

PLANNING COMMITTEE – Tuesday 31 March 2026

26/0073/RSP – Part-Retrospective: Construction of two storey side extension, loft conversion including hip to gable extension and rear dormer and front/rear rooflights at 9 THE CRESCENT, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3DU

Parish: Croxley Green Parish Council

Ward: Dickinsons

Expiry of Statutory Period: 03.04.2026 (Agreed Extension)

Case Officer: Lilly Varnham

Recommendation: That Part Retrospective PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee: Called in by Parish Council for the reason set out at 4.1.2 below.

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

[26/0073/RSP | Part-Retrospective: Construction of two storey side extension, loft conversion including hip to gable extension and rear dormer and front/rear rooflights | 9 The Crescent Croxley Green Rickmansworth Hertfordshire WD3 3DU](#)

1 Relevant Planning and Enforcement History

- 1.1 25/1620/CLPD - Certificate of Lawfulness Proposed Development: Loft conversion including hip to gable roof extension with rear dormer and front rooflight; Demolition of existing outbuilding and erection of outbuilding – Permitted. Loft works currently being implemented.

2 Description of Application Site

- 2.1 The application site is located on The Crescent, Croxley Green. The Crescent is characterised by a number of semi-detached properties of similar architectural style and design, some of which appear to have been extended or altered.
- 2.2 The application dwelling is a two-storey semi-detached dwelling, sited on the south western side of The Crescent. The existing dwelling has a dark tiled hipped roof and an exterior finish consisting of pebbledash render and brown brick. The dwelling does not appear to have been previously extended; however, a pre-existing detached garage to the side of the site has recently been demolished and at the time of the officer site visit it was noted that the loft works subject of 25/1620/CLPD were being implemented on site.
- 2.3 To the front of the dwelling is an of hardstanding and to the rear is an amenity garden predominantly laid as lawn.
- 2.4 The adjoining neighbour at No. 10 is also a two-storey semi-detached dwelling, this neighbour benefits from an existing single storey side extension. The neighbour to the north is No. 8, also a two-storey semi-detached dwelling, this neighbour benefits from a single storey side and rear extension and a detached outbuilding.
- 2.5 The rear boundary of the application site adjoins the Dickinson Square Conservation Area.

3 Description of Proposed Development

- 3.1 This application seeks part retrospective planning permission for the construction of a two storey side extension, loft conversion including hip to gable extension, rear dormer and front/rear rooflights.

- 3.2 The proposal includes a loft conversion to the main dwelling, facilitated by a hip to gable extension, rear dormer window and a front rooflight. The dormer would have a total depth of approximately 3.5m and a width of approximately 5.4m. The dormer would have a flat roof with a total height of approximately 2.5m. Two windows are proposed within the rear elevation of the dormer. One rooflight is proposed within the front roofslope of the dwelling. It is noted that this work is currently being implemented at the application site and benefits from a lawful development certificate (25/1620/CLPD). As these works are not substantially complete, they have been included in the description of works for this current application, and the application is being considered as part retrospective.
- 3.3 The proposed two storey side extension would remain be set back from the main front wall of the dwelling by 0.5m and would not project beyond the existing rear building line. The extension would retain a minimum of 1m spacing to the splayed flank boundary with No. 8 The Crescent at both the ground and first floor level. The ground floor footprint would be splayed, following the nature of the boundary with the spacing increasing to the boundary as it splays away from the proposed development. The extension at the ground floor would have a total depth of approximately 7.1m and a width of approximately 2.5m to the front and 6m to the rear. At the first floor the extension has a depth of approximately 7.1m and a width of 2.5m.
- 3.4 The extension would be minimally set down (0.2m) from the ridge line of the dwelling at would have a gabled roof sitting at a total height of approximately 7.9m, the eaves height would be consistent with the existing eaves of the dwelling. The ground floor would have a flat roof at a total height of approximately 2.8m.
- 3.5 Fenestrations are proposed within the front and rear of the proposed extension at both ground and first floor level. A door is proposed within the ground floor side elevation facing No. 8. No first-floor flank windows are proposed. Rooflights are proposed within the front and rear roofslope of the extension.
- 3.6 Amended plans were requested and received during the course of the application omitting the rear dormer from the roofslope of the proposed two storey side extension. The spacing from the extension to the boundary was increased and two rooflights were added to the front and rear roofslope of the two-storey side extension.

