

## PLANNING COMMITTEE – TUESDAY 31 MARCH 2026

### 25/2228/RSP – Part-Retrospective: Construction of single storey rear extension at 10 Gade Bank, Croxley Green, Rickmansworth, Hertfordshire, WD3 3GD

Parish: Croxley Green Parish Council  
Expiry of Statutory Period: 12.03.2026  
(Extension of Time: 03.04.2026)

Ward: Durrants  
Case Officer: Scott Volker

**Development Type:** Householder.

**Recommendation:** That part-retrospective planning permission be granted subject to conditions.

Reason for consideration by the Committee: Called-in by Croxley Green Parish Council for the reasons set out at paragraph 4.1 below.

To view all documents forming part of this application please go to the following website:  
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=T7RGSUQFJDR00>

## 1 Relevant Planning & Enforcement History

- 1.1 25/1330/RSP - Retrospective: Construction of single storey rear extension – Refused November 2025 for the following reason:

*R1 The single storey rear extension has resulted in an intensification of use of the site and a shortfall in parking to the detriment of neighbouring amenity and the character of the area. By virtue of its design, including two rear doors, and materials that do not match the original dwelling house, the extension fails to respect and is harmful to the character and appearance of the host dwelling and area. The development is therefore contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and DM13 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and Policy CA2 of the Croxley Green Neighbourhood Plan (2018).*

- 1.2 25/0109/COMP - Unauthorised Rear Extension – Pending consideration, subject to the outcome of this application.

## 2 Description of Application Site

- 2.1 The application site contains a property situated on the west side of Gade Bank in Croxley Green. Gade Bank is a short cul-de-sac, characterised by eight pairs of semi-detached dwellings built on a uniform building line in a single row.
- 2.2 The application site is within a semi-rural location with the Grand Union Canal situated to the east of the site on the opposite side of Gade Bank. The rear of the site (to the west) is woodland covered by a Woodland Tree Protection Order (TPO790) which stretches the entire length of Gade Bank, with school playing fields beyond this. The site lies within the Metropolitan Green Belt.
- 2.3 The application property is two-storey with accommodation within the roof space facilitated by a hip-to-gable roof extension and rear dormer. The property has also benefitted from a single storey rear extension which is the subject of this planning application. The property has a pebble-dash rendered exterior and a dark tiled roof. To the front of the property is a small garden enclosed by evergreen hedging to all boundaries. At the rear, there is a private garden measuring approximately 190sqm enclosed by close-boarded timber fencing and hedging. The land levels rise gradually to the rear boundary of the site.

- 2.4 Parking associated to the properties on Gade Bank is located on the opposite side of the access road serving this row of dwellings.
- 2.5 The property has been put to use as a House of Multiple Occupation (“HMO”) (Use Class C4); however, the property is currently vacant following a Closure Order (see paragraph 8.1.7).

### **3 Description of Proposed Development**

- 3.1 This planning application seeks part-retrospective planning permission for a single storey rear extension. The extension has been built but this application is seeking changes to the design and internal changes.
- 3.2 The extension has a depth of 3.37m from the rear elevation of the host property and extends the full width of the property measuring 6.1m in width and is built up to the shared boundary with 9 Gade Bank and offset from the boundary with 11 Gade Bank by 1.3m. The extension has a flat roof measuring 2.8m in height. The dimensions of the extension are unchanged as proposed.
- 3.3 The extension as built contains glazing within the rear elevation comprising two windows and two doors. It is now proposed to replace these features with a single set of bi-folding doors. The external appearance of the extension as built is white painted smooth render. It is now proposed for a brick-slip or render that matches the external appearance of the dwelling to be applied to the elevations of the extension. Clarification was sought from the applicant on the external appearance, and it has been confirmed that the extension would have a pebble-dash render exterior. The submitted drawings show that the extension would be rendered to match.
- 3.4 Internally, the extension as built initially provided two additional bedrooms; however, the submitted floor plans detail that the extension would now provide for an open plan living, kitchen and dining room. Amended plans were received during the course of the application process to alter the internal layout of the main property. This has included removal of the all ensuite bathrooms and the creation of a family bathroom and the replacement of a kitchen within the loft space to provide a walk-in closet.
- 3.5 This application is supported by a Cessation of Use Declaration & Statement of Intent that the property’s use as an HMO would cease and the property reinstated as a family dwelling. Further explanation in respect of the use of the property is provided in the analysis section below at Section 8.1.

