

## PLANNING COMMITTEE - Thursday 12<sup>th</sup> September 2024

### **24/1101/FUL Construction of single storey front extension, conversion of garage into habitable accommodation and alterations to frontage to provide additional parking, at ALDERS, 64 GROVE FARM PARK, NORTHWOOD, HA6 2BQ**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 03.09.2024  
(20.09.2024 Agreed Extension)

Ward: Moor Park and Eastbury  
Case Officer: Lilly Varnham

Recommendation: That PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee: Called in by Batchworth Community Council following a re-consultation for the reasons set out at 4.1.2.2 below.

To view all documents forming part of this application please go to the following website: [24/1101/FUL | Construction of single storey front extension, conversion of garage into habitable accommodation and alterations to frontage to provide additional parking. | Alders 64 Grove Farm Park Northwood HA6 2BQ \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/1101/FUL-Construction-of-single-storey-front-extension-conversion-of-garage-into-habitable-accommodation-and-alterations-to-frontage-to-provide-additional-parking-Alders-64-Grove-Farm-Park-Northwood-HA6-2BQ)

### **1 Relevant Planning History**

- 1.1 8/207/76 - Erection of 63 dwellings with garages – Permitted.
- 1.2 8/17/78 - 2 Houses, Permitted.

### **2 Description of Application Site**

- 2.1 The application site contains a two-storey detached dwelling on Grove Farm Park. The existing dwelling has a dark tiled gabled roof form with a front cat slide element over the existing garage. Within the cat slide is mono pitched dormer window. Across the ground floor front elevation is an existing bay window and mono pitched roof serving a porch canopy beneath. The dwelling does not appear to have been previously extended.
- 2.2 The dwelling sits on a corner plot and to the front is an existing area of hardstanding forward of the garage, with the rest occupied by a large area of soft landscaping. To the rear of the dwelling is an amenity garden predominantly laid as lawn with an area of hardstanding extending from the rear elevation.
- 2.3 The wider context of Grove Farm Park consists of a number of detached dwellings of similar architectural style and design, some of which appear to have been extended or altered.

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

- 3.1 This application seeks full planning permission for the construction of single storey front extension, conversion of garage into habitable accommodation and alterations to frontage to provide additional parking.
- 3.2 The proposed front extension would replace the existing bay window and mono pitched roof and would have a depth of approximately 3m, the extension would remain minimally set back from the existing forward garage projection by approximately 0.3m. The extension would have a mono pitched roof at a total height of approximately 3.7m sitting minimally beneath the first-floor windows cill height. The extension would slope to an eave's height of approximately 2.9m which would sit just below the height of the forward garage projection. Within the front elevation two new windows and a new main entrance door with glazing panels either side are proposed. Two rooflights are proposed within the front pitched roof slope. The extension would serve as a home office, entrance hall, utility and toilet.

- 3.3 The proposal also includes the conversion of the existing garage, this would be facilitated by the replacement of the garage door with a four-casement window in the front elevation. The remaining space would be bricked infilled to match the existing. The conversion would facilitate the relocated kitchen. Within the rear elevation of the dwelling an existing door and window are proposed to be replaced with a bifold door at ground floor level.
- 3.4 Amended plans were requested and received during the course of the application to set back the front extension from the garage projection and reduce the height of the extension to sit below the first-floor windows. Clarification was sought on the parking provision to the site frontage. The applicants are now proposing a slight increase to the level of hardstanding to the frontage in order to provide a policy compliant level of parking. This was added to the description and a reconsultation issued.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 National Grid – [No response received]

4.1.2 Batchworth Community Council –

4.1.2.1 Initial comments: BCC has no objection to this application.

4.1.2.2 Further comments following re-consultation:

*Batchworth Community Council objects to this application on the following grounds.*

- The installation of Velux windows on the ground floor front roof extension, it is out of keeping and detrimental to the street scene.*
- The driveway extension to provide parking for three cars significantly reduces the amount of landscaping at the front of the property.*
- If parking for three vehicles is required, then the garage should be retained.*
- The open aspect of the frontage to the properties is a common feature of Grove Farm Park.*
- BCC has also noted that no Tree Root Protection plan was submitted before irreparable damage was done to the mature, healthy conifer tree on the boundary and the silver birch in the front garden.*

*BCC requests a call in to the committee unless officers are minded to refuse.*

### **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted:8                      No of responses received: 3 [Objections]

4.2.2 1 objection received during initial consultation.

4.2.3 2 objections received during reconsultation.

4.2.4 Site Notice Posted: 24/07/2024, Expired: 14/08/2024

4.2.5 Press Notice: [Not required]

4.2.6 Summary of Responses:

Object to front extension.

Harm visual amenity and character of cul-de-sac.

Loss of front gardens to hardstanding replicates inner city areas and suburban character of GFP will be lost.