4 Consultation

4.1 Statutory Consultation

4.1.1 National Grid – [No response received]

4.1.2 Croxley Green Parish Council – Object.

The proposed two storey side extension should have a hipped roof to ensure symmetry with the attached house and restore the street scene in accordance with CGNP. The proposed extension to the rear dormer is ungainly and permits close overlooking of the adjoining gardens and houses in Cherry Croft. The proposed new loft extension would be outside the total permitted development allowed after taking into account the previous application for lawful development. CGPC supports neighbours comments. CGPC objects to this proposal and requests call in.

4.1.3 Croxley Green Parish Council [Second Comment] – Object.

Remain concerned about the scale of the proposed development and the impact on neighbouring properties. Note the revised plans and draw the planning officer's attention to neighbours' comments.

4.1.4 Conservation Officer – The Conservation Officer was verbally consulted on the application and made the following comment:

Cherry Croft would appear to be a modern addition to the Conservation Area, therefore given its context the development is considered to have a neutral impact on its setting.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 13

4.2.2 No of responses received: 10 [10 objections received, 1 neutral comment received]

4.2.3 Site Notice Posted: 29.01.2026, Expired: 19.02.2026

4.2.4 Press Notice Published: 06.02.2026, Expired: 27.02.2026

4.2.5 Summary of Responses:

Neutral Comment:

- Give residents 24 hours' notice of deliveries by large vehicles or builders blocking driveways.

Objection(s):

- Plans different to permitted development plans.
- Concerns regarding privacy of upstairs windows looking straight into bedrooms due to angle/relationship with application site.
- Loft and upstairs extension will block light and overshadow conservatory.
- Building close to boundary with side door looking into amenity space.
- Imposing.
- Other corner houses in cul-de-sac have ground floor side extension, large extension would be out of character.
- Driveway blocked.
- Materially inaccurate representation of existing property. Incorrect baseline drawings misleads planning authority and prevents a lawful assessment of the proposal.
- Unacceptable harm to neighbouring residential amenity. Loss of outlook and sky visibility. Overbearing and enclosing due to scale and proximity. Substantial loss of privacy from direct overlooking into neighbouring gardens and habitable rooms.
- Fails to respect established spatial relationships and reasonable enjoyment of neighbouring properties.
- Request council to investigate compliance with relevant permissions, permitted development limitations and building regulations.
- No consultation on roof extension which adds two windows and substantial increase in the building's height. This is inappropriate and falls short of expected practice.
- Considerable overlooking into rear rooms. Proposed design undermines privacy by adding 5 new windows facing directly into home.
- Roof extension of this scale would dominate boundary and create an intrusive, overbearing structure that would materially harm enjoyment of home and garden.
- View out of conservation area would seriously impact this.
- Reduce natural light to rear rooms.
- While we do not object to a side extension, the proposed additional top floor would create an overbearing form directly overlooking into garden.
- Residents of Cherry Croft were not notified of the current loft extension works, some of which appear to have been undertaken in preparation for this planning application.

- Not be in keeping with character of the surrounding properties, particularly in terms of roof style, scale and proximity to existing boundaries.
- Overbearing structure, resulting in overshadowing of neighbouring properties in Cherry Croft. Consequent reduction in natural light and visual outlook.
- Substantial loss of privacy.
- No. 10 has a separate planning application for a loft conversion and extension. When considered cumulatively, these developments would exacerbate the issues of overlooking and loss of privacy due to the increased number of windows.
- Intrusiveness and visibility of the extension / overbearing nature.
- Scale, bulk and siting of the proposed building not in keeping with the prevailing pattern of development in Cherry Croft.
- Material reduction in natural light.
- Reduce sense of outlook and openness currently enjoyed by neighbouring occupiers. Development would create an oppressive and dominant presence to the detriment of visual amenity.
- Revised plans still overbearing, overlooking from first floor due to angles of properties.
- Other corner of The Crescent only has a single storey extension due to proximity of houses.
- Parking concerns.
- Despite amendments proposal remains excessive in scale and bulk. Visually dominant and overbearing structure.
- Increased sense of enclosure. Loss of outlook.
- Overlooking concerns.
- If approved, consideration of glazing specifications and robust landscaping plan should be considered.
- Maintain previous objection. Two new windows at top of building and two additional windows on side elevation would directly overlook property, garden and bedrooms.
- Due to height, depth and proximity to the boundary extension would be overbearing and visually intrusive. Sense of enclosure. Significant reduction in outlook.
- Loss of privacy and light. Adversely affect views from property which is a Conservation Area.
- Concerns that work continues regardless of application.
- Overbearing impact and loss of light.
- Excessive bulk and massing.
- Privacy concerns.
- Ongoing works and whether they are authorised and whether this matter has been referred to Planning Enforcement.
- Amended scheme does not overcome fundamental harm caused by excessive scale and overbearing massing.
- Significant and direct impact on multiple habitable rooms.
- If minded to approve robust landscaping condition should be imposed requiring boundary screening of sufficient height and density to mitigate overlooking and protect neighbouring privacy.

