

PLANNING COMMITTEE – Thursday 16 July 2026

26/0537/FUL – Construction of part single, part two storey front and side extension, single storey rear extension; installation of windows to side elevation at 63 Watford Road, Croxley Green, Rickmansworth, Hertfordshire, WD3 3DS

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 12.06.26.
Extension of Time: 22.07.26.

Ward: Dickinsons
Case Officer: Clara Loveland

Development Type: Householder development

Recommendation: That planning permission be granted, subject to conditions.

Reason for consideration by the Committee: Called in by the Parish Council unless officers are minded to refuse, due to concerns about over-development of the site and its impact on the Conservation Area.

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

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=TCT97VQFKJS00>

1 Relevant planning history

- 1.1 26/0207/CLPD - Certificate of Lawfulness Proposed Development: Demolition of existing detached garage and construction of outbuilding. **Approved.**
- 1.2 26/0208/FUL - Variation of Conditions 2 (Plans) and 3 (Crossover Closure) pursuant to planning permission 25/1762/FUL to allow reduction of width of crossover. **Approved.**
- 1.3 25/1762/FUL - Removal of existing crossover and construction of new crossover. **Approved.**

2 Site description

- 2.1 The application site contains a two-storey detached dwelling located on the corner of Watford Road and Dickinson Square in Croxley Green. The site is adjacent to the boundary of the Dickinson Square Conservation Area. The dwelling has a dark red/brown tiled hipped roof with a cream-rendered external finish.
- 2.2 The dwelling is set back from the highway with a paved front garden area, providing space for 2 cars. Towards the rear, and separated by fencing, is a driveway serving 1 car space and garage which is accessed via Dickinson Square.
- 2.3 The rear of the application site contains a patio and a grassed rear garden. It is enclosed by a wall on one side and fencing on the other.

3 Description of proposed development

- 3.1 This application seeks planning permission for the construction of a part single, part two storey front and side extension, single storey rear extension and installation of windows to side elevation
- 3.2 Amended plans were obtained during the application to a) set the ground floor side extension in from the boundary by 0.3m, b) reinstate the boundary fence line along Dickinson Square and c) reinstate the existing eaves height and design along with the first floor flank window design and profile within the first floor extension. The amended plans show the following development:
- 3.3 The ground floor extension would wrap around from the front elevation, along the eastern flank and beyond the rear. It would extend 2.8m forward of the existing recessed entrance area and hold a

width of 5.4m (3m wider than the existing eastern flank wall) and extend to a depth of 14m (4m beyond the rear wall) and would extend across the rear elevation to a width of 10.5m, flush with the existing western flank wall. It would have a part pitched (along the flank) and part crown roof style (rear) with a height of 3.8m. It would have rear gazing.

- 3.4 The first floor would extend from the front and wrap around the eastern flank, flush with the existing rear wall. It would extend to a depth of 2.8m forward of the recessed front elevation and hold a width of 4.3m (2m wider the existing eastern flank wall) and would extend to a depth of 9.9m, flush with the rear wall. The first floor would form a part crown roof with a ridge height of 7.8m, set down from the existing ridge line by 0.5m. There would be front, flank and rear facing windows at ground and first floor.
- 3.5 The proposed extensions would be externally finished in materials matching the existing dwelling.

4 Consultee responses

- 4.1 Croxley Green Parish Council – Objection and called into the planning committee.

“Croxley Green Parish Council Objects to this planning application.

CGPC notes this property is designed with two 'front' faces as it is on a corner plot on a main road adjacent with a conservation area. Currently the design is harmonious, the proposed alterations are not sympathetic to the Conservation Area from which it will be very visible on the street scene.

CGPC feels this is overdevelopment of the site and request the Officers consider the neighbours reasonable comments in particular those of residents on Dickinson Square.

If the officer is minded to approve, CGPC requests the application be called in for decision by the TRDC planning committee.”

- 4.1.1 Croxley Green Parish Council re-consultation– The Parish were reconsulted following amended plans: Objection and call in maintained.

