

## PLANNING COMMITTEE – Wednesday 27 May 2026

**26/0033/FUL – Extensions to existing ground floor and extensions to create first and second floor accommodation, including rear dormer window to provide 1 self contained residential dwelling at no.1A GROVE ROAD, MILL END, RICKMANSWORTH, WD3 8EB**

Parish: Non-parished  
Expiry of Statutory Period: 15.04.26  
Extension of Time: 01.06.26

Ward: Penn and Mill End  
Case Officer: Claire Wilson

Recommendation: That Planning Permission is granted.

Reason for consideration by the Committee: This application was called in by three members of the Planning Committee due to concerns regarding parking and residential amenity.

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

[26/0033/FUL | Extensions to existing ground floor and extensions to create first and second floor accommodation, including rear dormer window, to provide 1no. self contained residential dwelling. | 1A Grove Road Mill End Rickmansworth Hertfordshire WD3 8EB](#)

### 1 Relevant Planning History

- 1.1 8/353/85: Single storey side and rear extensions and replacement front.

### 2 Description of Application Site

- 2.1 The application site currently contains a single storey commercial unit which is in retail use (Use Class E) located on the western side of Grove Road, Mill End. The site occupies a corner plot location adjacent to Uxbridge Road and is set at an elevated land level relative to the adjacent highways.
- 2.2 The streetscene of Grove Road consists of residential dwellings of mixed design built on strong building lines. The dwellings located to the immediate north of the site are a pair of two storey semi detached dwellings (No.1 and Enmore, 3 Grove Road) with existing two storey gabled projections.
- 2.3 The existing single storey commercial unit has a pitched roof form at the front with gable ends to the flank elevations and has a fully glazed shop front, with steps leading up to the entrance from the highway pavement. To the rear of the building there is a single storey rear projection with parapet roof form. Located to the rear of the projection are two existing timber outbuildings which extend up to the boundary with the neighbouring dwelling.
- 2.4 A grass verge wraps around the front and side of the existing building, with the plans indicating that this is within the red line of the application site. Low level metal railings sit immediately adjacent to the Uxbridge Road footway which is located at a lower land level to the site.
- 2.5 There is an existing vehicular cross over to the rear of the site which provides access from Uxbridge Road to an existing track which leads to parking areas to the rear of the existing dwellings on Grove Road. There is also an existing vehicular access located adjacent to the

site on Grove Road, however, this appears to serve the neighbouring dwelling no.1's driveway.

2.6 The application site is also located opposite The Whip and Collar PH (known as The Waterside), which is a Grade II Listed Building.

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

3.1 The applicant is seeking full planning permission for extensions at ground floor level and extensions to create first and second floor accommodation including rear dormer window to provide 1 self-contained residential dwelling.

3.2 The existing commercial unit at ground floor level is shown to be retained.

3.3 To facilitate the new dwelling, an extension to the ground floor of the building along the northern boundary resulting in a straight flank wall (as the existing ground floor flank wall is splayed) is proposed, built to adjoin the existing front wall. The plans indicate that this extension would have a maximum width of 0.4m in width, such that the flank wall would be located on the boundary. This extension would accommodate a pedestrian access from Grove Road and internally a staircase up to the proposed first floor. A small front garden is also proposed enclosed by a low level wall.

3.4 The plans also include an upward first floor extension which would accommodate the dwelling with kitchen/living, bedroom, bathroom, hallway and stairs to the second floor. The proposed first floor front wall would have a maximum width of 6.6m and would be constructed immediately adjoining the northern boundary. The plans indicate that the first floor front wall would include a stepped part set back from the main front wall by approximately 0.6m. The first-floor flank wall adjacent to Uxbridge Road would have a minimum depth of 7.4m whilst the first-floor flank wall adjacent to the northern boundary would have a maximum depth of 11.5m, including the two-storey gabled projection to the rear.

3.5 In terms of design, the first floor extension would have a stepped ridge height with a maximum height of 8.5m when taken from the land level indicated on the northern boundary. The extensions would be gable ended to the flank elevations. The two storey rear projection to the rear would have a gabled roof form which would be subordinate to the main roof form.

3.6 The plans also include second floor accommodation (bedroom and bathroom), served by rooflights to the front and rear. In addition, a rear dormer window is also proposed. This would have a flat roof form with a width of 3.4m, a height of 1.9m and a depth of 2.8m. A Juliet Balcony is proposed.