### **4 Consultation**

- 4.1 Croxley Green Parish Council: Objection CALL-IN (unless officers minded to refuse)

*The parish council objects to this application. Although this application states it will be returned to a single dwelling, it retains a second kitchen on the second floor, and the ground floor front room could become a bedroom. This layout would easily enable a four bedroomed HMO. No WC can be accessed without going through a bedroom. If the officer is minded to approve, we request call in to committee. If the committee is minded to approve, we request a condition limiting use to a single occupancy dwelling house. We draw the Councils attention to neighbours’ complaints about inadequate sound insulation and request a noise survey be carried out before this application is presented to committee for determination.*

**Officer Comment:** This application is not assessing the impact of the proposed use but rather the impact of the proposed extension.

- 4.2 Environmental Health Officer: Verbally consulted, no objection.
- 4.3 National Grid (Gas): No response received.

## **5 Public/Neighbour Consultation**

5.1.1 Site Notice: Posted – 29.01.2026 Expired – 19.02.2026

5.1.2 Press notice: None.

5.1.3 Number consulted: 7

5.1.4 No of responses received: 5 (5 objections received)

5.1.4.1 Summary of responses received:

- Concerns property would revert back to House of Multiple Occupation
- Layout of property is not akin to a family dwelling
- Property would be easily capable of being used as a shared house or HMO
- Not reasonable to rely on assurances alone
- Impact on neighbours through noise and disturbance
- Noise and sound assessment should be undertaken
- Existing property is of lightweight construction allows for noise to transmit easily
- No daylight assessment undertaken in respect of neighbouring windows
- No consultation with Herts Ecology or independent survey taken on biodiversity
- Dust ingress from extension remains in neighbouring property
- Impact on Human Rights of neighbours
- Property has been subject to a police Closure Order
- Inconsistent floor plans
- Impact on character and appearance of dwelling
- Lack of parking provision

## **6 Reason for Delay**

6.1 None.

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

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

In December 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 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). Relevant chapters include Chapter 2, Chapter 6 and Chapter 7.

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).

## 7.2 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 PSP1, CP1, CP6, CP9, CP10, CP11 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, DM2, DM6 and DM9 and Appendices 2 and 5.

Croxley Green Neighbourhood Plan (2018). Relevant policy includes CA2.

## 7.3 Other

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

# 8 **Planning Analysis**

## 8.1 Background

- 8.1.1 Following a report to the Council an enforcement investigation was opened regarding the construction of a single storey rear extension (ref. 25/0109/COMP).
- 8.1.2 A site inspection was conducted where it was ascertained that the dwelling (at the time) had been extended to the rear. The extension as built by virtue of its depth exceeds the limitations of Schedule 2, Part 1, Class A A.1(f)(i) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) ("the GPDO") which restricts single storey rear extensions to semi-detached dwellings to 3m under permitted development rights. An extension greater than 3m would require an application for express planning permission.
- 8.1.3 Whilst officers are satisfied that the property was in C3 use (dwelling house) at the time of the works, the works themselves facilitated a change of use. Notwithstanding this, a C4 use (HMO) benefits from the same permitted development rights that are available to C3 use (dwelling houses).
- 8.1.4 An application to regularise the single storey rear extension was heard at the planning committee in November 2025 reference 25/1330/RSP. Members resolved to overturn the recommendation of officers and subsequently refused planning permission for the reason set out at paragraph 1.1. Concerns were raised that the single storey rear extension resulted in an intensification of use of the site and a shortfall in parking to the detriment of neighbouring amenity and the character of the area. Furthermore, the design of the extension, including two rear doors, and materials that do not match the original dwelling house meant that the extension failed to respect and is harmful to the character and appearance of the host dwelling and area.
- 8.1.5 This latest application has therefore been submitted in an attempt to formalise the breach of planning control by utilising Section 73A of the Town and Country Planning Act 1990 (as

amended) which enables an application to be made to the Local Planning Authority for development carried out before the date of the application and which proposes alterations to the extension both external and internal to overcome the previous reason for refusal of application 25/1330/RSP.