“I have advised our Planning and Development committee and they wish to maintain their objections and call in.”

- 4.2 National Grid – No response received.

- 4.3 Conservation Officer:

I would say that currently the building at No. 63 makes a slightly positive contribution the character of the Conservation through its character, although it is of a later date and is not of the same architectural style and form as the Conservation Area itself.

The proposed first floor elements of the extension would be relatively large with a flat crown roof section. However, the first floor would be set away from the boundary and built in a similar style to the existing house. The deeper extensions adjacent to the main section of the Conservation Area would be at single storey level and less prominent. As such although the extensions would be visible from several viewpoints within and towards the Conservation Area, the impact would be minimal and would preserve the character of the Conservation Area.

5 Neighbour consultation

- 5.1 **Site notice:** Not required.
- 5.2 **Press notice:** Not required.
- 5.2.1 No. consulted: 0.
- 5.2.2 No. of responses: 0.

6 Legislation and Relevant Local and National Planning Polices

6.1 Legislation

- 6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).
- 6.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.1.3 The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.1.4 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.
- 6.1.5 The Environment Act 2021.

6.2 National Planning Policy Framework and National Planning Practice Guidance

- 6.2.1 In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. 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”.
- 6.2.2 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).

6.3 Three Rivers Local Development Plan

- 6.3.1 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.
- 6.3.2 The Development Management Policies Local Development Document (LDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM6, DM9, DM13, Appendix 2, and Appendix 5.
- 6.3.3 The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018) is also relevant, specifically Policies CA 1 and CA2 and Appendices B and C.

6.4 Other

- 6.4.1 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).
- 6.4.2 Dickinson Square Conservation Area Appraisal 2014.

7 Analysis

7.1 Impact on the character and appearance of the street scene and nearby heritage asset

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.

- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.1.3 As set out in Appendix 2, new development should not be excessively prominent in relation to adjacent properties or general street scene and should not result in a loss of light to the windows of neighbouring properties nor allow for overlooking. In relation to rear extensions, single storey rear extensions to detached dwellings should generally have a maximum depth of 4m. The Design Criteria states this distance may be reduced if the extension would adversely affect adjoining properties or is unduly prominent. Appendix 2 also sets out that the first-floor element of a two-storey side extension should be located 1.2m from the boundary, although this distance can be reduced to 1m in higher density areas. Also, single-storey side extension's proximity to the flank boundary will be individually assessed. In relation to roofs, the guidance suggests that crown roofs can exacerbate the bulk and mass of properties and are therefore discouraged in favour of more traditional pitched roof forms.
- 7.1.4 The application site is located adjacent to the Dickinson Square Conservation Area (which is located north of the application site). DM3(f) sets out that permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views in to or out of that Conservation Area.
- 7.1.5 Policy CA1 of The Croxley Green Neighbourhood Plan sets out new development should seek to conserve and, wherever possible, enhance the key elements of the character and appearance of the Character Areas described in Appendix B through careful design and massing of new buildings and the protection and enhancement of private gardens and open space without inhibiting innovative design.
- 7.1.6 Policy CA2 of The Croxley Green Neighbourhood Plan also requires that domestic extensions should seek to conserve and enhance the character of the area through the 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.
- 7.1.7 The application site is located in Character Area 4 of The Croxley Green Neighbourhood Plan and therefore Appendix B is relevant. Appendix C is also relevant and provides guidance for extensions, including that they should address their visual impact on the street scene.
- 7.1.8 The proposed development would involve the erection of a part-single, part-two storey front, side and rear extension, which would be visible from the wider streets of Watford Road and Dickinson Square, including areas of the Conservation Area due to the site's corner plot positioning. In terms of the impact of the proposal on the setting of the Conservation Area, it is first important to consider the existing site circumstances. In this case, the existing dwelling is read in conjunction with parts of the Conservation Area on entry and exit into it along Dickinson Square. Heritage advice sought during this application has advised that the existing dwelling makes a slightly positive contribution to the Conservation Area. However, the dwelling is of a later date and not of the same architectural style and form as the Conservation Area. From this, it is drawn out therefore, that there is some scope for alteration of the host dwelling, albeit some sensitivity would be important considering the views and setting of the nearby Conservation Area. Added to this, the host dwelling is read in context with other dwellings and built form along Watford Road. This stretch of Watford Road contains a mixture of dwellings, of which many have been extended and altered. Despite this, many of the dwellings have retained traditional designs and external appearances, which contribute to the overall character and appearance of the locality.
- 7.1.9 The single-storey element would hold a noticeable depth of some 14m and would be located close to the eastern boundary line and up to the western boundary. Despite this, it would be set off the eastern boundary by some 0.3m, adding some alleviation and spacing of built form. It would also set back from the existing front wall of the dwelling by 1m, helping to reduce the appearance of bulk and massing. It would also have an appropriate roof formation and be of an external finish that would