Open green frontages key characteristic of GFP.

Sufficient car parking spaces needs to be assured.

Adjacent land use impacted by cutting of branches of a mature conifer to the side of property on public land.

If tree destabilised due to no branches on one side, then another mature tree needs to be planted in its place.

Sets precedent for changing front of house in significant way.

90cm rooflights will result in light pollution.

Fundamental change to uniformity and nature of estate.

On street parking already an issue.

Front office suggests a business, visitors, clients, deliveries.

- 4.2.7 Officer Comment - Comments from the neighbours are noted. The impact of the proposed development on the character and appearance of the streetscene will be assessed in a later section of this report. With regards to the comment that the front office might suggest a business, the front extension would appear to serve as a home office with no suggestion that this would be used for any other purpose other than ancillary to the dwellinghouse. Comments from the Parish are noted. The velux windows were proposed during the initial consultation, given the alteration to the roof form requested by the LPA these now sit within the slope. The impact of the increased hardstanding to the frontage will be reviewed in a later section of this report. Comments regarding the trees are noted, however, there are no trees on or adjacent to the site that are protected by a Tree Preservation Order and as such a Tree Protection Plan would not be required.

## **5 Reason for Delay**

- 5.1 No delay.

## **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 Planning Policy and 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 Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM8, DM13 and Appendix 5.

### Other

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

## **7 Planning Analysis**

### **7.1 Design and Impact on the Host Dwelling and Street Scene**

- 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.
- 7.1.4 Appendix 2 of the DMP LDD sets out that applications for single storey front extensions will be assessed on their individual merits but should not result in loss of light to windows of a neighbouring property nor be excessively prominent in the streetscene.
- 7.1.5 The proposed single storey front extension would replace the existing bay window and mono pitched porch canopy to the front of the dwelling. Given the dwellings prominent position on the corner plot it is acknowledged that the extension would be readily visible. The extension as amended would remain set back from the prominent garage projection which is evident to a number of properties within Grove Farm Park and its roof would remain set below the first-floor windows and height of the garage. Whilst it would be a visible addition, the extension is considered to remain proportionate in scale to the host dwelling, and the roof would follow the slope of the garage which would further retain its character within the streetscene.
- 7.1.6 Whilst front extensions are not a common feature within Grove Farm Park, there are some examples where front extensions have been permitted and, in this case, there would be sufficient spacing maintained between the front building line of the extension and the

boundary with the public footway and highway such that this addition would not increase the visual prominence of the dwelling to an unacceptable degree. Given the set back from the garage and in light of the above assessment the proposed extension is not considered to appear overly prominent or incongruous within the streetscene such to justify a refusal of permission in this regard. In addition, the extension is proposed to be finished in materials to match the existing dwelling which would further retain its character within the street.

- 7.1.7 Comments from the parish are noted with regards to the front rooflights. The front rooflights were proposed under the original scheme, sitting in the flat roof section. Following amendments requested by the LPA which included a reduction in height and omission of the flat section these rooflights now sit within the pitched section of the roof. They are considered to be proportionately spaced within the roof and are not considered to detract from the character of the host dwelling or wider streetscene to an unacceptable degree. Whilst it is acknowledged that front rooflights on ground floor front projections are not a prevalent feature within the immediate streetscene, No. 63a Grove Farm Park has rooflights within its main front roofslope, which sits on the opposite side of the highway to the application dwelling upon entry to the estate.
- 7.1.8 There are other examples of garage conversions within the streetscene and as such there is no in principle objection. The window whilst large, would remain set in from both flank walls and is considered to be proportionate and of a style that would match the existing fenestration. As such it is not considered that this would result in demonstrable harm to the character or appearance of the host dwelling or wider streetscene.
- 7.1.9 The bifold doors to the rear would not be visible from the streetscene and would reflect the existing doors within the rear elevation. As such it is not considered that this would result in any harm to the character of the dwelling or streetscene.
- 7.1.10 Comments raised by the Parish and neighbours are with regards to the increased hardstanding within the frontage are noted. Whilst the hardstanding would increase and therefore visually alter the appearance within the streetscene, it is considered that sufficient soft landscaping would be retained to the frontage and to the side of the dwelling such that this would not appear out of character. In addition, it is noted that there is a degree of variation with regards to the level of hardstanding to site frontages within Grove Farm Park with a number of properties having little to no soft landscaping including No's. 5 , 62 and 63 Grove Farm Park which sit opposite the site and would appear to have no soft landscaping within the frontage. Whilst officers acknowledge the prominent position of the application dwelling on a corner plot, the increase in hardstanding is not considered excessive when viewed in the context of adjacent properties and the level of soft landscaping that is being retained, particularly on the prominent corner position
- 7.1.11 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling or wider streetscene. 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).