3.7 The proposed residential flat would be accessed via the front elevation of the building. The plans indicate car parking to the rear of the site, accessed via the existing track from Uxbridge Road. This includes one parking space for the residential unit and one space for the existing commercial unit. An external cycle stand is also shown at the rear.

3.8 During the course of the application the location plan was amended to ensure that the red line aligned with the applicant's extent of ownership. Originally, the location plan included land within the ownership of the council and no prior notice was served. Amended plans were also received to correct how the neighbouring property is shown on the plans.

### **4 Consultation**

#### **4.1 Statutory Consultation**

4.1.1 TRDC Property Services: The applicant is recommended to consult the Property Services Team to discuss access arrangements and future parking requirements affecting the Council's adjoining land

4.1.2 National Grid: No comments received

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 10

4.2.2 No of responses received: 2 (from same neighbour)

4.2.3 Site Notice: Expiry:                      Press Notice:

4.2.4 Summary of Responses: 2 objections.

- Loss of natural light to home and garden.
- Overshadowing of key areas and outdoor spaces, affecting residential amenity and quality of life.
- No adequate daylight or sunlight assessment provided.
- Plans suggest potential encroachment onto or interference with the shared boundary, - manoeuvrability and potential obstruction of rights of way.
- Drawings lack clarity and dimensions to confirm boundary lines.
- New development would increase noise levels and general disturbance both during construction and once occupied.
- Additional traffic movements, use of outdoor space and associated mechanical equipment could affect the enjoyment of neighbouring properties.
- New windows, including dormer windows, balconies result in direct overlooking into bedrooms, conservatory, and garden area.
- Lack of clear elevations/technical report/boundary verifications.
- Waste and drainage concerns including human waste overflowing to our property.
- Traffic and car parking concerns. Customers parking over our drive- concerns that if the shop changes use to an over licence or convenience store, then the whole road will have parking issues.
- Outside the shop are double yellow lines that are parked on, the site is on a very busy junction with congestion. A shop and a property will cause more accidents and congestion.
- Antisocial behaviour issues. A convenience store would cause more issues.
- Concerns regarding mains water supply.
- Concerns regarding rights of access, the access to the rear of the site encroaches over our boundary. This is on HM Land Registry documents.

4.2.5 Officer note: The applicant provided a response in relation to the issues raised by the neighbour. In response, the neighbour has provided further comments outlined below:

- The response is very generic and does not really address any of the details that we have objected about in this planning application.

4.2.6 Officer note: Concerns regarding rights of access are not material planning consideration.

- Issues relating to boundary lines are not a material planning.
- Issues regarding water supply are not a material planning consideration.
- The plans are too scale and there is no requirement for them to contain dimensions.

## **5 Reason for Delay**

5.1 Committee cycle. Extension of time agreed.

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

6.1 National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 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 states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

## 6.2 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, 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, DM3, DM6, DM7, DM9, DM12, DM13 and Appendices 2 and 5.

## 6.3 Other

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

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

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

# 7 **Planning Analysis**

## 7.1 Principle of Development

7.1.1 The application site is not identified as a housing site in the Site Allocations Document and would be considered as a windfall site. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

7.1.2 Policy CP2 of the Core Strategy advises that in assessing applications for development not identified as part of the District’s housing land supply including windfall sites, applications will be considered on a case-by-case basis having regard to:

- i. The location of the proposed development taking into account the Spatial Strategy
- ii. The sustainability of the development and its contribution to local housing needs
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites and
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

7.1.3 The application site is located in Mill End which is identified as a Key Centre within the Core Strategy. Policy PSP2 of the Core Strategy states that development in key centres will focus future development predominately on sites within the urban area and on previously developed land. In addition, development within the Key Centres will provide approximately 60% of the District's Housing requirements over the plan period.

7.1.4 In this case, the site would be considered as previously developed land and would involve the upward extension of an existing building. Such development is supported in principle in paragraph 125 (e) of the NPPF which states that planning policies and decisions should:

*'...support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions – including mansard roofs – where the development would be consistent with the prevailing form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.'*

7.1.5 Taking into consideration the location of the site within a key centre, and on previously developed land, it is not considered that the principle of residential development would be unacceptable, subject to assessment against all material planning considerations as outlined below. Furthermore, it is noted that the existing commercial floorspace at ground floor would also be retained, which is viewed positively.