match the existing dwelling, helping to integrate it. It would also partially be screened by the existing flank boundary fence line, which would be retained. When considering the rear part of the ground floor extension, this would hold a depth of 4m beyond the rear wall, which would comply with the guidance in Appendix 2 where 4m beyond the rear wall of detached dwellings is generally considered acceptable. When viewing the ground floor extension, despite wrapping around the flanks of the dwelling, it would appear subservient against the backdrop of the existing dwelling. Many of the nearby dwellings have also been extended at ground floor, including adjoining neighbour No.61, which benefits from a single-storey rear extension of a similar scale to the rear element of the proposed within this application.

- 7.1.10 Turning to the two-storey element, this would be set in from the boundary line by 1.2m. This would comply with the guidance within Appendix 2, indicating that 1.2m from the boundary would generally be an acceptable separation distance. Added to this, there is no eastern neighbour due to the highway separation and as a result there would be no terracing effect. Furthermore, the two-storey extension would be set back from the front wall by 1m, retaining the prominence of the existing two-storey hipped (and bay) feature which positively contributes to the character and appearance of the dwelling. It would also be flush with the rear wall, helping to contain the extension and mitigate against massing. It is acknowledged that the two-storey extension would result in a part crown roof formation which is generally discouraged due to the potential to add to bulk and mass. Despite this, the extension would be set down from the existing ridge line, adding an element of subordination to the proposal. Additionally, given the overall scale of the side extension, it is considered that in this case, the part crown roof would not add an excessive amount of bulk or massing to the development. It is also important to consider that despite the part crown roof, the existing traditional roof formations to the front, side and rear would remain legible. Furthermore, the roof scale would be read along with its design and in this case, the flank elevation would retain the sunken eaves and windows throughout the flank, which would externally match the appearance of the existing dwelling. This would help with its integration into the host dwelling and immediate locality and mitigate against any prominence. For these reasons, the proposed two-story roof design would not overwhelm or detract from the dwelling or area to arise in harm to the dwelling, site, locality or setting of the Conservation Area.
- 7.1.11 Comments received by the Parish raise concern that the proposal would a) not be sympathetic to the Conservation Area and b) contribute to overdevelopment. These comments were received before amended plans were provided. The Parish was reconsulted on the amendments and maintained their objection and call-in to the planning committee. When considering the cumulative impact of the extensions, these would be noticeable however, for the reasons set out, the proposed extensions would not unacceptably erode the character of the dwelling or wider area. They would also not overwhelm the host dwelling and would not be out of character or unduly prominent when viewed in the context of the host dwelling, locality or setting of the Conservation Area. Furthermore, heritage advice sought during the application supports the view that any impact to the Conservation Area would be minimal and preserve character.
- 7.1.12 In summary, the proposed development would not result in harm to the character and appearance of the existing dwelling and wider street scene. The development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1, DM3, and Appendix 2 of the Development Management Policies LDD and Policies CA1 and CA2 and Appendices B and C of The Croxley Green Neighbourhood Plan (2018).
- 7.2 Impact on Neighbours
- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

