PLANNING COMMITTEE – Thursday 22 October 2026

26/1321/RSP - Part retrospective: Construction of a part single, part two storey side extension; loft conversion including with a rear dormer and front roof light; internal alterations; alterations to the fenestration; alterations to external materials; conversion of garage to habitable accommodation. 10 Hyde Lane, Nash Mills, Hemel Hempstead, Hertfordshire, HP3 8RY

Parish: Abbots Langley
Ward: Gade Valley
Expiry of Statutory Period: 20.10.2026
Case Officer: Chris Day

Development Type: Householder development

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

Reason for consideration by the Committee: it was called in by three members of the planning committee due to concerns around the impact on the Green Belt and the impact on neighbours.

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

26/1321/RSP | Part retrospective: Construction of a part single, part two storey side extension; loft conversion including with a rear dormer and front roof light; internal alterations; alterations to the fenestration; alterations to external materials; conversion of garage to habitable accommodation. | 10 Hyde Lane Nash Mills Hemel Hempstead Hertfordshire HP3 8RY

1 Relevant Planning History and Enforcement History

1.1 W/2442/73 – Replacement Garage

1.2 25/0421/FUL - Erection of a part single, part two storey side extension – Permitted and commenced.

1.3 25/0461/CLPD - Certificate of Lawfulness Proposed Development: Erection of a single storey rear extension; loft conversion including hip to gable roof alterations and rear dormer and front rooflights – Permitted and commenced.

1.4 25/0354/PDE - Prior Approval: Single storey rear extension (depth 4.37 metres, maximum height 3.00 metres, maximum eaves height 3.00 metres) – Withdrawn

1.5 25/0603/PDE - Prior Approval: Single storey rear extension (depth 4.70 metres, maximum height 3.00 metres, maximum eaves height 3.00 metres) – Permitted

1.6 25/0604/PDE - Prior Approval: Single storey rear extension (depth 4.70 metres, maximum height 3.00 metres, maximum eaves height 3.00 metres) – Refused, due to impact on amenity. – Refused due to impact on amenity

1.7 26/0088/COMP – Enforcement Investigation: Works not in accordance with 25/0461/CLPD and 25/0421/FUL: works require planning permission (subject to this application).

2 Description of Application Site

2.1 The application site is located on a corner plot with Hyde Lane and Woodlands Road, Nash Mills. Hyde Lane is characterised by a number of two-storey semi-detached dwellings of similar architectural styles and designs, many of which appear to have been extended or altered.

2.2 The application dwelling is a two-storey semi-detached dwelling with a hipped roof and a two-storey front bay projection with a gable. The dwelling has an exterior finish consisting of a smooth white render. The dwelling is subject to on-going works relating to planning permission 25/0421/FUL which included a two story side extension and the rear dormer was permitted under ..

2.3 To the front of the dwelling is an existing area of hardstanding providing off street parking provision. To the rear is an amenity garden which appears to be laid largely to hardstanding and has been subject to land level alterations and erection of new fencing (not subject to this application). The dwelling sits on an elevated position relative to the highway on Hyde Lane and is situated on a corner plot adjacent to Woodlands Road. Towards the rear of the garden area is an existing detached garage which is set back from the highway on Woodlands Road whereby an access exists.

2.4 The adjoining neighbour No. 12 Hyde Lane is sited east of the application dwelling. This neighbour is set on the same front and rear building line as the host dwelling but benefits from a two-storey side extension set down from the main ridge.

2.5 To the south of the dwelling is No. 1 Woodlands Road, this neighbour's flank elevation faces the rear boundary of the application site. This neighbour is set on a lower land level and appears to have implemented a two-storey side extension.

2.6 The neighbour to the west is No. 8 Hyde Lane, this dwelling remains separated from the application site by virtue of Woodlands Road. This dwelling is set on a lower land level than the application site and appears to have benefited from a two-storey side extension.