4.3 Officer Comment – Comments from the neighbours are noted. With regards to comments around consultation for the Lawful Development Certificate, to clarify there is no requirement for the LPA to consult for this development type and there is no provision within the relevant part of the GDPO for comments to be taken into consideration. The application under reference 25/1620/CLPD sought a lawful determination based on whether the proposal complies with the requirements of the General Permitted Development Order 2015, as amended and was consented on 14.11.2025. This Certificate permitted a loft conversion, including hip to gable extension, rear dormer window (with two rear windows) and a front rooflight. The LPA are of the view that the works currently being implemented on site are being lawfully implemented. They have however been re-included in the assessment of this application given that the works are not substantially complete and the

application is therefore part retrospective. All other material planning considerations including the impact on character and amenity will be discussed in the relevant sections of this report below.

5 Reason for Delay

5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 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.

6.2 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, 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, DM3, DM6, DM13, Appendix 2 and Appendix 5.

The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018). Relevant policies include: CA2, Appendix B and C.

Other

Dickinson Square Conservation Area Appraisal (2014)

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

7 Planning Analysis

7.1 Design and Impact on the Host Dwelling, Street Scene and setting of the adjacent Conservation Area

- 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. 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'.
- 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 As set out in Appendix 2, new development should not be excessively prominent in relation to adjacent properties or general street scene and should not result in a loss of light to the windows of neighbouring properties nor allow for overlooking. The Design Criteria at Appendix 2 sets out that two storey side extensions may be positioned on the flank boundary provided that the first-floor element is set in by a minimum of 1.2 metres. This distance must be increased in low density areas or where the extension would have an adverse effect on an adjoining property. In high density areas an absolute minimum of 1 metre will be considered.
- 7.1.4 With regards to dormer windows, the design criteria sets out that 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. Hip to gable extensions are discouraged in the case of semi-detached houses as it is considered that this unbalances the pair and results in a loss of symmetry. In some cases, roof forms in a street may be uniform and therefore this type of alteration may erode the group value of the street and will not be supported by the Council.
- 7.1.5 Policy CA2 of the Croxley Green Neighbourhood Plan sets out that domestic extensions requiring planning consent should seek to conserve and enhance the character areas described in Appendix B through the careful control of massing, alignment and height. Extensions that have an overbearing or adverse visual effect on the Character Area in which it is located will be resisted. The application site is located within Character Area 4. Proposal should take account of the guidelines in Appendix C. Appendix C sets out that in the case of semi-detached houses any side extension should take account of the effect on the streetscene of a lop-sided extension. Roof extensions should not involve the raising of the roof ridge, a change from hip roof to gable (other than a "Sussex hip" or "half hip" or the construction of front dormers which are out of scale with the host building.