## 7.2 Affordable Housing.

7.2.1 Policy CP4 of the Development Management Policies LDD sets out that any development resulting in a net gain of 1 or more dwellings will be required to make contributions towards affordable housing provision. With regard to small sites delivering 1-9 dwellings, Policy CP4 sets out that a commuted sum payment will be sought. In addition, it advises that *'where non-viability is cited as the reason for a development proposal not complying with affordable housing requirements, applicants for planning permission must support this reason with financial evidence to be submitted alongside the planning application'*. The Council's Affordable Housing SPD provides further guidance on the provision of affordable housing including the calculation of commuted sum payments from small sites.

7.2.2 The proposed development would result in a net gain of 1 residential dwelling. The site is located within the Rickmansworth South and Maple Cross Market Area for which a payment of £550 per square metre of residential floor space would be required. Based upon a habitable floor space of approximately 39.4square metres (excluding bathrooms and circulation areas), a commuted sum payment of £21,670 would be required. The applicant submitted a Viability Statement with their application which set out that it would not be viable for a contribution to be provided. This has been assessed by the Council's Independent Assessor who has advised that the scheme would result in a deficit of £39,085 and therefore the scheme would not be viable to provide a contribution. As such, no objection is raised in this regard.

## 7.3 Design, impact on character and streetscene

7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high

standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.3.2 In terms of new residential development, Policy DM1 of the Development Management Policies LDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

- i. Tandem development;
- ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
- iii. The generation of excessive levels of traffic
- iv. Loss of residential amenity
- v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, building frontage line, height, gaps between buildings and streetscape features (eg hedges, walls, grass verges etc).

7.3.3 The proposed development involves alterations at ground floor level and a first floor extension with roof accommodation to create a new residential unit above the existing commercial floorspace. As set out above, the NPPF encourages the efficient use of land and sets out that opportunities to use airspace above existing residential and commercial floorspace should be supported. As such, it is viewed that the proposal would constitute an efficient use of land in accordance with the requirements of the NPPF. It is noted that the existing building appears somewhat as an oddity as it is the only commercial single storey unit on Grove Road, with the remaining streetscene being characterised by two storey residential dwellings. Whilst flatted developments are not necessarily part of the character of Grove Road, the site occupies a corner plot location adjacent to Uxbridge Road which is mixed in character with residential development being commonly located above commercial floorspace. Given the character of development within the wider locality, it is considered that the proposed development is acceptable in this regard.

7.3.4 In terms of height, the submitted indicative streetscene drawing indicates that the ridge line of the extended building would sit no higher than the neighbouring pair of semi-detached dwellings and as such would not represent an unduly prominent form of development within the streetscene in terms of its overall height.

7.3.5 With regard to siting, Appendix 2 of the Development Management Policies LDD advises that generally the first-floor flank wall of a two-storey development should be set in a minimum of 1m from the boundary in high density areas in order to prevent a terracing effect. In this instance, the plans illustrate that the proposed first floor extension would be located on the boundary with the neighbouring dwelling and thus would be contrary to the above guidance. However, it is not considered that any significant harm would occur for the following reasons. The existing building has a pitched roof form and already sits immediately adjacent to the boundary. Spacing would be retained between the host building and the neighbour by reason of the adjacent area of hardstanding which is utilised for the neighbour's parking provision. In addition, Grove Road has a mixed streetscene with terraces present, as a result, it is not considered that the proposed siting of the development would appear cramped or uncharacteristic in this regard. It is also noted that the element nearest to Uxbridge Road would be set down relative to the main ridge. The proposal would also not project as far to the rear as the neighbour, and would be read against the massing of the neighbouring property. It is considered that the design including stepped ridge line,

along with the distance from the boundary would prevent the development from appearing unduly prominent from Uxbridge Road, particularly considering that the building is set at an elevated position relative to the adjoining highway.