2.7 The dwelling is located within the Metropolitan Green Belt.

3 Description of Proposed Development

3.1 This application seeks part retrospective planning permission for the construction of a part single, part two storey side extension; loft conversion including with a rear dormer and front roof light; internal alterations; alterations to the fenestration; alterations to external materials and conversion of garage to habitable accommodation.

3.2 The applicant implemented both 25/0421/FUL and 25/0461/CLPD together, meaning neither was lawfully carried out independently. Consequently, all the works require planning permission.

3.3 The part two-storey, part single storey side extension is in line with the existing front and rear building line of the dwelling and has a total depth of approximately 7.7m. The depth at the first floor reduces to approximately 6.7m, as the first floor is set back from the front elevation by approximately 1m. The extension has a total width of approximately 3.2m and is set off the flank boundary by approximately 5.6m.

3.4 The part two storey, part single storey extension has a hipped roof set down from the main ridge line of the dwelling by approximately 0.75m, an increase on the previously approved plans permitted by 25/0421/FUL of 0.15m. The extension sits at a total height of approximately 8.95m above the ground level. The eaves line are consistent with the eaves height of the existing dwelling. The mono pitched roof to the single storey side extension has a total height of approximately 3m.

3.5 The extension has been constructed in materials to match the existing dwelling. It is finished in smooth white render and all windows within the front and rear elevation of the extension and both ground and first floor level.

3.6 The rear dormer window is 2.7m high, 5.3m wide and 2.4m deep and it is set down from the ridge by approximately 0.2m. Within the rear dormer, two windows have been inserted.

3.7 One rooflight has been inserted within the front roof slope of the main dwelling.

3.8 The garage is proposed to be converted into gym and games room with W/C, shower facilities. The room is served by a door and windows on the front elevation and high level windows to the flank elevation.

4 Statutory Consultation

4.1 National Grid: [No Response]

4.2 Abbots Langley Parish Council: [Objection]

This representation is submitted to the Planning Committee to object strongly to the part-retrospective application under reference 26/1321/RSP. The development represents a severe overdevelopment of a restricted site, failing to comply with Three Rivers District Council (TRDC) development management policies concerning scale, design, Green Belt protection, and highway safety.

Policy Non-Compliance: The proposed rear dormer is excessive in its height, width, volume, and overall scale. It fails to maintain a subordinate relationship with the original roofscape, directly conflicting with TRDC design guidelines.

Permitted Development: The dimensions and positioning of the dormer exceed the thresholds permitted under General Permitted Development rights.

Precedent: Approving a design of this disproportionate scale would set a damaging planning precedent for the surrounding residential area.

2. Overdevelopment and Intensification of Use (Potential HMO)

Intensification: The cumulative impact of the two-storey side extension, loft conversion, and the conversion of the detached garage into habitable space effectively creates a large 6-bedroom dwelling. Layout Concerns:

The internal layout and room configuration strongly indicate a layout optimised for use as a House in Multiple Occupation (HMO).

Local Context: Given the site's highly confined context alongside neighbouring properties, a 6-bedroom high-density occupation represents a severe over-intensification of the site.

3. Parking Deficit and Highway Safety

Substandard Parking Provision: The intensification to a 6-bedroom layout demands a commensurate level of off-street parking accommodation under local transport standards. The current layout fails to demonstrate adequate parking for this level of occupation.

Locational Constraints: Hyde Lane is a narrow, single-track country lane with an absolute lack of safe on-road parking capacity.

Highway Safety Risks: The site occupies an exposed, dropped road junction setting. The inevitable overspill of vehicles onto this restricted junction will severely exacerbate local parking pressure, compromise vehicular turning movements, and degrade road safety for all.

Visual Amenity: The combined mass of the two-storey side extension, extensive first-floor flank fenestration, dominant rear dormer, and converted garage creates a visually jarring, contrived, and cramped appearance.