- 7.1.6 The hip to gable extension would be readily visible from the streetscene by virtue of its siting at roof level. The application site occupies a corner plot within the cul-de-sac. As a result of its position, public views of the hip to gable extension would be limited to the cul-de-sac and those properties to the rear rather than wider views. The loft conversion, incorporating the hip to gable extension and rear dormer window currently being implemented on site has been found to be lawful under Lawful Development Certificate reference 25/1620/CLPD.
- 7.1.7 Whilst not the prevailing character within the cul-de-sac there are other examples of hip to gable extensions and rear dormers within the immediate streetscene including No. 7, 6, 4 and 3, it should also be noted that No. 3 also benefits from a two-storey side extension. As such, given the character of the area, the proposed hip to gable roof form is considered to be an acceptable addition to the street scene that would not result in any harm.
- 7.1.8 The dormer window would be a large structure, which would not be subordinate to the host dwelling and would therefore fail to meet the criteria at Appendix 2 of the DMP LDD. However, it is acknowledged that the dormer benefits from deemed planning permission and this provides a valid fallback position in the context of the application site, and accordingly would be given significant weight. As such, the lawful development certificate is a material consideration which would in this case outweigh the harm to the dwelling and character of the area caused by the size of the rear dormer window. There are a number of other dormer windows of a similar scale within the immediate vicinity of the site, and as above, an identical dormer window has been found to be lawful, it is not considered that the dormer would result in such demonstrable harm to warrant refusal of planning permission. The material circumstances in respect of the lawful development certificate would outweigh any adverse visual impact caused. In the event permission were refused, the dormer would still be constructed as it benefits from planning permission by virtue of the General Permitted Development Order.
- 7.1.9 As above, the proposed development includes an additional roof volume associated with the roof of the two-storey side extension of approximately 9.78m³. When considered alongside the 40.1m³ of the roof enlargement previously approved (hip to gable and rear dormer) under a Lawful Development Certificate, the cumulative volume of roof additions would amount to approximately 49.88m³. In this context, officers consider that the dwelling has effectively exhausted the scope for further roof enlargements under permitted development. As such, it is not considered reasonable or necessary to remove permitted development rights under Class B, as it is unlikely that any further built form could be accommodated within the remaining permitted development allowances.
- 7.1.10 The proposed two storey side extension would remain set back from the front elevation of the dwelling by approximately 0.5m and would be set down from the main ridge line, ensuring it appears as a subordinate addition to the host dwelling. A minimum separation of 1m would be retained to the flank boundary with No. 8. Whilst this falls below the 1.2m separation typically sought under the council's design criteria, the guidance confirms that in higher density areas a reduced separation of 1m may be considered acceptable. The application site is considered to be located within a higher density area, where plot widths and spacing between dwellings are generally modest. In this context, the proposed 1m separation is considered proportionate. Furthermore, the spacing increases along the boundary as it splays away from the narrowest point, reducing any perception of enclosure or undue bulk.
- 7.1.11 It is also noted that there is an example of a two-storey side extension within the cul-de-sac at No. 3, as above the streetscene is also varied. It is therefore not considered that the development would appear unduly out of character when read in this context and owing to the spacing retained it is considered that the development would not result in the creation of a terracing effect. In terms of its overall bulk and massing, owing to the set back from the front elevation, its spacing to the boundary and set down from the ridge line it is considered that the development would remain subordinate to the host dwelling and would be of a scale, form and pattern of development which would not give rise to an incongruous or

unduly prominent development such to justify the refusal of planning permission in this regard.

- 7.1.12 The proposed windows within the front, rear and side elevation of the extension are considered to reflect the style and appearance of the existing fenestrations and would not appear unduly out of character. The rooflights within the front and rear roofslope of the main dwelling and within the roofslope of the side extension are considered to be large, however, would be proportionate in number with the remainder of the roofslope remaining legible. It is also noted that there are examples of rooflights within the immediate context of the application site and thus on balance it is not considered that these additions in this case would appear unduly out of character.
- 7.1.13 In addition to the above, the extension would be constructed in materials to match the existing dwelling which would further retain its character.
- 7.1.14 Whilst the application site is not located within the Conservation Area, the rear boundary adjoins the boundary with the Dickinson Square Conservation Area. The properties to the rear are located within Cherry Croft. The Conservation Officer was verbally consulted on the proposal and notes that Cherry Croft appears to be a later addition to the Conservation Area, and in terms of its setting raised no in principle concerns and advised that the development would have a neutral impact on the setting.
- 7.1.15 In summary, the proposed development would not result in any adverse harm to the character or appearance of the streetscene, area or adversely affect the setting of the Dickinson Square Conservation Area. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (2013) and Policy CA2, Appendix B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018).

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 of disposition of privacy, prospect, amenity and garden space'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.2.3 The proposed loft conversion, including hip to gable extension and rear dormer window is not considered to be readily visible from the neighbour at No. 8 given that the rear of the host dwelling is angled away from this neighbour. Whilst it introduces additional bulk and massing at roof level, given the relationship between the two dwellings it is not considered that this would result in an overbearing form of development or harmful loss of light to the residential amenities of the occupiers of this neighbouring dwelling. Two windows are proposed within the rear elevation of the dormer, which would predominantly angle views to the rear, thus it is not considered that this would result in harmful overlooking of this neighbouring dwelling.
- 7.2.4 In relation to the adjoining neighbour at No. 10, it is noted that there is a pending application via LPA reference 26/0126/FUL for a part single, part two storey side extension. This application has not been determined and therefore weight cannot be attached to this. In any case, whilst the proposed rear dormer would add bulk at roof level adjacent to the boundary with this neighbour its height and siting are such that it would not appear overbearing or visually intrusive. Officers also acknowledge that this is currently being lawfully implemented on site in accordance with the Lawful Development Certificate approved under reference

