

Reference No: 5/25/0183

Valid Date: 12/05/2025

End of Stat Period Date: 06/07/2025

Case Officer: William Durston

Report Written Date: 07/07/2025

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**Applicant:** Mr P Small

**Proposal:** Garage conversion to office and gym. Glazed gable to end wall of existing building and change of garage doors to glazed opening doors

**Site Address:** 1 Park Lane Colney Heath St Albans Hertfordshire

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**Ward:** Colney Heath

**Parish:** COLNEY HEATH

**Constraints:**

Source Protection Zones  
Sand & Gravel MSA  
Metropolitan Green Belt  
Met Office 2  
Met Office 1  
LEADS Ecology  
Gas Pipe  
Flood Plain Zone 3  
Flood Plain Zone 2  
BPA Pipe  
Area of Special Control for Ad  
Airport Safeguarding

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**BACKGROUND**

**Site / Surroundings:** No.1 is a two-storey detached dwelling situated on the south side of Park Lane. The dwelling benefits from an existing garage in the side garden. The property is situated within the Metropolitan Green Belt and partly within Flood Zones 1, 2 and 3.

**Proposal:** Garage conversion to office and gym. Glazed gable to end wall of existing building and change of garage doors to glazed opening doors

**Relevant Planning History:**

Application Site

**5/2024/2128** – Certificate of Lawfulness (Proposed) - Conversion of existing garage to gym and garden office (Certificate of Lawfulness refused 30/01/2025)

- *“A Certificate of Lawfulness (proposed) cannot be issued on the basis that the proposed outbuilding does not constitute permitted development by failing to comply with criteria E.1 (c) and (e) of Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended as a section of the outbuilding would be situated beyond the principal elevation of the original dwellinghouse and the height of the outbuilding would exceed 2.5m while being situated within 2m of the curtilage boundary”.*

**5/2003/1777** – Change of use of post office (Class A1) to single dwelling (Class C3) (approved 24/09/2003).

**5/2005/0748** – Second storey rear extension and roof alteration from hipped to gable end (conditionally approved 23/05/2005).

## **PLANNING POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

The development plan is the St Albans District Local Plan Review 1994.

The Local Plan was submitted, on 29th November 2024, to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Ministry of Housing, Communities and Local Government. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Local Plan generally has limited weight in decision making at this time. The emerging policies have been considered but have limited weight in relation to the assessment of this application.

The National Planning Policy Framework is also a material consideration.

Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

For decision-taking this means:

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

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

Paragraphs 231 and 232 of the NPPF reads as follows:

*The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made.*

*However, 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 closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*

The degree of consistency of the Local Plan policies with the framework will be referenced within the discussion section of the report where relevant.

### National Planning Policy Framework

#### St. Albans District Local Plan Review 1994:

POLICY 1

Metropolitan Green Belt

|           |   |
|-----------|---|
| POLICY 13 | Extension or Replacement of Dwellings in the Green Belt |
| POLICY 39 | Parking Standards, General Requirements                 |
| POLICY 40 | Residential Development Parking Standards               |
| POLICY 69 | General Design and Layout                               |
| POLICY 72 | Extensions in Residential Areas                         |
| POLICY 84 | Flooding and River Catchment Management                 |

Supplementary planning Guidance/Documents

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## REPRESENTATIONS

**Publicity:** 30/05/2025

**Expiry Date:** 22/06/2025

**Notifications:** Neighbour letters were sent to six addresses in accordance with the Council's published Statement of Community Involvement.

At the time of writing this report, no representations have been received.

**Town / Parish Council:** Colney Heath Parish Council were notified to the application. At the time of writing this report, no response has been received.

### Consultations:

British Pipeline Agency

*"The BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application".*

Hertfordshire County Council Highways

There are no proposed changes to highway access at the address. HCC Highways did not wish to restrict the granting of planning permission, subject to the inclusion of the appropriate highway informatives.

National Grid

*"There are no National Grid Electricity Transmission assets affected in this area".*

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## DISCUSSION

### Main Issues:

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| <p><b>Metropolitan Green Belt (Policy 1 (Metropolitan Green Belt) and 13 (Extension or Replacement of Dwellings in the Green Belt)):</b></p> |
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| <p>The site is situated within the Metropolitan Green Belt, wherein there is strict control of development in order to preserve the character and openness of this area.</p> |
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| <p>The proposal does not involve an increase in the floorspace or volume of the dwelling or its garage. The proposed changes would therefore not materially affect the openness of the Metropolitan Green Belt.</p> |
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| <p>The garage conversion is therefore considered appropriate development in the Green Belt and the scheme complies with Policy 1 (Metropolitan Green Belt) and Policy 13 (Extension or Replacement of Dwellings in the Green Belt) of the Local Plan.</p> |
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**Flood Risk (Policy 84 (Flooding and River Catchment Management)):**

The site of the existing garage is predominantly located within Flood Zone 2, with a small portion of its southern end (closest to the River Colne) located within Flood Zone 3. This application is accompanied by a Flood Risk Assessment prepared by Aegaea.