Green Belt Impact: The property sits within a sensitive Green Belt setting. The scale of the overall volumetric increase fails to preserve the openness of the Green Belt and harms the established semi-rural character of this residential area.

Consistency in Decision-Making: Restrictive planning policies have historically protected this area from disproportionate additions. The fact that these works have been carried out layout-first as a retrospective application reinforces that this is a tangible, observable case of overdevelopment rather than a perceived one.

Conclusion

The retrospective nature of this application highlights a disregard for the established planning framework designed to protect the character of the district. If local development management controls are to remain robust and equitable, developments that clearly cause demonstrable harm to highway safety, neighbourhood amenity, and the Green Belt must be resisted.

If the officer is of a mind to approve this application we ask that it be brought to the attention of the planning committee.

4.3 **Public/Neighbour Consultation**

4.4 Neighbours consulted: 37

4.5 Responses received: 28 Objections

4.6 Summary of Comments

- Parking/on off street
- Changing into HMO
- permission should be subject to a condition that prevents its use as an HMO
- Highway safety / pedestrian safety
- Encourage similar builds
- No Public Transport
- Noise
- Garage converting to habitable accommodation loss of parking space
- Garage not being used as a parking space
- Rear Drive showing two cars
- Loss of privacy / overlooking
- Over development
- Drainage
- Fencing /land levels
- Neighbours' amenity
- No compliance of Policy DM1 and DM2

- Breaching Design Criteria in appendix 2 section 4
- Roof form out of character of the area.

Officer Note: Comments from the neighbour are noted. The analysis as to the impact of the development subject of this application on Green Belt, cumulative impact of the development, overdevelopment, design, neighbouring amenity and parking is set out in a later section of this report.

Regarding the concerns of the dwelling being changed into an HMO and the potential of 6+ non-related in habitants the LPA have no evidence to suggest the dwelling would be converted to a large HMO. HMO's occupied by more than 6 individuals would require planning permission. It is also noted that only 4 bedrooms are proposed on the plans.

Matters relating to drainage would fall outside the remit of this application and would be caught by other legislative requirements.

There were also concerns raised regarding fencing and land levels which is likely to be subject to a separate planning application and is not included in the assessment of this application.

4.7 Site Notice: Not Required

4.8 Press Notice: Not Required

5 Reason for Delay

5.1 N/A.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

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

The Environment Act 2021.

6.2 Statutory Development Plan

The Core Strategy was adopted on 17 October 2011 after the Inspector concluded that it was sound following Examination in Public which took place in June 2011. Relevant policies of the adopted Core Strategy include CP1, CP9, CP10, CP11 and CP12. The NPPF retains a presumption in favour of sustainable development.

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, DM2, DM4, DM6, DM13 and Appendices 2 and 5.

Abbots Langley Neighbourhood Plan 2025-2041 (March 2026 version, Made June 2026): Relevant Policy includes AL4.

6.3 Other Material Considerations

Supplementary Planning Guidance No 3 – Extensions to Dwellings in the Green Belt (August 2003).

On 31 July 2026 the Regulation 19 Consultation opened on the Three Rivers District Council Local Plan 2026-2042 (Parts I and II). As such, weight can now be given to policies and sites contained within that Plan. Relevant Policies include GB1, SP2 and SP4.

In August 2026, the NPPF was updated. Relevant policies include S3, DP3, GB2, GB6, GB7 and TR4.

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

7 Planning Analysis

7.1 Impact on Metropolitan Green Belt

7.1.1 The application site is located within the Metropolitan Green Belt. The NPPF (August 2026) sets out that the objective of Green Belt is to prevent urban sprawl by keeping land permanently open. The government attaches great importance to Green Belts, the essential features of which are their openness and permanence.

7.1.2 Policy GB6 (2) of the NPPF states that inappropriate development, is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reasons of its inappropriateness and any other harm resulting from the proposed development is clearly outweighed by other considerations. In making this assessment, substantial weight should be given to the harm to the Green Belt which would be caused, including harm to its openness.

