

## PLANNING COMMITTEE – 12 September 2024.

### **24/0918/FUL – Construction of single storey front and rear extensions, conversion of garage into habitable accommodation and construction of new shed at 19 ASH CLOSE, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0DN**

Parish: Abbots Langley

Ward: Gade Valley

Expiry of Statutory Period: 16/09/24 Agreed Case Officer: Alannah Stringer  
Extension

Reason for consideration by the Committee: The application is brought to Committee as the agent for application is a Councillor.

Recommendation: That planning permission be GRANTED subject to conditions.

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

[24/0918/FUL | Construction of single storey front and rear extensions, conversion of garage into habitable accommodation and construction of new shed | 19 Ash Close Abbots Langley Hertfordshire WD5 0DN \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/0918/FUL)

#### **1. Relevant planning history**

- 1.1 8/270/90 - (Outline) Residential development, Divine Saviour Convent. Permitted 30.08.1990.
- 1.2 8/48/91 - Erection of 17 four bedroom dwellings. Permitted 23.05.1991.
- 1.3 8/592/91 - Revision to siting of houses on plots 14 & 15 of previously approved development - Permitted 25.11.1991
- 1.4 8/560/92 - Erection of 17 dwellings (revision to details approved under ref. 8/48/91) - Permitted 10.12.1992

#### **2. Site description**

- 2.1 The application site is located on Ash Close, a residential cul-de-sac off Gallows Hill Lane. Ash Close is characterised by large, detached dwellings of similar architectural style set back from the highway, with integral garages and large front drives which are part laid to lawn, and part hardstanding.
- 2.2 The south side of Ash Close curves around to the east. The south-eastern section of Ash Close comprises of 4 detached dwellings with a gravelled shared access to individual gravel driveways with varied soft landscaping.
- 2.3 12 Ash Close is set to the north-eastern corner of the south-eastern section of Ash Close and comprises of a gable ended pitched roof with dark tiling. To the front elevation, an open porch canopy is set beneath the front roof slope between a dormer which projects from a catslide roof to the east side, and a two storey projection with a ground floor bay window to the west side. The front elevation is finished in mixed brick to the ground floor and red tiling to the first floor of the two storey projection. The front building line is staggered.

## **PLANNING COMMITTEE – 12 September 2024.**

- 2.4 To the front of 12 Ash Close is a large, landscaped area. There is parking provision for 4 vehicles and the front garden is primarily laid to lawn. A number of trees are located to the front of the property.
- 2.5 The rear elevation of the host dwelling is finished in mixed brick and white fenestration. Above the ground floor windows is red brick detailing. Immediately adjoining the rear elevation is a patio which wraps around the east elevation to the side gate. The rear garden is north-facing and primarily laid to lawn and has an existing shed set adjacent to the rear (north) boundary. The north and east boundary treatments are timber fencing, the west boundary is hedging, with some mixed soft landscaping.
- 2.6 To the east of the host dwelling is Little Orchard Close, there is no immediate neighbour to the east and the properties located on Little Orchard Close are a minimum of (approximately) 14m from the existing host dwelling, separated by soft landscaping, boundary treatments and the highway.
- 2.7 To the west of the host dwelling is 17 Ash Close. 17 Ash Close projects approximately 3.4m beyond the front building line of the host dwelling, and the host dwelling extends approximately 3.6m beyond the rear building line of 17 Ash Close. It is noted that 17 Ash Close has an existing rear conservatory which is set back from the rear elevation of the host dwelling by approximately 1m. The host dwelling is set approximately 1m from the shared boundary and 2m from the main dwelling of this neighbour.
- 2.8 To the south, 28 Ash Close faces west, and the north elevation of this neighbour is set approximately 18.5m from the front elevation of the host dwelling.

