 0.9m. The levels along the flank of the dwelling would also be increased in height by approximately 0.9m.
- 3.7 Amended plans were requested and received during the course of the application, the following amendments were provided:
- Removed increase in ridge height;
  - 0.3m set in of the first floor level from the south east boundary with No.41
  - Removal of the additional hardstanding to the frontage and removal of the extension to the existing crossover and proposed new cross over
  - Removal of the front boundary wall and gates.
- 3.8 The amended plans have also included details of a raised patio to the rear detailed above; neighbours were reconsulted on the amended plans.

#### **4 Statutory Consultation**

##### **4.1 Chorleywood Parish Council: Object**

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

The scale of the extensions and their bulk and mass are unneighbourly in scale when compared to 45 Chestnut Drive. The extensions will result in a sizeable breach of the 45o splay line to 45 Chestnut Drive.

The proposed walls and gates are out of keeping with the surrounding area.

The proposed gates do not appear to be sufficiently set back from the highway to avoid vehicles entering the property projecting into the public highway.

Permission is required from Hertfordshire Highways for the additional dropped kerb.

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

Officer note: Chorleywood Parish Council have been reconsulted on the amended plans however no comments have been received.

#### 4.2 Herts Ecology: No objection:

##### **First comments received objecting:**

Given that considerable modifications to the building are proposed, impacts on bats should be a consideration; all bats are protected by law.

Given its setting, near to established gardens and areas of semi-natural habitat, and evidence of bats making use of similar properties nearby, I recommend that prior to determination, the structure is subjected to a Preliminary Roost Assessment (PRA) to identify the potential of the structure to support roosting bats. If evidence is found here, up to three dusk emergence surveys will likely be required. Whilst a PRA can be carried out at any time of year, emergence surveys are restricted to the summer period, ideally from May until the end of August. Given these seasonal constraints I would urge the applicant to commission the PRA promptly.

##### **Comments removing objection:**

Thank you for consulting Hertfordshire LEADS (Ecology).

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

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

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

#### 4.3 Hertfordshire County Council - Highway Authority: Objects to the originally submitted plans:

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

1. The proposed additional crossover and dropped kerb; and widened vehicle crossover and dropped kerb; are not in accordance with Hertfordshire County Council's (HCC) policy and has the potential to negatively impact on the free and safe flow of highway users on the adjacent highway due the provision of an unnecessarily wide vehicle access. The proposals are therefore contrary to policy guidelines as outlined in the National Planning Policy

Framework (NPPF), HCC's Local Transport Plan (LTP4) 2018 and HCC's Residential Dropped Kerbs Policy.

## Comments

The development site is located on Chestnut Avenue, an unclassified local access road subject to a 30mph speed limit and is considered highway maintainable at public expense. On Hertfordshire's Place and Movement network, Chestnut Avenue is categorised as P2/M1 (e.g. Residential Street).

No reportable highway collisions recorded within the immediate vicinity of the application site (5-year rolling). No Public Right of Way (as shown on the PRoW map) directly affects the site or would be affected by the proposal.

Site drawing A-101-P6 ('Proposed Site Plan') outlines the developments proposal to widen the existing dropped kerb and vehicle crossover from 4.7m to 5.7m, and create an additional dropped kerb and vehicle crossover to the right of the existing one.

Both of these proposals are in contention with Hertfordshire County Council's Residential Dropped Kerb Policy which states that:

- "We do not provide second dropped kerbs. This is because every access point on a property is a potential point of conflict between people and cars. Access points are limited to one per property";

- "If the property already has a dropped kerb, we will only extend the existing access up to a maximum of four flat kerbs which equals 3.6m. Dropped kerbs will be no wider than four flat kerbs. This is the widest dropped kerb that we will allow. You will also be provided with one or two ramped kerbs depending on your property. Please do not apply for a dropped kerb wider than this as it will be refused".

A dropped kerb which contains a maximum of four flat kerbs and two ramped kerbs would be 5.4m in width. The proposals include widening the existing access to 5.7m.

The Highway Authority is therefore recommending refusal on this application for the above reasons but notes that other than what has been identified the Highway Authority currently has no other concerns. We would recommend the applicant submits amended plans that provide vehicular access which is congruent with Dropped Kerb Policy.