7.1.3 Policy GB6 (1) of the NPPF states that development in the Green Belt is inappropriate unless it falls within one of the categories in policy GB7. Policy GB7 sets out that the following categories of development are not inappropriate in the Green Belt, and therefore should not be regarded as harmful to the Green Belt or be required to demonstrate very special circumstances.

7.1.4 The most relevant exception of GB7 is considered to be:

b) The re-use, **extension**, alteration or replacement **of an existing building**, provided that the existing building **is of permanent and substantial construction**, **is lawful in planning terms**, and **any extension or alteration will not result in a disproportionate increase in size compared to the original building**.

7.1.5 Policy DM2 of the Development Management Policies Document 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 buildings 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.

7.1.6 The 'Extensions to Dwellings in the Green Belt Supplementary Planning Guidance' 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 of the Development Management Policies document. Nevertheless, the Extensions to Dwellings in the Green Belt Supplementary Planning Guidance provides useful guidance and

paragraph 4.5 of the Development Management Policies document 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.

7.1.7 The requirements of the NPPF are considered to reflect the adopted policies of the Three Rivers District Council Local Plan. Core Strategy Policy CP11 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.

7.1.8 Green Belt Calculations

Approved Application - 25/0421/FUL

Original Floorspace	**Existing Extensions**	**Existing Percentage**	**Proposed Extensions**	**Percentage Increase over Original**
108.96	n/a	n/a	36.91	34%

Proposed Application - 26/1321/RSP

Original Floorspace	**Existing Extensions**	**Existing Percentage**	**Proposed Extensions**	**Percentage Increase over Original**
108.96	n/a	n/a	75.45 including dormer	68.4%

7.1.9 The application dwelling does not appear to have been previously extended prior to recent works. The extension to the dwelling would result in a cumulative increase above the original dwelling of approximately 68.4% when all parts of the development are totalled; however without the dormer the works would be the same as the approved application 25/0421/FUL therefore below 40% and given its design and scale was not considered to be disproportionate. It is noted in the SPG 3 that extensions resulting in a cumulative increase in floorspace of over 40% compared with the original dwelling will normally be unacceptable, with the following exceptions:

i) dormer windows satisfying 10 (c), Dormer windows proportionate to the existing building, and with glazing covering the full frontage other than side framing, will not normally be viewed as adversely effecting the openness of the Green Belt.

ii) ground floor conservatories of modest size compared to the house and site, though planning conditions will then be imposed on permissions prohibiting their replacement with more substantial construction, 'in-fill' extensions (e.g. if the existing building is 'L' or 'U' shaped) which do not increase the apparent bulk of the building.

iii) 'in-fill' extensions (e.g. if the existing building is 'L' or 'U' shaped) which do not increase the apparent bulk of the building.

7.1.10 In this case, the dormer window falls within exception (i), as it is set down from the eaves and set in from the flank elevations making it subordinate and proportionate to the existing dwelling therefore it is not viewed as adversely affecting the openness of the Greenbelt.

7.1.11 It is noted that the garage conversion into habitable accommodation in the form of a gym and games room would not be increasing in size would be acceptable with GB7 b) therefore would be acceptable in this regard.

7.1.12 In summary, the proposed development would be considered appropriate development within the Green Belt and would not adversely affect its openness. While the cumulative increase would appear disproportionate in isolation, the part single part two-storey side extension has already been approved and does not exceed the 40% threshold. In addition, the dormer extension is considered to fall within exemption 10(c) of the SPG. The development complies with Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (2013) and the NPPF (2026).

7.2 Impact on the character and appearance of the host building

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.

7.2.2 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.