- 8.1.6 There have been continued concerns received regarding the use of the property as a House of Multiple Occupation (HMO) and although this application is supported by a 'Cessation of Use Declaration & Statement of Intent' setting out a commitment from the applicant that the property would be returned back to a C3 Use as a single dwellinghouse this cannot be solely relied upon. To clarify, the change of use of a building from its use as a dwellinghouse ("C3" of the Use Class Order) to its use as a HMO that is to be occupied by up to six residents and vice versa, is granted deemed planning permission by virtue of Class L of Part 3, Schedule 2 of the GPDO, otherwise known as 'permitted development'. Accordingly, the owner of 10 Gade Bank did not require express planning permission from the council to undertake a change of use from C3 (dwelling house) to C4 (small HMO) in the first instance. Notwithstanding this, the use of the property does not form part of the consideration in the assessment of the acceptability of this application.
- 8.1.7 Officers note that the application property was the subject of a Closure Order granted by St Albans Magistrates Court following complaints of anti-social behaviour which came into effect in October 2025. Officers understand the Closure Order has now expired. This is a Police matter which falls outside the remit of planning and is not a material planning consideration in the assessment of the acceptability of the proposed single storey rear extension.

## 8.2 Impact on Green Belt

- 8.2.1 The site is located within the Metropolitan Green Belt. Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. Paragraph 154 of the NPPF outlines a number of exceptions to inappropriate development. One such exception to inappropriate development at paragraph 154(c) includes *'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'*.
- 8.2.2 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. The policy replicates Green Belt policies contained within the NPPF and therefore can be given weight.
- 8.2.3 Policy DM2 of the Development Management Policies LDD (adopted July 2013) relates to development within the Green Belt and sets out that extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account. Policy DM2 pre-dates the current 2024 NPPF but was adopted after the publication of the 2012 NPPF. The wording of the Green Belt chapters of the NPPF has not materially changed between the 2012 and 2024 NPPF in respect of exceptions to openness, and on that basis it is considered that DM2 which was adopted after the 2012 NPPF was published, is consistent with the NPPF and is an up to date policy to which considerable weight may be attached.
- 8.2.4 More specific guidance to the implementation of DM2 is provided in Supplementary Planning Guidance No.3, Extensions to Dwellings in the Green Belt. The SPG provided further explanation of the interpretation of the Green Belt policies of the Three Rivers Local Plan 1996-2011. These policies have now been superseded by Policy DM2. Nevertheless, the SPG provides useful guidance and paragraph 4.5 of the Development Management

Policies LDD (adopted July 2013) advises that the guidance will be taken into account in the consideration of householder developments in the Green Belt until it is incorporated into the forthcoming Design Supplementary Planning Document. As the NPPF or the Local Plan Policies do not give any clear guidance on the interpretation of the scale of extensions that would be disproportionate, the SPG, whilst of limited weight by virtue of its age, does give useful guidance and states that extensions resulting in a cumulative increase in floor space of over 40% compared with the original dwelling may be disproportionate.

#### 8.2.5 Green Belt Calculations

- Original floor space – 76sqm
- Existing extensions – 12sqm (loft conversion including rear dormer)
- Floor space of proposed development – 17sqm (single storey rear extension)
- Total floorspace – 105sqm

8.2.6 The proposed extension would result in a cumulative increase of 29sqm to the original property, equating to a 22% increase over the original floorspace. This remains the same as the previous application. The development would therefore not exceed the 40% guideline as set out in the SPG; and given the extension is located at the rear of the property and has a flat roof design the proposed development is not considered to be a disproportionate addition to the host property. As the proposed extension is not considered disproportionate to the original property, it is not inappropriate development within the Green Belt. The openness of the Green Belt cannot be compromised by development that is not inappropriate.

8.2.7 In summary, the proposal is an appropriate form of development in the Green Belt which by virtue of its appropriateness does not harm the openness of the Green Belt. The development is considered acceptable and in accordance with Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

#### 8.3 Design and impact on host property and street scene / area

8.3.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.

8.3.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) advises that development should not have appear excessively prominent and should not have a significant impact on the visual amenities of the area. The Design Criteria at Appendix 2 sets out that generally the maximum depth should be 3.6m. This distance may be reduced if the extension is unduly prominent.