The FRA states that the proposed development could experience flood levels of 71.16m AOD (representing a flood of some 160mm at the southern end of the garage) during the 1 in 100 year flood event (also taking into account the effects of climate change). Given this, the risk of fluvial flooding is considered to be moderate.

The building would not be used as residential accommodation and the FRA also found that safe access and egress from the garage would be possible during the maximum flood level in the 1 in 100 year scenario, site drainage would be unchanged, the development would not increase possible floodwater displacement, there would be no increase in surface run-off generation and the development's impact on the hydraulic performance of the nearby river would be negligible.

Given these findings and taking into account the 'Less Vulnerable' classification of the proposed uses, it is considered that the proposal is acceptable in terms of potential flood risk and would comply with the aims of Policy 84.

**Principle of Development:**

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| Is the proposed development acceptable in principle? | Yes |
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**Character and Appearance: (Policy 69, Policy 72 and NPPF)**

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| Is the proposed development of an appropriate scale, character and appearance in relation to the original dwelling?   | Yes |
| Is the development appropriate to the original building in terms of the architectural style, roof form, windows, detailing and materials?   | Yes |
| Is there adequate space around the original building so as to not seriously diminish the private space, including car parking and garaging?   | Yes |
| Is there a harmful cumulative effect?   | No  |
| Is there 1m (or more) to the side boundary above ground floor level in areas where a cumulative effect would lead to terracing of detached or semi-detached houses?   | Yes |
| Is the impact on trees and landscaping satisfactory?  | Yes |
| <p>The garage is situated to the side of the main dwellinghouse, within the large garden of the site. It is obscured from public perspectives by the dwellinghouse and its neighbours. The garage is accessed via a driveway exiting onto Park Lane. The driveway benefits from a large electric gate, further obscuring the garage building.</p> <p>The existing garage is situated on a slope and constructed over two levels in brown wood cladding with a pitched tiled roof with solar panels on the roof slope facing the dwellinghouse and the southward facing wall.</p> <p>The proposed development would involve the addition of a glazed wall and gable-end to</p> |     |

the southward facing side of the structure, as well as new glazed openings on the side of the building facing the dwellinghouse – as well as the removal of all solar panels.

Given the remote nature of the structure and the nature of the proposed changes, the application is acceptable in design terms.

It is considered that the proposal would not adversely impact the visual amenity, character and street scene of the surrounding area and therefore is consistent with Policies 69 (General Design and Layout) and 72 (Extensions in Residential areas) of the St Albans District Local Plan Review 1994 and the NPPF.

| <b>Residential Amenity: (Policy 72 and NPPF)</b>  |     |
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| Does a single storey rear extension extend more than 3m along a party boundary?   | No  |
| Would the proposed development be in accordance with the 45/25 degree Building Research Establishment (BRE) guidance?   | Yes |
| Would the proposed development result in a loss of privacy to neighbouring residents?   | No  |
| Would the proposed development retain sufficient separation distance to developments at the rear of the site?   | Yes |
| Is sufficient garden space retained for the original dwelling?  | Yes |
| Overall, it is not considered that the light, privacy, or amenity of any neighbouring property will be unacceptably harmed by the proposed development. The proposal is therefore compliant with the aims of Policy 72 St Albans District Local Plan 1994 and the National Planning Policy Framework. |     |

| <b>Car Parking Provision and Highway Safety: (Policy 39, Policy 40 and Revised Parking Policies and Standards (2002))</b>   |     |
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| Is there sufficient off street parking to meet the parking demands associated with the proposed development?  | Yes |
| Would the proposed development result in any changes of access, or alteration to the public highway?  | No  |
| The dwelling would retain an acceptable amount of hardstanding on the large driveway leading from the existing garage.  |     |
| The proposal is considered to comply with the aims of Policy 39 (Parking Standards, General Requirements) and 40 (Residential Parking Standards) of the Local Plan. |     |

| <b>Biodiversity Net Gain:</b>   |
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| 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:<br>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and |

(b) the planning authority has approved the plan.  
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always 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 one or more of the statutory exemptions or transitional arrangements are considered to apply.