- 7.3.6 In terms of design, the proposed development would have a pitched roof form with gable ends to the flank elevation, which is considered consistent with the form of the neighbouring dwellings. To the rear, the development would include the provision of an L-shaped projection at first floor level, which would be similar to others in the vicinity. This would be gabled in terms of its form, however, it still would be read as a subordinate addition which would not appear unduly bulky and thus no objections are raised.
- 7.3.7 The plans also include the provision of second floor accommodation including a rear dormer window. Appendix 2 of the Development Management Policies LDD advises that dormer windows should be subordinate to the main roof form, including being set in from the sides of the roofslope, set down from the ridge and back from the plane of the roof slopes. The proposed dormer window would be relatively wide, however, it would sit in from both sides of the roof it is located on and down from the ridge. Furthermore, it would not extend across the full width of the development, therefore minimising its visual impact. There are other dormer windows present within the vicinity, such that this would not appear incongruous and it is not considered that this would result in demonstrable harm to justify refusal of the application. It is also noted that the proposed development would include rooflights to the front and rear roofslopes. Given the variation in design in the wider locality, no objections are raised to the rooflights.
- 7.3.8 It is acknowledged that there is Grade II Listed Building known as The Waterside located on the opposite side of Uxbridge Road. Policy DM3 of the Development Management Policies LDD is therefore relevant and advises that development should not impact on the setting of Listed Buildings. In this case, taking into account the residential nature of the area, and the distance between the buildings as a result of the highway and taking into consideration the urban nature of the area, it is not considered that any harm would occur to the setting of this building.
- 7.3.9 The proposed plans indicate that the development would utilise bricks and tiles to match those of neighbouring dwellings which would therefore ensure that the development would not appear uncharacteristic of the streetscene. The plans indicate the ground floor would be white rendered. Whilst this would be different from the existing situation, given this relates to the ground floor level only, it is not viewed that any harm would occur.
- 7.3.10 In summary, it is considered that the proposed development would represent an efficient use of land by utilising airspace above an existing commercial unit. It is considered that the proposed design would be in keeping with the wider locality and would not be detrimental to the character of Grove Road. Whilst it is acknowledged that the development would increase the prominence of the building within the streetscene given the corner plot location, it is considered that the development would be in keeping with the character of the area. Therefore, the development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

#### 7.4 Impact on amenity of neighbours

- 7.4.1 Policy CP12 of the Core Strategy advises that development proposals should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Appendix 2 of the Development Management Policies LDD states that 'oversized, unattractive, and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the streetscene'

- 7.4.2 The plans indicate that the proposed first floor extension would be consistent with the existing building line on Grove Road. Therefore, given its siting and the spacing between the buildings, it is not considered that the proposed extensions would be unduly prominent when viewed from the neighbouring dwelling in this regard. Likewise, the plans indicate that the ridge line of the extension would be no higher than the ridge line of the adjacent neighbour, and therefore would not appear unduly overbearing or prominent.
- 7.4.3 The proposed extension would include a rear projection. Appendix 2 of the Development Management Policies LDD states the following with regard to two storey developments:
- Two storey development at the rear of properties should not intrude into a 45 degree splay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development of neighbouring properties.*
- 7.4.4 The plans indicate that whilst there would be an intrusion of the 45 degree line from the recessed rear building line of No.1 Grove Road, there would be no intrusion from the rearmost building line. It is acknowledged that the neighbouring dwelling does have windows in the flank elevation at ground and first floor level which would be affected by the development. At ground floor level, the flank window is a secondary window to a living area (currently used as a bedroom), with this room also served by a ground floor rear facing window. Whilst it is acknowledged that there may be some loss of outlook and light to this window, it is considered that this would not result in any demonstrable harm. Additionally, one of the windows in the flank wall of the dwelling facing the application site is a single window to a room utilised as a bedroom. This currently has an open outlook due to the single storey nature of the No.1A Grove Road, and therefore it is acknowledged that there would be some loss of outlook and light to this bedroom which would therefore impact on the experience of this bedroom. However, a spacing of approximately 3.5m would be retained between the application site and the neighbouring dwelling which would minimise any significant harm. Overall, taking into account the relationship with the neighbour including the retained spacing, it is considered that the living conditions of no.1 would not overall be unacceptably impacted to justified refusal.
- 7.4.5 A dormer window would be located in the rear roof slope of the proposed extension and thus would provide second floor accommodation. Given that this would be set in from the boundary, it is not considered that this would be overbearing to the neighbouring dwelling. With regard to overlooking, the single casement window in the dormer window, nearest to this neighbour would serve a stairwell which is a non-habitable area and therefore would not result in harm in terms of overlooking. Whilst it is acknowledged that the dormer window would have some outlook over the neighbouring rear garden, it is noted that the site sits within an urban residential area, where some degree of overlooking would be expected. To ensure that the residential amenity of the neighbour is further protected, a condition shall be added preventing the installation of any flank windows. The front and rear rooflights would not be considered to impact on the residential amenity of any neighbouring dwelling.
- 7.4.6 The neighbour has raised concerns that the proposed development would impact on their ability to park on the area of hardstanding adjacent to their property. In response, the works are shown within the red line of the application site and it is not considered that the development would impact on existing off street car parking provision.
- 7.4.7 There are no residential neighbours to the rear of the site or directly opposite which would be adversely affected.
- 7.4.8 It is also acknowledged that there would be an intensification of use of the site and neighbours have raised concerns regarding an increase in activity at the site. In response, these concerns are acknowledged, however, it is not considered that the increase in activity associate with one residential unit would result in significant harm, particularly taking into