7.2.3 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 order to prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality two storey side extensions may be positioned on the flank boundary provided that the first-floor element is set in by a minimum of 1.2m metres. This distance must be increased in low density areas or where the extension would have an adverse effect on an adjoining property. In high density areas an absolute minimum of 1 metre will be considered

7.2.4 AL4 of the Abbots Langley Neighbourhood Plan states ‘All new development should reflect the character of the Character Area in which they are located as shown on as described in the Abbots Langley Design Guidance and Codes. Developments should reflect the architectural variety found locally and use materials that are in keeping with those found in existing buildings in the immediate locality. This will help to avoid building design that is inappropriate to the Plan area. Innovation in design will be supported, where this demonstrably enhances the quality of the built form.

7.2.5 The part single and part two storey side extension is identical to what has previously been approved on application 25/0421/FUL. It is readily visible from both Hyde Lane and Woodlands Road given the corner plot location of the site. The extension is set in line with the existing front and rear building line of the host dwelling, extending for its full depth at the ground floor, with the first floor extending in line with the existing rear building line but setback some 1m from the main front wall. Given the set back, this reduces the first floor visual prominence of the extension. The extension has a hipped roof which would is set down from the main ridge line of the dwelling and is therefore subservient. The single storey element to the ground floor front elevation has a traditional pitched roof which is not considered to appear unduly prominent within the context of the host dwelling or wider streetscene. In addition to the above, the proposal has been constructed in materials to match the existing dwelling which has further retained its character within the streetscene.

7.2.6 The extension is also set in from the flank boundary by approximately 5.6m. Given the spacing retained to the boundary and the siting of the dwelling on a corner plot it is not considered that the extension results in the creation of a terracing effect. Thus, it is not considered that the extension results in demonstrable harm to the character of the host dwelling or wider streetscene.

7.2.7 With regards to the rear dormer, as set out in the Appendix 2 Design Criteria, dormer windows should always be subordinate to the main roof. They should be set below the existing ridge level, set in from either end of the roof and set back from the plane of the rear wall. The roof form should respect the character of the house if possible.

7.2.8 It is recognised that the rear dormer is a notable new feature of the rear roof slope, with views possible from public vantage points along Hyde Lane and Woodlands Road. However, the dormer is set down from the highest ridge by 0.9m and approximately 0.2m from the two storey side extension's ridge line. The dormer is also set in from the western flank elevation, facing Woodlands Road by 2.1m and is 0.5m from the adjacent neighbour and set up from the eaves at the rear of the dwelling. While the dormer is large, it is noted that it is smaller than that what was approved under 25/0461/CLPD. Furthermore, there is sufficient spacing retained to all sides of the dormer such that it does not fully subsume the rear roof slope. Given the spacing, it is considered that the dormer would, on balance, be acceptable.

7.2.9 While there is an increase in the bulk and massing of the roof form resulting from the two story side extension and the rear dormer combined, it is not considered that it would is at a level that is unacceptably harmful to the character of the host dwelling or surrounding streetscene.

7.2.10 One rooflight is positioned at the front roof slope. Rooflights are considered to be a common feature of the surrounding streetscene so there is no objection to this element.

7.2.11 The garage conversion has removed the wooden door and window and replaced them with a door and new windows. It is not considered that such changes would cause harm to the street scene and therefore acceptable in this regard. A condition has been applied to the garage to ensure that it remains in ancillary or incidental use.

7.2.12 In summary, the development does not result in any adverse harm to the character or appearance of the host dwelling or wider streetscene. The development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1, Appendix 2 of the Development Management Policies LDD (2013) and AL4 of the Abbots Langley Neighbourhood Plan.

7.3 <u>Impact on amenity of neighbours</u>

7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.

7.3.2 The part two storey, part single storey side extension extends from the existing flank wall of the dwelling, away from the adjoining neighbour at No. 12 Hyde Lane. This neighbour appears to have implemented a two-storey side extension. The extension is largely screened from view of this neighbour by virtue of the dwelling. The extension does not project beyond the existing front or rear building line of the host dwelling and is set down from the ridge line of the dwelling. As such, it is not considered to result in an overbearing form of development or result in a harmful loss of light to the residential amenities of the occupiers of this neighbouring dwelling.