Officer comment: Since receipt of these comments the plans have been amended removing the alterations to the frontage including the new access, extension to the existing access and drive and front boundary treatment.

4.4 TRDC Tree and Landscape Officer: No comments received.

4.5 National Grid: No comments received.

4.6 **Public/Neighbour Consultation**

4.7 Neighbours consulted: 4

4.8 Responses received: 3 (consultation date expires 13 March 2026; members will be verbally updated of any comments received). Two objections; one support received.

4.9 Site Notice: expired 23 December 2025

4.10 Press Notice: Not Required

4.11 Summary of objection responses received:

The wall and gate would block safe view for exiting cars from neighbouring drive and hazard on sharp bend and when cars are parked on the highway; Gate and cross over would hinder safe flow of traffic; Gates and wall would be contrary to covenants and would not be in keeping with the character of road; The loft conversion and dormers would result in overlooking and loss of privacy; Overdevelopment of the plot which would overwhelm No.45; Reduction in height of chimney would cause smoke problems for neighbours; Hardstanding would cause flood problems; Vegetation has already been removed from the front garden.

#### 4.12 Summary of support responses received:

Fully support the revised planning application; The revised proposal mirrors the scale of many other properties on the road and would represent a fair and consistent addition.

Officer note: The alterations to the frontage including new access, extension to existing access, hardstanding and front boundary treatment have been removed from the proposed plans and no longer form part of the proposal.

## 5 Reason for Delay

5.1 Committee Cycle.

## 6 Relevant Planning Policy, Guidance and Legislation

### 6.1 Legislation

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

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

6.4 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

6.5 The Environment Act 2021.

### 6.6 National Planning Policy Framework and National Planning Practice Guidance

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

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

applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

## 6.7 The Three Rivers Local Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM9, DM13 and Appendices 2 and 5.

Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020). Policy 2 is relevant.

## **7 Planning Analysis**

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

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.1.3 Policy 2 of the Chorleywood Neighbourhood Plan stipulates that developments should make a positive contribution to the street scene by way of frontage, building line, scale and design.
- 7.1.4 Amendments were requested and received during the course of the application which resulted in the removal of the works to the frontage of the site including the front boundary treatment, extension to hardstanding and alterations to the access and addition of a new access. These elements no longer form part of the proposal and will not be discussed.
- 7.1.5 The proposed development would serve to increase the bulk and massing of the dwelling in comparison to the existing built form. However, Chestnut Avenue is characterised by detached dwellings of varied size, scale and design; including dwellings with crown roof forms. Overall, following amendments to the scheme, the bulk, massing and design of the dwelling is not considered to result in an unduly prominent or obtrusive feature within the street scene for the reasons expanded on below.
- 7.1.6 The proposed first floor side extension would increase the bulk and massing of the dwelling. It would be set in 1.6m from the flank boundary at first floor level which would exceed the 1.2m minimum distance requirement as set out within the Design Criteria. The set in would

respect the spacious quality of Chestnut Avenue and the resultant width of the dwelling would not appear out of context in relation to the large buildings that characterise Chestnut Avenue. The proposed two storey front extension would project forward of the original front elevation it would however be set behind the existing extended ground floor front elevation. The neighbour at No.41 is set slightly behind the front elevation of the application dwelling, although it sits on an angle in the street scene, No.45 is set slightly forward of the original front elevation of the host dwelling. The two storey front extension would have a central position, would be set down from the ridge and would not be of a depth or siting that would disrupt the established building line along this part of the street scene or be of a scale or design that would result in an unduly prominent feature.