consideration the residential nature of the area. It is also noted that the neighbour has raised concerns regarding the potential use of the ground floor retail unit and this could result in an increase in anti-social behaviour if the existing unit changes use. In response, the applicant has not advised that the existing unit is changing use. Furthermore, some changes of use would constitute permitted development for which planning permission would not be required.

7.4.9 In addition, the neighbour has raised concerns regarding existing issues with drainage and human waste impacting on their property. This is an existing situation and is a civil matter rather than a material planning consideration.

7.4.10 In summary, taking into consideration the site circumstances and the design of the development, it is not considered that it would result in significant harm to the residential amenity of neighbouring dwellings. Subject to conditions, the development is considered to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

#### 7.5 Quality of accommodation for future occupiers.

7.5.1 Appendix 2 of the Development Management Policies LDD sets out requirements for the provision of private amenity spaces. This sets out the following in respect of flatted development:

One bed: 21 square metres (additional bedrooms: 10 square metres).

7.5.2 The original plans indicated a small space to the rear of the existing sheds (associated with the commercial use), which was specified to be amenity space. On assessing the plans, Officers did not consider that this would provide useable provision due to its size and siting. Consequently, this has been removed from the plans. The proposed dwelling would now not benefit from any external amenity space and thus this would be contrary to the guidance within Appendix 2. However, the site is located within a 7 minute walk of Rickmansworth Aquadrome and 11 minute walk of King George V Field, Mill End. The routes to both are level and lit. The shortfall in amenity space is not considered to be any different from the existing flats on Moneyhill Parade where many do not have private amenity space. Therefore, taking into consideration the location of the site, it is not considered that the lack of amenity provision would be unacceptable. Furthermore, it is noted that the proposed dwelling would have ample internal space with natural light reception.

#### 7.6 Access and Car Parking

7.6.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. Policy DM13 and Appendix 5 of the Development Management Policies LDD requires a two bedroom dwelling to have two spaces, with one being assigned. It is noted that the site would still include a commercial unit which appears to be in retail use (G & B Plastics Supplies). Appendix 5 of the Development Management Policies LDD requires a retail unit to have 1 space per 30 square metres. Based on the floor space of the retail element alone (excluding the storage areas), the existing use requires 2 off street car parking spaces.

7.6.2 In this case, the original plans did indicate the provision of two car parking spaces to the rear of the building, one in respect of the residential unit and one in respect of the existing commercial unit. However, officers considered that the provision of two car parking spaces for two separate uses would be unlikely to work in reality due to the constrained nature of the rear of the site which would make manoeuvring difficult. As such, amended drawings have been received which indicate one space for the commercial use with no car parking provision for the residential development (reflective of the current arrangement). As such, there would be a shortfall of two spaces for the residential development and no change to

existing for the commercial unit as it is understood that the commercial unit already utilises this area for parking.

7.6.3 Whilst the shortfall in car parking provision is acknowledged, the site is located within a key centre in close proximity to local shops and services located on Uxbridge Road, including to bus stops which provide services to surrounding areas including Watford and Hemel Hempstead. The site is also within a 25minute walk of Rickmansworth Train Station. It is considered that future occupiers would be aware of the shortfall in car parking provision and that there are realistic alternatives available nearby which means that future occupiers would not be wholly reliant on a private vehicle. Furthermore, given the scale of the unit, it is not considered that the shortfall in car parking provision would result in harm , either through noise and disturbance or causing unacceptable highway safety concerns, given the current make-up of the area and existing parking restrictions immediately outside the site. Consequently, no objections are raised in this regard. In addition, it is noted that the plans include provision for cycle storage which is supported. . .

7.6.4 The site is accessed via an existing access road from Uxbridge Road. The applicant is reminded that the must seek consent from the relevant land owner regarding rights of access.