7.3.3 No. 1 Woodlands Road is sited to the rear of the application site, this neighbour is set at a lower land level to the host dwelling and its flank elevation faces the boundary with the application site. It is acknowledged that this neighbour appears to have implemented a two-storey side extension which remains set off the boundary with the application site. This neighbour is further separated from the dwelling by virtue of the host dwelling's existing

detached garage(converted) to the rear of the site. The extension projects from the existing flank wall and does not extend beyond the current rear building line. It retains a hipped roof and is set down from the main ridge line of the dwelling and owing to the spacing retained to the boundary is not considered to give rise to an overbearing form of development or harmful loss of light such to justify a refusal in this regard

7.3.4 The proposed rear dormer may increase the perception of overlooking towards neighbouring amenity areas this would be towards flank. However, due to the set-in of the dormer and the spacing to the boundaries, it would not result in greater overlooking into the neighbouring properties than the existing first-floor windows for which there is no objection.

7.3.5 The front rooflight is not considered to result in any unacceptable overlooking of neighbours due to the location high in the roof slope.

7.3.6 The garage conversion has replaced a wooden door with a door and 2 casement windows it is not viewed that this conversion will cause any visual harm to the neighbours

7.3.7 The proposed development would therefore be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD.

7.4 Highways & Parking

7.4.1 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.

7.4.2 The proposal would increase the number of bedrooms within the dwelling by two, resulting in a four-bedroom dwelling. Appendix 5 of the DMP LDD sets out that four or more-bedroom dwelling would require 3 assigned spaces within the dwelling's curtilage. The existing dwelling has an area of hardstanding forward of its front elevation which can accommodate 1 vehicle. Additionally, there is an area of hardstanding forward of the garage which can also accommodate an additional vehicle. There is a shortfall of 1 space when applied to the parking standards for a 4 bedroom dwelling.

7.4.3 Officers note that a parking plan was submitted with the application; however, it has not been afforded weight as it shows two parking spaces to the rear of the site accessed via a route that has been determined not to be lawful. Notwithstanding this, it is recognised that there appears to be scope to increase parking provision within the front curtilage to help address the shortfall, should demand while greater on-site provision. However, this could only be achieved through extensive works to the garden which are not proposed under this application. Notwithstanding, it is not considered that the shortfall in one space would be unacceptable.

7.5 Rear Garden Amenity Space

7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

7.5.2 The proposed development does not encroach upon the rear amenity space of the host dwelling. 148 sqm of useable amenity space would remain, which is acceptable to serve the five-bedroom dwelling.

7.6 Trees & Landscape

7.6.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and

managed during and after development in accordance with the relevant British Standards. The proposed development would not involve the removal of any trees or lie in close proximity to trees.

7.6.2 The development has not required the removal of any trees nor is considered to result in any harm to others. It is acknowledged that boundary hedging has been removed, however, this formed part of works not currently subject to this application.

7.7 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

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

7.7.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors have been affected as a result of the development. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment.

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

8 Recommendation

8.1 That Part Retrospective **PLANNING PERMISSION BE APPROVED** subject to conditions:

C1 Those works which yet to be undertaken shall be carried out hereby permitted shall be carried out in accordance with the following approved plans: 25.293.PL.001A REV 00, 25.293.PL.001B REV 00, 25.293_BR.001 REV 00, 25.293.PL 002, 25.293.PL 003, 25.293.PL 004, 25.293.BR.003B REV 01, 25.293_PL.003 REV 03.

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

C2 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

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

C3 The detached garage conversion; hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, or ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling.

Reason: The creation and use of a separate and independent unit would not comply 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

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

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

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

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

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

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

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

I2 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

I3 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.

I4 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.

I5 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to. The original holding objection was triggered due to the presence of a High-Pressure Major Accident Hazard Pipeline (MAHP) and/or an Intermediate Pressure Pipeline and/or an Above Ground Installation.