

MINUTES
OF A MEETING OF THE
PLANNING COMMITTEE

held on 8 November 2022

Present:

Cllr L M N Morales (Chairman)
Cllr T Aziz (Vice-Chair)

Cllr J Brown	Cllr S M Oades
Cllr G T Cosnahan	Cllr T G Spenser
Cllr S Dorsett	Cllr M A Whitehand

Also Present: Councillors A Azad, K M Davis and G W Elson.

Absent: Councillors A J Boote and P J T Graves.

1. MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 18 October 2022 be approved and signed as a true and correct record.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor A Boote and P Graves.

3. DECLARATIONS OF INTEREST

No declarations of interest were received.

4. URGENT BUSINESS

There were no items of Urgent Business.

5. PLANNING AND ENFORCEMENT APPEALS

The Committee received a report on the planning appeals lodged and the appeal decisions.

RESOLVED

That the report be noted.

6. PLANNING APPLICATIONS

The Committee determined the following applications subject to the conditions, informatives, reasons for refusal or authorisation of enforcement action which appear in the published report to the Committee or as detailed in these minutes.

6a. 2022/0172 Warren Wood, Pyle Hill

[NOTE: The Planning Officer informed the Committee that an additional representation had been received from a local neighbour which reiterated support for the application. This did not change the Planning Officers view on the application.]

The Committee considered an application for the erection of a replacement two-storey dwelling plus basement level following demolition of existing dwelling.

Councillor A Azad, Ward Councillor, spoke in support of the application and disagreed with the Planning Officers conclusion that the proposal was materially larger than existing dwelling, caused harmful loss of openness to, and was inappropriate development in, the Green Belt. The Councillor asked that the Committee consider the floor area, volume and footprint of the proposed application and stated that the area calculations submitted in report were different from those submitted in the applicant's survey. Councillor A Azad suggested that the Planning Officer underestimated the existing building and exaggerated the proposed building. The applicant's figures suggested that would be a 31% increase in footprint, not 46% as stated in report. Councillor A Azad also queried why the precedence for refusal used by Planning Officer was based on a case in Dorset. Councillor A Azad felt that the openness of the Green Belt was preserved by the application, if not enhanced. The Councillor stated that the contemporary design was consistent with the context within the plot, it was an energy efficient/environmentally friendly property. Councillor A Azad thought that the inclusion of the basement accommodation did not contribute to bulk or massing and alleviated the need for further structures on the site whilst preserving the openness of the Green Belt.

The Planning Officer acknowledged that there was some difference between the calculations within the report and those of the applicant, which was not unusual with Green Belt applications. The applicant had not included the basement in their calculations and the Planning Officer had. The Planning Officer considered the basement to be very conspicuous due to the large ramp that accessed it and thought that it should therefore be included. The assessment of impact on the Green Belt was not a simply a volumetric exercise and as set out in the report, many factors considered together resulted in the Planning Officers conclusion that the application was materially larger than the existing dwelling and could cause harmful loss of openness and inappropriate development in Green Belt. With regards to the Dorset case cited in the report, the Planning Officer explained that this was considered a seminal piece of case law regarding Green Belt applications.

The Planning Officer stated that there had been no specific information submitted regarding the need for the batteries in the basement and he thought that this argument would have limited weight.

Some Members of the Committee raised questions about the definition of 'materially larger' and the percentage volume of the basement in relation to the whole development.

Following a further query regarding the basement the Planning Officer referred to paragraph 3 of the report which set out what the NPPF considered appropriate and inappropriate development. Along with the NPPF the LPA used their own Green Belt Policies Woking DMP DPD (2016) policy DM13 which stated that as a general rule a replacement building that was no more than 20-40% larger than the one it replaced it would not usually be considered to be disproportionate. The Planning Officer commented that he would agree with the points made by Members about the basement if it was not externally visible. There were appeal decisions that stated you should count subterranean volume of a basement when it was visible from the street scene. It was unusual to have a ramp coming down to the basement in a residential property.

Councillor S Dorsett commented that he thought that 'materially larger' was open to interpretation and thought there was some disagreement whether the percentage volume of the basement should be included in the calculations. Councillor S Dorsett proposed, and it was duly seconded by Councillor J Brown to approve the application based on it being appropriate development in the Green Belt as it was not materially larger than the original property and did not reduce the openness of the Green Belt.

Councillor G Cosnahan, Ward Councillor, commented that this was an interesting road with large houses that have architectural interest. This was a large plot that could accommodate the proposal and the only view was from the front, which in his opinion was an interesting architectural view. Thomas James commented that the size of the plot was irrelevant from a planning point of view in regard to the property replacement size.

Some Members thought that the design fit in well with the street scene, did not think the application was materially larger and did not affect the openness of the Green Belt. There was considerable support from neighbours for this application.

The Chairman asked the Planning Officer what their view would be if the basement calculation was removed from the volume calculation. The Planning Officer stated that their view would not be changed as they still considered the proposal to be materially larger than the existing property. If approved this would set a precedent.

In accordance with Standing Order 22.2, the Chairman deemed that a division should be taken on the motion above. The votes for and against approval of the application were recorded as follows.

In favour: Cllrs J Brown, G Cosnahan, S Dorsett, T Spenser and M Whitehand.