8.3.3 Gade Bank is located in Character Area 11 (Cassiobridge, River Gade, Canal and Common Moor) identified in the Croxley Green Neighbourhood Plan (2018) ("CGNP"). Policy CA2 of the CGNP domestic extensions requiring planning consent should seek to conserve and enhance the Character Areas 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.

8.3.4 The extension is single storey and at 3.37m in depth complies with the guidance contained within Appendix 2. The extension is set back from the highway and is flush with the flank elevation of the existing property; thus, is not readily visible and does not appear as a prominent feature within the street scene.

- 8.3.5 Application 25/1330/RSP was refused by Members at the November Planning Committee after Members raised concerns that the design of the extension, including two rear doors, and materials did not match the original dwelling house and therefore considered that the extension failed to respect and is harmful to the character and appearance of the host dwelling and area. This application has sought to overcome these concerns by amending the design of the extension. It is now proposed to apply external render to the extension to match the appearance of the host property, and this would be secured by condition. This now ensures that the extension would no longer appear as a "mismatched" addition but as continuation of the external appearance of the host property. The replacement of the existing fenestration including the two separate rear doors with a single set of bi-folding doors which is a common feature for similar extensions in the District and is considered acceptable.
- 8.3.6 Concerns were previously raised with the unfinished flank wall of the extension facing 9 Gade Bank. Officers consider that given this application proposes to render the whole extension that the works to this flank would be completed. It will, however, require permission from the owner of 9 Gade Bank for access in order to undertake the works to the flank and this would be a civil matter and should not be a reason to refuse the application.
- 8.3.7 Officers conclude that the amended extension as proposed would not result in harm to the host property or the character of the wider area and therefore consider that the proposal satisfactorily overcomes the previous reason for refusal in respect of design and character. Consequently, the proposal is deemed acceptable in regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and Policy CA1 of the Croxley Green Neighbourhood Plan (2018).
- 8.4 Impact on Neighbours
- 8.4.1 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'.
- 8.4.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 8.4.3 The proposed single storey rear extension has been built up to the common boundary with 9 Gade Bank and is set in from the respective boundary shared with 11 Gade Bank by approximately 1.3m. Given the single storey design of the extension with its modest height and depth which complies with the guidance of Appendix 2, it is not considered to appear unduly prominent or result in any significant harm in terms of overshadowing, appear overbearing or cause loss of light and is considered acceptable. The proposed fenestration inserted into the rear of the proposed rear extension would not result in any overlooking to any neighbouring dwellings as the glazing would have outlook into the rear amenity space of the application site.
- 8.4.4 Concerns have been received requesting that a daylight assessment should be undertaken prior to the determination of the application in order to assess the impact of the extensions towards the ground floor window within the rear elevation of 9 Gade Bank closest to the extension. It is not considered that such an assessment is reasonable or appropriate in this instance for the reasons set out in the paragraph above. Furthermore, the size of the extension in terms of its depth and height is the same as the previous application 25/1330/RSP which did not form a reason for refusal of planning permission.