25/1620/CLPD which is considered material to this assessment. It is not considered that this element would give rise to an overbearing form of development or harmful loss of light as experienced by the occupiers of this neighbouring dwelling. The rear windows would introduce fenestrations at the second-floor level which did not previously exist and it is therefore acknowledged that both perception and actual overlooking would increase. However, views would predominantly be directed outward or towards the rear garden of the neighbouring dwelling. As such, it is not considered that the additional fenestrations at this level would facilitate harmful overlooking of this neighbour such to justify a refusal in this regard.

- 7.2.5 The loft conversion including hip to gable extension and rear dormer window would be readily visible from those properties to the rear on Cherry Croft, notably No. 4-7 whose rear boundaries adjoin the rear of the application site. Whilst the development would be visible, sufficient spacing would be retained to the boundary with these neighbours with a minimum of approximately 20m from the rear of the extension to the rear elevation of No. 5 Cherry Croft. As above the application site benefits from a lawful development certificate for the hip to gable extension and rear dormer. Given the existing relationship between the application site and these neighbouring dwellings, it is considered that there is an inherent degree of overlooking particularly at first floor level. Whilst the additional windows at the roof level would increase both perceived and actual overlooking given that windows did not previously exist at this level. However, views are considered to be directed outwards, and whilst it is acknowledged that overlooking may increase, it is not considered that these views would result in harmful overlooking beyond that of the inherent overlooking that already exists at the first-floor level. In light of the above, on balance it is not considered that the proposal would result in an overbearing form of development or harmful loss of light to the residential amenities of the occupiers of these neighbouring dwellings such to justify a refusal of permission in this regard.
- 7.2.6 The proposed two storey side extension would be sited closest to the boundary with No. 8 The Crescent. The application site occupies a corner plot, meaning there is an existing angled relationship with this neighbour. The side extension would be set back from the front elevation of the host dwelling, and it would remain set off the shared boundary by a minimum of 1m at both ground and first floor level with the spacing increasing as the boundary splays. The roof form would be gabled and would be set down from the main ridge line of the dwelling. It is considered that the spacing to the boundary and the set back from the front elevation would to some extent reduce the perceivable bulk and massing, officers do however acknowledge the visual impact. However, owing to the set down from the ridge line, the separation retained to the boundary and the extensions set back from the front elevation it is not considered that the development would give rise to an overbearing form of development or harmful loss of light to the residential amenities of the occupiers of this neighbouring dwelling such to justify a refusal of permission in this regard.
- 7.2.7 With regards to the ground floor fenestrations within the front and rear of the extension these would predominantly have outlook over the application site's frontage and rear amenity space and are not considered to facilitate additional overlooking beyond that of the existing fenestrations. The door within the ground floor side elevation would serve the utility room and whilst this would face towards the boundary with No 8, owing to the separation from the boundary, the existing boundary treatments and its siting at the ground floor level it is not considered that this door would give rise to unacceptable overlooking of this neighbour.
- 7.2.8 Officers acknowledge that concerns have been raised regarding the first-floor windows within the extension. The window within the side extension would predominantly have outlook over the application site frontage, and the highway/site frontages of the neighbouring properties. It is noted that this window would serve a habitable room (a bedroom) and given the angled relationship between the host dwelling and the neighbour at No. 8 it is considered that this may result in an increased perception of overlooking given that the window would be closer to the boundary. However, given the site context it is

considered that there is an inherent degree of overlooking between neighbouring properties particularly on the corner plots. As above, it is considered that views would predominantly be directed over the site frontages of neighbouring dwellings as opposed to direct overlooking of first floor habitable rooms. Thus, on balance, it is not considered that this window would facilitate additional or harmful levels of overlooking of this neighbour such to justify a refusal in this regard.