**Comment on Town / Parish Council / District Councillor / Concern(s):** n/a.

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## **REASONS FOR GRANT**

### **To include justification for recommendation and relevant development plan policies**

The proposed development is considered acceptable, as it is compatible with the style and form of the original building and with the scale and character of the street scene. The proposal would not result in a material increase in the size of the building and therefore, the proposal would be acceptable in Green Belt terms and would not affect the openness of the Green Belt. There will be no adverse impact on neighbouring properties and car parking requirements are adequate. The proposal will not result in increased flood risk. The proposal is in accordance with Policy 1 (Metropolitan Green Belt), Policy 13 (Extension or Replacement of Dwellings in The Green Belt), Policy 39 (Parking Standards, General Requirements), Policy 40 (Residential Development Parking Standards), Policy 69 (General Design and Layout), Policy 72 (Extensions in Residential Areas) and Policy 84 (Flooding and River Catchment Management) and Revised Parking Policies and Standards, January 2002 of the St. Albans District Local Plan Review 1994 and the NPPF 2024.

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## **EQUALITY AND HUMAN RIGHTS CONSIDERATIONS**

Consideration has been given to Articles 1, 6, 8, 9, 10 and 14 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.

The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

It is considered that the decision has had regard to this duty. The development would not conflict with either St Albans City and District Council's Equality Policy and would support the Council in meeting its statutory equality responsibilities.

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**RECOMMENDATION:** Conditional Permission      **Decision Code:** A1

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## **Conditions/Reasons**

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**

**Reason**

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

**Condition**

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1409-001 Rev. D, 1409-111 Rev. D and 1409-100 Rev. D.

**Reason**

For the avoidance of doubt and in the interests of proper planning.

**Condition**

3. The external surfaces of the development hereby permitted shall be constructed only of materials, the type and colour of which match exactly those of the existing building, unless otherwise stated on the approved plans or application form.

**Reason**

To ensure that the finished appearance of the building is satisfactory. To comply with Policies 69 and 72 of the St. Albans District Local Plan Review 1994.

**Biodiversity Gain Condition**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (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 St Albans City and District Council.

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

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 one or more of the statutory exemptions or transitional arrangements in the list below is/are 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

**Informative(s):**

1. This determination was based on the following drawings and information: 1409-001 Rev. D and 1409-100 Rev. D received 08/05/2025 and 1409-111 Rev. D and 1409-101 Rev. D received 09/05 and Flood Risk Assessment AEG7473\_AL4\_St Albans\_01 received 01/04/2025.

The Local Planning Authority has been positive and proactive in its consideration of this planning application. The development improves the economic, social and environmental conditions of the District.

The applicant is requested to ensure no damage is caused to the footpath and highway verge during the course of the development. Any damage should be repaired to the satisfaction of Hertfordshire Highways.

The applicant's attention is drawn to the Party Wall Etc. Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

The applicant is advised that this application was accompanied by a Certificate stating that the applicant was the owner of all the land shown within the application site and therefore, this decision notice is issued on the understanding that no part of the development extends beyond the curtilage of the application premises.

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

Remember - you are responsible for the legal and safe disposal of any waste associated with your project. In the event of your waste being fly tipped or otherwise disposed of illegally or irresponsibly, you could be held liable and face prosecution. If you give waste to anyone else ensure they are authorised to carry it. Ask for their carrier's authorisation. You can check online at <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers> or by telephone 03708 506 506.

When carrying out these works please give utmost consideration to the impact during construction on the environment, neighbours and the public. Think about using a company to carry out the works who are registered under the Considerate Constructors Scheme. This commits those registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300

1234047.

It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

## 2. Biodiversity Gain Informative

If permission is granted to proceed in phases:

If 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 (Phase Plans).

Irreplaceable habitat:

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.

The effect of section 73D of the Town and Country Planning Act 1990:

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the

earlier Biodiversity Gain Plan, and

ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition:

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or

(ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 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.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

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

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**PLAN NO'S:**

**LOCAL GOVERNMENT ( ACCESS TO INFORMATION ) ACT 1985**

**Officer** William Durston

**Section 65 Parties**

**Plans on website** [http://planning.stalbans.gov.uk/Planning/lq/GFPlanningSearch.page?org.apache.shale.dialog.DIALOG\\_NAME=gfplanningsearch&Param=lq.Planning](http://planning.stalbans.gov.uk/Planning/lq/GFPlanningSearch.page?org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&Param=lq.Planning)

**Author:** William Durston

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