### **3. Description of proposed development**

- 3.1 This application seeks full planning permission for the construction of single storey front and rear extensions, the conversion of garage into habitable accommodation and construction of new shed.
- 3.2 The proposed single storey rear is flush to the flanks of the existing host dwelling; the proposed extension measures approximately 3.4m in depth, 3.5m to the monopitch ridge, 2.4m to eaves and 10.5m in width. The proposed rear extension comprises of a monopitch roof with 4 Velux rooflights finished in black and tiling to match the existing; aluminium sliding doors finished in black; and the exterior is to be finished in brickwork to match the existing. No fenestration is proposed to either flank of the proposed single storey rear extension.
- 3.3 The existing patio area is replaced by the proposed single storey rear extension; a replacement patio area at ground level of approximately 3m depth is proposed adjacent to the proposed extension.
- 3.4 The proposed single storey front extension would replace the existing porch canopy, and measures at approximately 1.4m depth, 3.6m height to monopitch ridge, 2.3m to eaves and 1.4m in width. The proposed development has a mono pitched roof with 1 Velux rooflight finished in black and is set between the existing two-storey front projection and catslide roof. The front elevation of the proposed front extension would be finished with brick slips to timber framing.
- 3.5 The proposed garage conversion does not increase the footprint of the property; the proposed conversion includes the removal of the existing garage door which is to be replaced with brickwork to match the existing dwelling and three aluminium windows finished in black.

## PLANNING COMMITTEE – 12 September 2024.

- 3.6 The relocation of the east side access door is proposed to provide external entry to the proposed utility room. The previous access would be bricked to match the existing, and a new door and access will be constructed on the same elevation, approximately 7m to the north of the existing.
- 3.7 All existing white fenestration is to be replaced with black aluminium fenestration; no other additional fenestration is proposed.
- 3.8 The proposal also includes the replacement of the existing shed with a larger shed measuring approximately 4m depth, 2.4m height and 2.4m width. The proposed shed is to be set on a concrete base. The existing concrete based is to be enlarged. The proposed shed is recessed from the boundaries.

### 4. Consultee responses

4.1 National Grid – [No response received]

4.2 Abbots Langley Parish Council – [Comment]

*Members note the presence of mature trees on the boundary with Little Orchard Close and request officers include a requirement that the trees be inspected and protected as necessary prior to approval/*

4.3 Landscape Officer – [No Objection]

*There are trees on the site protected by Tree Preservation Order (TPO273). The submitted plans and tree report indicate that no protected trees would need to be removed to facilitate the development. However, site photos would appear to suggest that some pre-development clearance work of trees has recently taken place in the vicinity of the proposed extension. These trees were not protected by TPO, however a condition requiring some replacement tree planting should be applied.*

*The tree report demonstrates that no further tree removals should be required, a compliance condition should also be applied requiring the applicant to comply with the tree protection measures outlined in the submitted report.*

### 5. Neighbour consultation

5.1 Site Notice Posted: 16.07.2024. Expired: 06.08.2024.

5.2 Press Notice Published: [Not Required]

5.3 No. consulted: 10. No. of responses: 2.

5.4 Summary of responses: [2 Objections Received]

*Concerns are raised regarding the following:*

- *The impact of development works on existing trees and vegetation bordering Little Orchard Close.*
- *The potential use and adaptations to the development.*
- *The size/bulk of the proposed single storey rear extension.*

## **PLANNING COMMITTEE – 12 September 2024.**

- *The removal of boundary screening prior to application and the change of view from Little Orchard Close.*
- *How the construction process is to be managed.*

### **6. Reason for Delay**

Committee Cycle. Extension Agreed.

### **7. Relevant Local and National Planning Policies**

#### **7.1 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.

#### **7.2 Policy/Guidance**

National Planning Policy Framework and National Planning Practice Guidance

In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2023 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following

## PLANNING COMMITTEE – 12 September 2024.

Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM13 and Appendices 2 and 5.