- 7.2.9 The properties to the rear of the site on Cherry Croft have a back-to-back relationship with the application site. There is a minimum separation distance of approximately 20m from the rear elevation of the extension/host dwelling to No. 5 Cherry Croft, this increase to approximately 22m to No. 4 and No. 6, approximately 25m to No. 7 and approximately 28m to No. 3. The proposed side extension would not extend beyond the current rear building line of the application dwelling, whilst the development would be visible from the rear of these properties, appropriate spacing would be retained to the boundaries. The development is read in the backdrop of existing development to the northwest and east with the neighbouring dwellings adjacent and on the opposing side of The Crescent visible from the rear of these sites. Given the separation retained to the boundaries and the set down from the ridge it is not considered that the proposed extension would result in demonstrable harm to the residential amenities of the occupiers of these neighbouring dwellings such to justify a refusal in this regard. Whilst it would introduce an additional window within the rear elevation at the first-floor level, it is not considered that this would facilitate additional levels of overlooking beyond that of the existing first floor rear windows.
- 7.2.10 The rooflights in the front and rear roofslope of the side extension would serve loft storage within the roofspace and are therefore not considered to result in overlooking of any neighbouring dwelling. The rooflight within the main roofslope of the host dwelling would serve the loft accommodation, it is considered that views would largely be over the application site frontage and adjacent highway and are not considered to give rise to unacceptable overlooking of any neighbour.
- 7.2.11 In summary, subject to conditions the proposed development would 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 Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD.

7.3 Wildlife and Biodiversity

- 7.3.1 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.
- 7.3.2 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.
- 7.3.3 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. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

7.4 Mandatory Biodiversity Net Gain

- 7.4.1 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, 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).
- 7.4.2 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.
- 7.5 Trees and Landscaping
- 7.5.1 Policy DM6 of the DMP 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 and there are no trees protected by a Tree Preservation Order within the site. The rear boundary of the application site adjoins the Dickinson Square Conservation Area where all trees are afforded protection by virtue of the Conservation Area designation. The development is sited to the side of the dwelling where there are no trees present. The application form declares that no trees or hedges need to be removed or pruned in order to carry out the proposal and is therefore considered acceptable in this regard.
- 7.6 Rear amenity
- 7.6.1 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.
- 7.6.2 The existing dwelling has three bedrooms at the first-floor level. It is acknowledged that the existing floor plans show one additional bedroom at loft level, these works are currently being implemented following the permitted Lawful Development Certificate via 25/1620/CLPD. At the time of the officer site visit these works were not substantially complete. Therefore, for the purposes of this assessment, the starting point would be that the dwelling has 3 bedrooms.
- 7.6.3 The proposal therefore would increase the number of bedrooms within the dwelling by two (one in the loft and the other in the proposed side extension), resulting in a five-bedroom dwelling.
- 7.6.4 Appendix 2 of the DMP LDD sets out that five-bedroom dwellings would require 126sqm of rear amenity space. The application site would retain approximately 137sqm of rear amenity space, which would comply with the guidelines above. The proposal is therefore considered acceptable in this regard.
- 7.7 Highways, Access and Parking
- 7.7.1 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.
- 7.7.2 The existing dwelling has three bedrooms at the first-floor level. It is acknowledged that the existing floor plans show one additional bedroom at loft level, these works are currently

being implemented following the permitted Lawful Development Certificate via 25/1620/CLPD. At the time of the officer site visit these works were not substantially complete. Therefore, for the purposes of this assessment, the starting point would be that the dwelling has 3 bedrooms.

7.7.3 The proposal therefore would increase the number of bedrooms within the dwelling by two (one in the loft and the other in the proposed side extension), resulting in a five-bedroom dwelling.

7.7.4 Appendix 5 of DMP LDD sets out that four or more-bedroom dwellings require 3 assigned spaces within the dwelling's curtilage. The application site has an existing driveway with off street parking provision for two vehicles. No increase in provision is proposed and there would therefore be a shortfall of one space. The Croxley Green Permit Parking Zone exists on local roads adjacent to the application site, as well as double yellow lines which would limit parking availability in the immediate vicinity and therefore opportunities for injudicious parking. Whilst the shortfall is noted it is not considered to be significant in this regard given the location of the site and its proximity to local amenities/public transport including Croxley Station which is approximately a 3-minute walk from the application site. The proposal is therefore considered acceptable in this regard.

8 Recommendation

8.1 That Part-Retrospective PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The parts of the development hereby permitted and not begun 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: 0126-01, 0126-02, 0126-03 A

Reason: For the avoidance of doubt, and in the proper interests of planning and to safeguard the setting of the character and appearance of the Dickinson Square Conservation Area in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and Policy CA2, Appendix B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018).

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 ensure that the external appearance of the building is satisfactory 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).

C4 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 or similar openings [other than those expressly authorised by this permission] shall be constructed in the first-floor side 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).

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 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 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 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, 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 applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- 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>.