- 7.1.7 The proposal would include first and ground floor rear extensions. The increase in depth would be apparent from public vantage points considering the set in and orientation of No.41. The ground floor would be relatively deep elevation however this would not result in a noticeable feature as viewed from Chestnut Avenue. The first floor level would not have an excessive depth that would appear out of keeping with the buildings within Chestnut Avenue which have been altered and extended to differing degrees.
- 7.1.8 The proposal would introduce a crown roof; the Design Criteria identifies that '*Crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing. As such, they are generally discouraged and more traditional pitched roofs are generally favoured*'. The crown roof would not be excessive in depth and would not represent development of inappropriate bulk and massing. The covered area created by the set back of the north western rear corner would not be readily apparent from Chesnut Avenue due to the relationship with No.45. Thus, is not considered that the extensions to the dwelling would result in an incongruous or prominent addition to the street scene.
- 7.1.9 Rear dormers and rooflight are proposed to serve the loft conversion. As set out in the Design Criteria dormer windows should always be subordinate to the main roof. They should be set below the existing ridge level, set in from either end of the roof and set back from the plane of the front or rear wall. The roof form should respect the character of the house if possible. The two dormers would be clearly set down from the ridge, set back from the rear elevation and set in from the flank roofslopes that would be clearly subordinate to the proposed roof form and would not result in a dominant feature as viewed from public vantage points. The proposed dormers are considered to be compliant with the Design Criteria set out in Appendix 2 and considered to be acceptable from the perspective of impact on street scene and the character of the host dwelling.
- 7.1.10 The proposed development would noticeably increase the bulk and massing of the dwelling. However, the size, scale and design of the resultant dwelling would not result in overdevelopment of the large plot, would maintain the spacious qualities of Chestnut Avenue and would not appear out of character within the architecturally varied nature of the street scene.
- 7.1.11 Thus, the character of Chestnut Avenue would not be adversely affected by the proposed development and 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 2 of the Chorleywood 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 No.41 is set on slightly lower ground to the application dwelling and sits at an angle so that the rear elevation of No.41 angles towards the common boundary between the properties. No.41 is set in from the common boundary and has a single storey rear extension that has a similar depth to the ground floor rear elevation of the application dwelling; the adjacent first floor level is set forward of the rear elevation of the application dwelling. The first floor of the proposed two storey side and rear extension would not intrude into the 45 degree splay line drawn across the rear garden from a point on the joint boundary, level with the ground floor rear wall of No.41. The first floor level of the extension would extend beyond the first floor rear elevation of No.41 by approximately 5.3m and the ground floor would extend approximately 3.7m beyond the rear ground floor rear elevation of No.41. The spacing (a minimum of approximately 4.5m separation) and relationship between the properties would prevent the proposed development from resulting in any unacceptable loss of light or harm to the visual amenities of No.41.
- 7.2.3 The extension to the roof and dormers would increase the built form at roof level however it would be hipped to the front and rear and the dormers would be set in from the common boundary. As such, the roof extension and dormers would not result in a dominant or unacceptable relationship with No.41. As the front elevation of No.41 is orientated away from the application site the proposed extensions to the side and front would not result in any loss of light or harm to the visual amenities of No.41.
- 7.2.4 No.45 is constructed close to the common boundary at ground floor level and set in approximately 1m at first floor level. No.45 has a stepped rear elevation with the rear elevation closest to the boundary with the application site being set forward of the rear elevation of the application dwelling at first floor level; the ground floor flat roof extension extends beyond the two storey rear elevation of the application dwelling. The proposal at ground floor level would extend approximately 4.8m beyond the ground floor of No.45 whilst the first floor, due to the stepped design, would not project beyond the ground floor of No.45. Although it is noted that the roof form would overhang the recessed element. The proposed extension would not intrude into the 45 degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of No.45. The first floor level adjacent to the common boundary would be extended out by 1.4m with the deeper section set in 3.3m from the flank elevation. The north western first floor would extend approximately 4.3m beyond the first floor rear elevation of No.45 although it is noted that the covered area would extend deeper. The first floor level of No.45 is set in approximately 1m from the common boundary with the first floor window set in further, No.45 is also set on slightly higher ground and slightly angled away from the application site. It is considered that due to the relationship with No.45 the proposed ground and first floor extensions would not result in unacceptable loss of light to the first floor of No.45 or result in unacceptable harm to the visual amenities of this neighbouring property.
- 7.2.5 The front extension would be set in from the common boundary with No.45 thus would not result in any harm to the residential amenities of this neighbouring property. As previously identified the roof extension would be hipped to the side and rear and the dormers would be set in from the common boundary and would be subservient to the proposed roof. As such the proposed roof extension would not result in a dominant relationship or unacceptable loss of light to No.45.
- 7.2.6 In terms of overlooking no first floor flank windows would be inserted within the dwelling or extension. The fenestration to the rear at ground and first floor level would not increase overlooking above the existing situation. Although the development would bring first floor windows closer to the flank boundary with No.41 the levels of overlooking would not be materially greater or result in unacceptable overlooking into this neighbouring property. The proposal would include dormers within the rear roofspace. Concerns have been raised that these will increase overlooking into the surrounding neighbouring properties. The dormers would not be excessive in size and would be set in from both flank boundaries. It is not considered that the addition of dormers and rooflight within the rear roofslope of the

proposed roofspace would result in unacceptable levels of overlooking into the surrounding neighbouring properties compared to the existing situation.