### 8. Analysis

#### 8.1 Design and impact on the Host Dwelling and Street Scene

- 8.1.1 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.'
- 8.1.2 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.
- 8.1.3 As set out 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.
- 8.1.4 The proposed single storey rear extension would have a total depth of approximately 3.4m, which is within the guidance for detached dwellings set out in Appendix 2 of the DMP LDD. Whilst the proposed rear extension is flush to the flanks of the existing host dwelling, the 2m spacing between the host dwelling and the neighbour set to the west, 17 Ash Close, is retained and the exterior is to be finished in materials to match that of the existing creating a sense of cohesion. Furthermore, by virtue of the proposed extensions position to the rear of the dwelling, this aspect of the development would not be readily visible from the street scene.
- 8.1.5 Whilst neighbour concerns are acknowledged, and partial views of the extension would be visible from Little Orchard Close, the proposed rear extension is confined to a single storey and is not considered to be excessively prominent in relation to the scale of the existing dwelling and rear amenity space being of less depth than the 4m guidance figure referenced in Appendix 2. Therefore, owing to its single storey nature and subservience to the host dwelling it is not considered to result in an incongruous or overly prominent form of development. As such, it is considered that the proposed single storey rear extension would not result in demonstrable harm to the character of the host dwelling or wider street scene.
- 8.1.6 The proposed single storey front extension would have an approximate depth of 1.4m, width of 1.4m and maximum height of 3.6m. The proposed single storey front extension would be set between an existing 2 storey projection which has a pitched roof extended from the front slope of the gable roof. The host dwelling also has a catslide roof to the east side of the gable roof which extends over the existing integral garage, and a front dormer projecting from the catslide roof. The addition of a front extension is not considered to be of detriment to the character of the host dwelling given the existing variation in roof forms facing the highway and within the street scene.
- 8.1.7 The monopitch roof to the proposed front extension would be in keeping with the variation evident and does not differ substantially from the form of the existing porch canopy. Furthermore, it is noted that a number of residential dwellings on Ash Close have replaced the original porch canopy with an enclosed front porch. As such, the proposed single storey

## PLANNING COMMITTEE – 12 September 2024.

front extension is considered in keeping with the street scene and is congruent with the character of the existing host dwelling.

- 8.1.8 The proposed conversion of the garage to habitable accommodation does not involve any changes to the footprint of the property. The existing garage door is to be removed, and the front elevation is finished in brickwork to match that of the existing dwelling. Within the front elevation, 3 black aluminium windows are proposed. The proposed garage conversion is considered in keeping with the alterations to, and conversions of, garages evident within the street scene, including that of 28 Ash Close. Furthermore, there are examples of black fenestration within the street scene and on neighbouring properties. As such, this aspect of the development is not considered to be of detriment to the street scene nor detract from the character of the host dwelling.
- 8.1.9 As above, given the context of the neighbouring properties and wider street scene, the replacement of all windows with black aluminium windows is considered acceptable.
- 8.1.10 The proposed relocation of the access door to the east elevation and replacement patio area is not visible from either the street scene or Little Orchard Close, and therefore would not result in a detrimental impact.
- 8.1.11 The proposed shed and enlarged concrete base is not readily visible from the street scene, however some views of the proposed shed may be available from Little Orchard Close. As the proposed shed is set approximately 10m from the east boundary to Little Orchard Close and is limited in height, this aspect of the development is not considered to impose harm to the character of the host dwelling or street scene.
- 8.1.12 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling, street scene or wider area. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).

### 8.2 Impact on Neighbours

- 8.2.1 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'.
- 8.2.2 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.
- 8.2.3 The proposed single storey rear extension would have a total depth of approximately 3.4m, which is within the 4m guidance for detached dwellings set out in Appendix 2 of the DMP LDD. Whilst neighbour comments are acknowledged, it is considered that the 3.5m maximum height of the proposed single storey rear extension is appropriate given the scale of the existing dwelling. The roof slopes down to 2.4m eaves height and the proposed single storey rear extension is flush to the side elevations of the host dwelling and recessed from the boundaries which would mitigate the perception of bulk and mass. Additionally, given the orientation of the properties and the north facing gardens, it is not considered that the rear extension would cause an additional loss of light. Furthermore, no fenestration is proposed to either flank of the proposed single storey rear extension.
- 8.2.4 Comments regarding the privacy of Little Orchard Close are noted, however it is considered that as the rear extension is confined to a single storey, is orientated away from the

## PLANNING COMMITTEE – 12 September 2024.

residential dwellings on Little Orchard Close, and the proposed development is set a significant distance from the front elevations of those residential dwellings which are facing the rear garden of the application site, that no adverse harm or reduction of privacy would occur.