- 8.4.5 Concerns have also been raised in respect of the internal layout and insufficient internal insulation of the building leading to increase noise nuisance. Internal layout of the building does not form part of the assessment of this application; however, it is noted that the dwelling would contain a reduced number of bedrooms when compared to the previously refused application – particularly in respect of the rear extension which is now shown to provide an enlarged kitchen/dining area. Furthermore, the applicant has provided amended plans to alter the internal layout of the dwelling so that it is more akin to a family dwellinghouse to remove all ensuite bathrooms and include a family bathroom. The redesign of a property and where services, including en-suites/bathrooms are placed, falls to Building Control. Secondly, concerns regarding insulation is not a material planning consideration as this also falls within the jurisdiction of Building Control. Environmental Health were verbally consulted on the application and advised that simply hearing noise in your home does not automatically equate to a nuisance and there is no right to silence. Furthermore, Environmental Health cannot compel the installation of insulation. As set out previously, this is a Building Control matter and therefore should not form a reason for refusal.
- 8.4.6 Overall, it is considered that the proposed extension does not result in any demonstrable harm to the residential amenities of any of the surrounding neighbouring properties and the development would be acceptable 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).
- 8.5 Highways & Parking
- 8.5.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 8.5.2 Prior the rear extension being constructed, the property (a single dwelling) contained three bedrooms which required 2.25 parking spaces. This application seeks to return the property to a single dwellinghouse containing three bedrooms.
- 8.5.3 The ownership of 10 Gade Bank extends beyond the red line as shown on the submitted Location Plans and does include the area on the opposite side of the access road as indicated on the Land Registry Title Plan HD543077 obtained by the case officer. This is the case for all the properties on Gade Bank. This area is well established for parking; and provides space for two vehicles associated for the application property.
- 8.5.4 There would be a shortfall of 0.25 parking spaces against the Parking Standards in respect of a single dwellinghouse; however, it is noted that the frontage of the property could be used to create additional parking provision in future. Thus, it is not considered that the shortfall of parking alone is considered sufficient to justify refusal of planning permission in this regard.
- 8.6 Amenity Space
- 8.6.1 Policy CP12 of the Core Strategy (adopted October 2011) states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. The Design Guidelines at Appendix 2 of the Development Management Policies LDD provides indicative levels of amenity space which should be provided/retained following development based on the number of bedrooms within the dwelling.
- 8.6.2 The indicative level of amenity space required for a property of this size is 147sq. metres. The application site benefits from a private amenity space measuring 190sqm, exceeding the guidance and is acceptable.

## 8.7 Biodiversity

- 8.7.1 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.
- 8.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application. Requests have been made by local residents for an independent ecology survey to be undertaken in addition to the applicant's self-assessed biodiversity checklist; however, this is not considered necessary or appropriate given the nature of the proposed development.
- 8.7.3 In summary, the proposed development is acceptable in accordance with Policy CP9 of the Core Strategy (adopted 2011) and Policy DM6 of the Development Management Policies document (adopted 2013).

## 8.8 Mandatory Biodiversity Net Gain

- 8.8.1 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.
- 8.8.2 Given that this is a retrospective application for the retention of single storey rear extension, the need for the development to achieve a biodiversity net gain is not required as the development is exempt.

## 8.9 Trees

- 8.9.1 The application site does not contain any protected trees. Although the site does back onto an identified woodland with a Tree Preservation Order, the rear of the extension is approximately 28m away from the rear boundary and the proposed development has not impacted on any on-site trees and is sufficient distance from the TPO area to not impact those protected trees.

## 8.10 Summary

- 8.10.1 To conclude, the above assessment has considered the merits of the single storey rear extension. Concerns regarding the past or future concerns with the use of the building as a HMO does not form part of the consideration in the assessment of the acceptability of the single storey rear extension. The extension is an appropriate form of development within the Green Belt. The applicant has made alterations to the external appearance of the extension to address the previous reasons for refusal of the application and officers conclude that the extension does not impact on the character and appearance of the host property or wider area. Furthermore, the applicant has provided amended plans to alter the internal layout of the dwelling so that it is more akin to a family dwellinghouse to include a family bathroom. The extension does not impact on neighbouring amenities. Whilst it is recognised that a slight shortfall of a parking exists for the reasons set out in section 8.5, the shortfall is not considered insufficient to justify refusal of planning permission.

8.10.2 Consequently, officer recommendation is to grant retrospective planning permission for the single storey rear extension.

## 9 Recommendation

9.1 That **RETROSPECTIVE PLANNING PERMISSION BE GRANTED** subject to the following conditions:

C1 WITHIN FOUR MONTHS from the date of this permission, the bi-folding doors to the rear elevation shall be installed and the application of the external pebble-dash render applied to all elevations of the extension to accord with the extension as shown on drawing numbers PR02 RV03 and PR03 RV03.

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1 of the Development Management Policies LDD (adopted July 2013) and Policy CA2 of the Croxley Green Neighbourhood Plan (2018).

C2 Those parts of the development hereby permitted which have yet to be built, shall be carried out in accordance with the following approved plans:

TRDC001 (Location Plan), PR01 RV02, PR02 RV03, PR03 RV03 & EX04 RV01

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy CA2 of the Croxley Green Neighbourhood Plan (2018).

9.2 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 which includes 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:

(a) Making a Non-Material Amendment

(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 Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 13 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 arrangement which mean that the biodiversity gain conditions does not always apply..

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

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

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity

gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

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

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

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

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

- 14 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.