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TO THE CHAIRMAN AND MEMBERS OF THE **PLANNING COMMITTEE**

You are hereby summoned to attend a meeting of the Planning Committee to be held on Tuesday, 12 December 2023 at 7.00 pm in the Council Chamber - Civic Offices.

The agenda for the meeting is set out below.

JULIE FISHER
Chief Executive

NOTE: Filming Council Meetings

Please note the meeting will be filmed and will be broadcast live and subsequently as an archive on the Council's website (www.woking.gov.uk). The images and sound recording will also be used for training purposes within the Council. Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed.

AGENDA

PART I - PRESS AND PUBLIC PRESENT

1. Apologies for Absence
2. Declarations of Interest
 - (i) To receive declarations of disclosable pecuniary and other interests from Members in respect of any item to be considered at the meeting.
 - (ii) In accordance with the Officer Procedure Rules, any Officer who is a Council-appointed Director of a Thameswey Group company will declare an interest in any item involving that Thameswey Group company. The interest will not prevent the Officer from advising the Committee on that item.
3. Urgent Business

To consider any business that the Chairman rules may be dealt with under Section 100B(4) of the Local Government Act 1972.
4. Minutes (Pages 3 - 10)

To approve the minutes of the meeting of the Planning Committee held on 7 November 2023 as published.

Matters for Determination
5. Planning and Enforcement Appeals (Pages 11 - 12)

6. Planning Applications (Pages 13 - 16)

Section A - Applications for Public Speaking

6a. 2023/0779 Qaro, Pyford Heath, Pyford (Pages 19 - 36)

Section B - Application reports to be introduced by Officers

6b. 2023/0500 26 Eve Road, Woking (Pages 39 - 54)

6c. 2022/0349 2 Eastgate Cottages, Heath House Road, Woking (Pages 55 - 64)

6d. 2023/0599 13 Petersham Avenue, West Byfleet (Pages 65 - 74)

6e. TPO/0017/2023 Land adjacent to Hertford Park (Pages 75 - 90)

6f. TPO/0018/2023 Land at Midhope Close, Woking (Pages 91 - 106)

Section C - Application Reports not to be introduced by officers unless requested by a Member of the Committee

6g. ENF/2018/00108 Land to the South of Brookwood Lye Road (Pages 109 - 116)

AGENDA ENDS

Date Published - 4 December 2023

For further information regarding this agenda and arrangements for the meeting, please contact Becky Capon on 01483 743011 or email becky.capon@woking.gov.uk



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MINUTES
OF A MEETING OF THE
PLANNING COMMITTEE

held on 7 November 2023

Present:

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

Cllr G Cosnahan	Cllr C Martin
Cllr S Dorsett	Cllr S Mukherjee
Cllr S Greentree	Cllr S Oades
Cllr D Jordan	Cllr T Spenser

Also Present: Councillors A Javaid, I Johnson, L Lyons and E Nicholson.

1. APOLOGIES FOR ABSENCE

No apologies for absence were received.

2. DECLARATIONS OF INTEREST

In accordance with the Members' Code of Conduct, Councillor G Cosnahan declared a non-pecuniary interest in minute item 6b. 2023/0505 Woking Community Hospital, Woking – arising from the Councillors' spouse being a Senior Manager and Nurse for the Inpatients Department of St Peters Hospital. As this role was within the same NHS trust, but not the same hospital, as the application site, the Councillor did not have a disclosable pecuniary interest. The interest was such that speaking and voting were permissible.

3. URGENT BUSINESS

There were no items of Urgent Business.

4. MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 5 September 2023 be approved and signed as a true and correct record.

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. 2023/0645 3-12 High Street, Woking

[NOTE 1: The Planning Officer advised the Committee that a written update had been circulated earlier in the day which updated representations received, Section 106 Legal agreement requirements and some of the proposed planning conditions.]

[NOTE 2: That there were no registered public speakers for this item.]

The Committee considered an application for the partial demolition of 3-5 High Street, demolition and reinstatement of facade of 6-7 High Street, demolition of 8-12 High Street and redevelopment of the site to create a shared living building (sui generis use) which ranges in height from two and three storeys (plus basement), to eight and nine storeys (plus basement), to fourteen to seventeen storeys (plus basement), including commercial floorspace [Use Class E], plant, refuse, bicycle store and associated highway works, including alterations to rear service access (Environmental Statement submitted).