- 7.2.3 When considering the impact of the extensions on the adjoining neighbour No.61, it is important to consider the existing site circumstances where this neighbour benefits from a part single, part two storey side and rear extensions. The proposed rear element of the proposal would be of a similar scale to this neighbour, although it would project some 2m beyond the rear of this neighbour and be located up to the boundary line. Despite this, it is important to consider the orientation of the sites whereby Nos. 61 and 63 have north-facing gardens therefore, the proposed extension would not contribute to any harmful levels of shadowing or loss of light over and above any shading which would arise from the existing dwellings. When considering existing circumstances with this neighbour, the minimal depth beyond the neighbour, coupled with the limited height and overall scale of the extension, the proposal would not have an overbearing impact from built form and would not cause any harmful loss of light. Turning to the side extensions, these would be screened by the existing dwelling and would not arise in any harm from built form on this neighbour.
- 7.2.4 Turning to the impact on the surrounding neighbours at No 3 to the rear and 1a and 2a to the east, the proposed development would likely be noticeable from these perspectives due to the corner plot positioning of the site. However, these neighbours are sufficiently separated away from the proposed development such that it would not arise in any harm in terms of loss of light or appear overbearing..
- 7.2.5 With regard to privacy, there is a new window proposed within the flank elevation facing towards No.61 to serve a snug room. There is a 1.8m high close boarded fence along the common boundary with this neighbour which would provide sufficient screening to prevent any direct overlooking towards this neighbour. In addition, it is proposed to reconfigure the first floor windows within the eastern flank elevation facing towards No.1a and No.2a Dickinson Square. The highway junction separates the application site with these neighbouring properties by approximately 20m. This separation would mitigate against any loss of privacy to these neighbours. The remaining doors and windows would have a primary outlook over the private amenity spaces of the application site and are not considered to arise in any harmful loss of privacy or overlooking to any neighbour. It is recognised that there would be a large flat roof resulting from the rear element of the proposal, use of this area as an outdoor amenity space would result in elevated views across neighbouring sites which could result in a loss of privacy and overlooking. It would therefore be reasonable and necessary to secure the use of the flat roof for maintenance only by condition.
- 7.2.6 In summary, the proposed development is not considered to result in adverse impact upon No.306 Toms Lane or any other neighbour and would accord with Policy C12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).
- 7.3 Highways and parking provision
- 7.3.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 7.3.2 The application site would retain parking off-street for 3 cars, sufficient to serve the proposed extended dwelling in accordance with Appendix 5.
- 7.4 Biodiversity Net Gain
- 7.4.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).
- 7.4.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.

7.5 Wildlife considerations

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

7.5.2 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 as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

7.6 Amenity

7.6.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.

7.6.2 The indicative amenity space for a 4-bedroom dwelling in Appendix 2 is 105 sqm. The submitted site area plans indicate that there would be an amenity space of 133 sqm would be retained, sufficient to serve any current and future occupiers.

7.7 Trees and landscape

7.7.1 No protected trees would be affected as a result of the proposed development.

8 **Recommendation**

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

C1 **Time**: 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 **Plans**: The development hereby permitted shall be carried out in accordance with the following approved plans: 3896 HH3 Bd; 3896 HH1 D; TRDC 001 (Location Plan).

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and Policies CA1 and CA2 and Appendices B and C of The Croxley Green Neighbourhood Plan (2018).

C3 **Materials**: Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

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

- C4 **Flat roof:** The rear flat roof serving the “Kitchen/Diner” and “Family Room” as shown on plan number 3896 HH3 Bd, 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).

8.2 Informatives

- I1 **Standard Advice:** 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 who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{b (a)} Making a Non-Material Amendment

{b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not

override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 **Construction Hours:** The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 **Approval, amendments:** The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 **BNG:** The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

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

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

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

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

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

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain

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

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

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