TOTAL: 5

Against: None

TOTAL: 0

Present but not voting: Cllrs T Aziz, S Oades and L M N Morales (Chairman)

TOTAL: 3

The application was therefore approved.

RESOLVED

That the Planning permission be GRANTED, with authority delegated to the Development Management to set the appropriate conditions.

6b. 2022/0343 Milestones, Pyrford Road

The Committee considered an application for the erection of a first-floor side extension and internal alterations.

Councillor G Elson, Ward Councillor, did not support the application and thought that it was in conflict with local policies and did not make a positive impact to the street scene. Concerns and objections had been raised by the residents in the neighbouring property Elm Cottage, Byfleet, West Byfleet and Pyrford Residents Association and Pyrford Neighbourhood Forum. Elm Cottage was a locally listed building and considered to be a heritage asset. Regarding the Outlook, Amenity and Privacy SPD, Councillor G Elson thought that there would be a detrimental effect to Elm Cottage due to a further loss of light as a result of the extension. Even though the 25-degree angle requirement had already been broken, that was not justification for a further breach. Councillor G Elson asked the Committee to consider the affect this application would have on the residents of Elm Cottage.

The Planning Officer commented that the window to the side of the room at Elm Cottage that would be affected by loss of light was the only window in the room, however the room was also served by glazed double doors that led to a glazed conservatory, that also provided light to the room. It is noted that the extension would have an impact, it would not impact the light received through the conservatory double doors.

Following a comment from Councillor G Elson regarding advice provided to the residents of Elm Cottage, the Planning Officer noted that the advice they provided to the resident was that it was their choice whether they got an independent sunlight and day light assessment carried out, however the Planning Officer would be carrying out their own assessment. They chose not to get an independent assessment and the results of the Planning Officer assessment was not what they had hoped for.

Following a question it was noted that the Conservation Officer was consulted on the application regarding the impact of the locally listed building and its setting, and they had raised no concern due to the generous plot of Elm Cottage.

A Member raised a concern about a previous application for the site that had been refused due to its impact on the next door locally listed building. The Planning Officer commented that all applications needed to be assessed on their own merit. Thomas James added that the previous application was for a new dwelling and was materially different from what was being considered by the Committee.

Councillor S Dorsett, Ward Councillor, had some concerns regarding the application and did not agree that even though the 25-degree angle had been previously breached that it was acceptable to make this worse. The Planning Officer confirmed that the 25-degree angle was already breached by the boundary treatment and the existing property.

Some Members thought that the increase in size for the property on this site had been done by stealth which was concerning.

Some Members thought that there was no reason to refuse this application and it was positive as there was a need for good quality HMOs in the area.

Following a request, Thomas James advised that an informative could be added to make the applicant aware that if they sought to increase the number of bedrooms then a new planning application would be required.

In accordance with Standing Order 22.2, the Chairman deemed that a division should be taken on the recommendation. The votes for and against approval of the application were recorded as follows.

In favour: Cllrs T Aziz, G Cosnahan, S Oades and T Spenser.

TOTAL: 4

Against: M Whitehand.

TOTAL: 1

Present but not voting: Cllrs J Brown, S Dorsett, and L M N Morales (Chairman)

TOTAL: 3

The application was therefore approved.

RESOLVED

That planning permission be GRANTED subject to conditions.

6c. 2022/0712 The Whins, Lawfords Hill Road

The Committee considered an application for erection of a detached outbuilding to frontage following demolition of the existing garage, car port and shed.

Councillor K Davis, Ward Councillor, asked the Committee to apply common sense to this application. The Councillor commented that the photos represented the existing car port accurately and he did not think that enclosing the structure would affect the openness off the Greenbelt and would not have a negative impact on it. The applicant wanted to improve the structure to accommodate an electric vehicle, which they could not do at the moment, so the application would have a positive environmental impact. The footprint of the application was almost identical to the current structures.

The Planning Officer commented that there were currently openings at the back and front of the existing structure, which you could see through, and by replacing and enclosing the structure the permeability would be lost. The replacement was bulkier due to the structure and inclusion of the roof. The Planning Officer acknowledged that there was no impact on neighbours and that they were only recommending refusal on the grounds that it would have a negative impact on the Green Belt.

Members commented that paragraph 149 of NPPF stated that replacement developments would be allowed in the Green Belt if not materially larger than the existing structure. They thought that this proposal was not materially larger, was for the same use as the existing building, was a similar footprint and preserved the openness of the Green Belt.

Councillor J Brown proposed, and it was duly seconded by Councillor G Cosnahan that the application be approved on the grounds that it was appropriate development and would not have a negative impact on the openness of the Green Belt.

In accordance with Standing Order 22.2, the Chairman deemed that a division should be taken on the motion above. The votes for and against approval of the application were recorded as follows.

In favour: Cllrs J Brown, G Cosnahan, S Dorsett, S Oades, T Spenser and M Whitehand.

TOTAL: 6

Against: None.

TOTAL: 0

Present but not voting: Cllrs T Aziz and L M N Morales (Chairman)

TOTAL: 2

The application was therefore approved.

RESOLVED

That the Planning permission be GRANTED, with authority delegated to the Development Management to set the appropriate conditions.

The meeting commenced at 7.00 pm
and ended at 8.45 pm

Chairman: _____

Date: _____