7.6.5 In summary, taking into consideration the sustainable location of the site, it is considered that the development would not result in harm to the safe operation of the adjoining highway. The development is considered acceptable and in accordance with Policy CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD.

## 7.7 Wildlife and Biodiversity

7.7.1 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.

7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application. A Biodiversity Checklist has been submitted and details that no protected species would be adversely affected by the development. Given the nature of the existing building, it is not considered that any protected species would be adversely affected and thus no objections are raised. The development is considered to be in accordance with Policy DM6 of the Development Management Policies LDD in this regard.

7.7.3 A Biodiversity Checklist has been submitted with the application and sets out that no protected species would be affected by the development. Given the location of the site and the nature of the existing building, it is not considered that any significant impact would occur in this regard. However, an informative shall be added to any consent reminding the applicant of what to do should bats be found during the course of the development. Subject to this, the development is considered acceptable in accordance with Policy DM6 of the Development Management Policies LDD.

## 7.8 Mandatory Biodiversity Net gain.

7.8.1 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. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

7.8.2 The applicant has specified that the application would be subject to the de minimis exemption as the development would predominately be located above the existing built form except for some alterations at ground floor level which relate to a small area of existing hardstanding. The Local Planning Authority is in agreement that this exemption would be applicable.

## 7.9 Energy Efficiency

7.9.1 Paragraph 161 of the NPPF states that “*The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure*”.

7.9.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.9.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.9.4 The submitted Energy Statement details a 12% improvement and therefore would be in compliant with Policy DM4 of the Development Management Policies LDD. The submitted statement indicates that this will be achieved through the use of solar panels, however, details of their siting and appearance have not been provided as part of the application. No objection is raised in principle, however, a condition shall be included requiring full details to be submitted prior to their installation.

## 7.10 Refuse and Recycling

7.10.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines.

7.10.2 The plans include the provision of waste storage to the front of the proposed residential unit. No objection is raised and the location of the waste storage is considered acceptable. The submitted details indicate that the bins associated with the commercial building would be located in front of the existing storage to the side of the building.

## 7.11 Planning Balance

7.11.1 The LPA cannot currently demonstrate a 5-year housing land supply, and therefore paragraph 11 of the NPPF (2024) is engaged. Paragraph 11 and footnote 8 clarifies "this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). In the context of decision-taking Paragraph 11 continues:

*"Plans and decisions should apply a presumption in favour of sustainable development b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless...*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*

7.11.2 Therefore, the tilted balance exercise requires planning permission to be granted unless any adverse impact of doing so would significantly and demonstrate outweigh the benefits.

7.11.3 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. The development would make a limited contribution towards making up the shortfall in housing in the district, by adding one two bedroom unit to the overall housing supply. There would also be some limited economic benefits from the construction activities and the future occupiers' ability to assist in supporting local settlements by using nearby amenities, albeit this would be limited. Given that no significant or moderate harms have not been identified in the analysis, it is considered that the development should be granted.

## **8 That PLANNING PERMISSION IS GRANTED subject to the following conditions:**

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans:

01-00 B, 01-01, 01-02, 01-03, 01-04, 01-05, 01-06, 01-07, 01-08, 01-09, 01-09.1, 01-10, 01-11, 01.13 Rev C,

Reason: For the avoidance of doubt, in the proper interests of planning, residential and visual amenity; in accordance with Policy PSP2, CP1, CP3, CP4, CP6, CP8, C9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM4, DM6, DM8, DM9, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the installation of the solar panels specified within the Energy Statement, hereby permitted, plans and details of the photovoltaic panels shall be submitted to and approved in writing by the Local Planning Authority. The approved details and energy saving measures detailed within the submitted Energy Statement shall be implemented prior to occupation of the development and permanently maintained thereafter.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

- C5 Prior to the first occupation of the dwelling hereby permitted, the cycle parking shall be provided in accordance with the approved drawing no 01-13 C. The cycle parking shall be permanently retained thereafter.

Reason: In order to ensure cycle parking facilities are provided and to encourage use of sustainable modes of travel in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C6 The existing flat roof of the single storey side and rear projection as shown on drawing number 01-06 shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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).

- C7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the first and second floor elevations or roof slopes of the extension/development hereby approved.

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

Informatives

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application 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 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.
- 13 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.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

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

Development below the de minimis threshold, meaning development which:

- a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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.

- 15 The applicant is advised to contact TRDC Property Services for any discussion regarding rights of access at the rear of the property.