## 7.2 Impact on amenity of 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 The proposed front extension would not project beyond the existing garage projection, nor would its height exceed the current ridge line of the garage and as such would be largely screened from view of the neighbour at No. 65 Grove Farm Park. Given the separation maintained and the set back from the front elevation it is not considered that this extension would result in demonstrable harm to the residential amenities of the occupiers of this neighbouring dwelling.
- 7.2.4 The dwelling is sited on a corner plot, and therefore is separated from The Bungalow, No. 5 and No. 63 Grove Farm Park by virtue of the highway. Given the separation maintained the front extension is not considered to result in any harm to the residential amenities of the occupiers of these neighbouring dwellings.
- 7.2.5 The new fenestration and main entrance door within the front extension would largely overlook the application sites frontage, it is acknowledged that there may be views beyond this towards No. 5 Grove Farm Park, however given the separation distance maintained it is not considered that this would give rise to additional overlooking of any neighbour beyond that of the existing ground floor fenestrations within the front elevation.
- 7.2.6 The proposed garage conversion would be facilitated by the removal of the garage door and its replacement with a window. As above, the window would largely overlook the applications site frontage, and by virtue of the separation from the highway it is not considered that this would result in unacceptable overlooking of any neighbour beyond that of the existing fenestration on the front elevation of the dwelling. Thus, it is not considered that the garage conversion would result in demonstrable harm to the residential amenities of the occupiers of any neighbouring dwelling.
- 7.2.7 The new bifold doors within the rear elevation would predominantly overlook the application sites rear amenity space and given the siting at ground floor are not considered to increase overlooking of any neighbour beyond that of the existing situation.
- 7.2.8 The alterations to the site frontage are not considered to result in any harm to the residential amenities of the occupiers of any neighbouring dwelling.
- 7.2.9 In summary, the proposed development would not result in any adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

### 7.3 Wildlife and Biodiversity

- 7.3.1 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.
- 7.3.2 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 LDD. 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.
- 7.3.3 The application is accompanied by a biodiversity checklist which 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 protected species within the immediate area that would necessitate further surveying work being undertaken.

#### 7.4 Mandatory 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 Trees and Landscaping

- 7.5.1 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.
- 7.5.2 The application site is not located within a Conservation Area and no trees would be affected as a result of the proposed development. Comments from the neighbours and the Parish are acknowledged with regards to the removal of a conifer and silver birch tree from the application sites frontage. These trees were not present at the time of the officer site visit having been removed prior to the submission of the application as they were not protected. In addition to the above, it is noted that there are a number of existing mature trees that remain in situ to the side of the dwelling along the public footway with the entrance to Grove Farm Park. Having considered the above, the proposal is considered acceptable in this regard.

#### 7.6 Rear 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 proposed development would not increase the number of bedrooms and as such there would be no additional requirement for rear amenity space. The existing amenity space would be retained, which is considered to be sufficient for a dwelling of this size. The proposal is therefore considered acceptable in this regard.

#### 7.7 Highways, Access and Parking

- 7.7.1 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.
- 7.7.2 The proposed development would not increase the number of bedrooms within the dwelling and as such there would be no additional requirement for off street parking provision. However, it is acknowledged that the conversion of the garage would result in the loss of existing off-street parking. As amended, the application is proposing a slight increase to the level of hardstanding within the site frontage to accommodate 3 spaces within the site frontage. It is understood that the dwelling is a four-bedroom dwelling which would require 3 assigned spaces within the dwelling's curtilage. The amended frontage layout has sufficient space to provide the policy compliant level of parking and as such the proposal is

considered acceptable in this regard. The extended parking area will be secured prior to occupation by way of a suitably worded condition to ensure that adequate provision is made for off street parking provision.

- 7.7.3 Comments from the Parish are noted. However, given that the site is capable of providing a policy compliant level of parking within the frontage it would not be reasonable to request that the garage be retained. The increased level of hardstanding is not considered excessive in the context of the application site as set out in an earlier section of this report and there are other examples within the streetscene of garage conversions.
- 7.7.4 Policy DM8 is also relevant and sets out that development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.
- 7.7.5 The proposed alterations to the site frontage would be laid to fall so that surface water falls within the site boundary. It is not clear whether the material would be permeable and as such this will be dealt with by way of a suitably worded condition.

## **8 Recommendation**

8.1 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: WREN NAJ 44 2024, WREN NAJ 44B 2024 REV B, TRDC01 (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, DM6, DM8 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 Prior to the conversion of the garage hereby permitted, the extended parking area as more particularly shown on plan number WREN NAJ 44B 2024 REV B shall be constructed in a permeable material in accordance with the approved plan. The parking provision shall be maintained in that condition thereafter.

Reason: In the interests of highway safety and to ensure sufficient onsite parking is provided in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM8, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives



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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. 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. 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 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 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- 15 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>.