- 7.2.7 The proposed development would include the provision of a raised patio. The proposed patio would be constructed close to both flank boundaries. The proposed patio would extend deeper into the site than the existing patio where the brick walls drop in height reflecting the drop in site levels. The fencing along both boundaries consists of a mixture of brick walls and open fencing. The depth and height of the patio could facilitate overlooking into the neighbouring properties this however could be mitigated by the installation of 1.8m high screening along the edges of the patio. It is noted that this information is not included on the plans however considering the neighbouring properties are served by generous amenity space provision and the existing boundary treatment the addition of 1.8m high screening along the sides of the terrace to be secured by condition would not result in unacceptable harm in terms of dominance or loss of light on the neighbouring properties.
- 7.2.8 No harm to the residential amenities or overlooking to other surrounding neighbouring properties would result from the proposed development.
- 7.2.9 Concerns have been raised that the proposed chimney would be lowered resulting in smoke impacting on the neighbouring properties. The chimney would need to be constructed to Building Regulations in terms of height and clearance however it would sit higher than the eaves and windows of the neighbouring dwelling.
- 7.2.10 Thus, subject to conditions the proposed development would not result in unacceptable loss of light, harm to the visual amenities or overlooking of the neighbouring properties. The proposed development would therefore be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD.

### 7.3 Highways & Parking

- 7.3.1 Core Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.
- 7.3.2 The proposal would not result in any alterations to the frontage or extension to the drive. Thus the objections raised by the Highways Authority are no longer applicable to the assessment of the proposal. The frontage can accommodate three cars which is sufficient to serve the four plus bedroom dwelling.

### 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 There is sufficient amenity space provision to comfortably accommodate the proposed extension and serve a six bedroom dwelling.

### 7.5 Trees & Landscape

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

7.5.2 The proposed development would not require the removal of any trees nor is considered to result in any harm to others. The protected trees are sited to the rear of the site and would not be affected by the proposed development or construction activities. Concerns were raised that vegetation had been removed from the front of the site. No protected trees are sited within the frontage. Subject to a condition requiring details of tree protection measures to protect the trees to the rear of the property during construction no objections are raised in this regard.

## 7.6 Biodiversity

7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.6.2 Biodiversity protection and protected species are a material planning consideration during the application process of this application. This is in accordance with Policy CP9 of the Core strategy in addition to Policy DM6 of the Development Management Policies Local Development Document. Local Authorities, in line with National Planning Policy, are required to ensure that a protected species survey is completed for applications whereby biodiversity may be affected prior to the determination of the application.

7.6.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application.

7.6.4 It is noted that Herts Ecology initially objected to the proposed development requiring a bat survey to be submitted. A Preliminary Survey was submitted and Herts Ecology confirmed that no protected species would be affected by the proposal; subject to an informative.

## 7.7 Mandatory Biodiversity Net Gain

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

7.7.2 In this case, the applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.

## 8 **Recommendation**

8.1 That Planning Permission be **GRANTED** subject to conditions:

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: A-103 P3, A110 P3, A-111 P3, A150-P3, A-160 P5, A-100 P4, A-101 P7, A-104C P5, A-105C P4, A106C P6, A112C P6, A113C P6, A-190 P1, A-191 P1, TRDC001 (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, DM6, DM9 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020).

- 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 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 Prior to the first use of the rear patio hereby permitted, details of screening to a height of 1.8m as measured from the surface of the raised patio to be erected along the flank elevations of the raised patio shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be erected prior to the first use of the patio in accordance with the approved details, and maintained as such thereafter.

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

- C6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the first floor flank elevations or roof slopes of the extension/development hereby approved.

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

## Informatives

11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application and include a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](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@threerivers.gov.uk](mailto: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 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 If bats or evidence of them are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.