- 8.2.5 To summarise: owing to the proposed rear extensions single storey nature, subservience to the host dwelling, confinement of fenestration to the rear elevation and general topography of the site it is not considered to result in an excessively prominent form of development in relation to neighbouring properties and would not result in any adverse impact of residential amenity of any neighbouring occupier.
- 8.2.6 To the front of the host dwelling the conversion of the garage to habitable accommodation and the addition of a front extension (porch) is proposed. The proposed garage conversion retains its existing footprint and the proposed window serving the garage conversion is set to the front elevation and faces onto the application sites front amenity space/ driveway and 28 Ash Close. The proposed front extension replaces the existing porch canopy with a porch which measures at approximately 1.4m depth, 3.6m height to monopitch ridge, 2.3m to eaves and 1.4m in width. The proposed development includes the addition 1 Velux rooflight finished in black to the monopitch roof.
- 8.2.7 Whilst it is noted that proposed development includes the addition of fenestration to the front elevation of the property as part of the garage conversion and single storey front extension no view of private amenity space is available. Although the proposed fenestration faces 28 Ash Close, the view is limited to the flank of this neighbour's double garage and is partially obscured by trees and other soft landscaping. As such, the proposed garage conversion and front extension are not considered to result in any demonstrable harm to neighbouring privacy or amenity. Furthermore, given the location of the proposed single storey front extension and the retention of the original footprint of the existing garage and topography of the site, it is considered the development would not cause a loss of light.
- 8.2.8 The proposed shed and enlarged concrete base is set to the rear of the application site, recessed from the north and west boundaries. As the proposed shed is set approximately 10m from the east boundary to Little Orchard Close and is limited in height, it is not considered that the proposed development would result in any overlooking or loss of privacy in this regard to any neighbouring property.
- 8.2.9 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring occupier and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

### 8.3 Highways and parking provision

- 8.3.1 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.
- 8.3.2 The host dwelling is comprised of 4 bedrooms: Appendix 5 advises that a four-bedroom dwelling should have 3 assigned car parking spaces. The proposed development does not include the addition of any bedrooms, however the proposed conversion of the garage to habitable accommodation would lead to a reduction of 1 parking space. The proposed development includes provision for 4 parking spaces, which exceeds the guidelines set out in Appendix 5. As such, the proposal is considered acceptable in this regard.

## **PLANNING COMMITTEE – 12 September 2024.**

### **8.4 Wildlife considerations**

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

8.4.2 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.

8.4.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

### **8.5 Mandatory Biodiversity Net Gain**

8.5.1 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).

8.5.2 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.

### **8.6 Rear amenity**

8.6.1 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.

8.6.2 The proposed development would not increase the number of bedrooms and as such there would be no additional requirement for rear amenity space. The proposed development would retain approximately 150sqm of rear amenity space which exceeds the indicative level of rear amenity space for a 4 bedroom property, as set out in Appendix 2 of the DMP LDD.

### **8.7 Trees and landscape**

8.7.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

## PLANNING COMMITTEE – 12 September 2024.

- 8.7.2 The Landscape Officer has noted that pre-development clearance work has taken place in the vicinity of the proposed extension and the Officer has requested a condition regarding the replanting of trees on the site. Given that the trees that have been cleared were not protected, and a vast amount of soft landscaping has been retained to the front and rear of the property, it is not considered appropriate to attach such a condition to the planning permission.
- 8.7.3 However, given the location of the TPOs present on the site, it is considered appropriate to attach a condition pertaining to compliance with the tree protection measures outlined on the plans submitted (TRDC 001 – Arboricultural Impact Integration Assessment).

### 9. Recommendation

- 9.1 That PLANNING PERMISSION BE 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: 100 REV D, TRDC001 (Arboricultural Impact Integration Assessment).

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, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013).

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

Reason: To 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).

- C4 The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- 8.2 Informatives

## PLANNING COMMITTEE – 12 September 2024.

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. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

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:

{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.

## PLANNING COMMITTEE – 12 September 2024.

Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 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 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

## **PLANNING COMMITTEE – 12 September 2024.**

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>.