Councillor A Javaid, Ward Councillor, spoke in support of the application and thought that to approve it would be in the best interests of Woking. The application promised to deliver a scheme that had exceptional architecture and harmonised with the town. The design and planning of the potential 'The Lighthouse' space had ensured that it aligned with the requirements of the Charity. The applicant was also actively collaborating with The Lighthouse to find alternative premises during the development phase. Councillor A Javaid went on to say that she thought this was an innovative living development which gave flexibility to single households and would allow young people to live in the town centre. Councillor A Javaid supported the application and thought that the Borough should be prioritising applications such as this.

Following a question, the Planning Officer confirmed that the average size of the units was 18sq.m. and the accessible units were between 27-32 sq.m. These were not intended to be self-contained dwellings.

Following a question about the height of the building on a fairly narrow street, the Planning Officer confirmed that the applicant had tested the height of the building on the surrounding area with verified views and that there was differences in the height at different points due to the stepped nature of the building. The Planning Officer confirmed that they were satisfied that the level of harm to the conservation area was at the lower end of less than substantial. Some Members commented that this building would actually create a more natural town scape in regard to the height of surrounding buildings.

The Chairman commented that there was twenty seven proposed accessible rooms, yet only three disabled parking spaces. It was also questioned whether accessible rooms would ever be rented to a tenant that was not disabled. The Planning Officer commented that this would depend entirely on the demand for the accessible rooms from disabled tenants. From a follow up question, the Planning Officer confirmed that they would expect 10% of the 'affordable' room provision to be accessible, meaning that of the 33 no. affordable units, 3 no. units should be the larger, accessible units.

The Committee were pleased that the application would offer 10% affordable home provision.

Some concerns had been raised around cycle storage from Active Travel England and the applicant had responded to these concerns. Since then, the Planning Officer had not received any further comments from Active Travel England. The assessment for cycle parking was as per the report, but a suggested amended condition 11 had been included in the written update. The Committee were supportive of the amended condition 11 as detailed on the written update.

Following a question about the communal amenity space, the Planning Officer explained that co-living was not directly addressed in the Council's planning policy, or SPD, at the moment, so specific ratios of living space against co-living units was not specified. It is residential and the principle of use was considered acceptable. This would be one of the first co-living developments in the Borough. There was some concern from the Committee regarding this point and they raised questions about what would happen with the development if the co-living 'experiment' did not work. It was noted this was not a planning issue and the building was not Council owned so it had no relevance to the decision. Beverley Kuchar, Interim Strategic Director – Place, commented that co-living was not a new concept and that there were many products like this in London. This was seen as an increasingly important part of accommodation provision, particularly when it was close to public transport provision. This was new to Woking and was becoming increasingly popular.

Some Members commented that they could see the positives in the application and that the site was one that had been identified for redevelopment, and therefore needed to be regenerated. They were pleased at how the heritage of the site had been protected in the design of the application. Some Councillors commented that they were slightly conflicted on some elements, but nothing that the application could be refused on.

The Committee were pleased with the written update provided on condition 11, regarding cycle provision. There was concern that there was no provision for car parking, as although there was an expectation residents would not be driving due to the proximity of the site to the train station, there would still be a large number of car owners.

Some Councillors thought that the provision of amenities in the application was unacceptable and had worked out that the kitchen facilities provided one cooking station per sixteen residents. Some members of the Committee thought that as there were no specific policies on co-living, this application had tried to avoid current policy, and was not sure it was value for money for potential residents. Further comments were made regarding the actual benefit this would serve to young people as it was thought the proposed rent was still too expensive and it was suggested it was a glorified HMO (house of multiple occupation).

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 Dorsett, S Greentree, C Martin and S Mukherjee.

TOTAL: 6

Against: Cllrs D Jordan, S Oades and T Spenser.

TOTAL: 3

Present but not voting: Cllr L Morales (Chairman)

TOTAL: 1

The application was therefore approved.

RESOLVED That planning permission be GRANTED subject to:

- i) The prior completion of a Section 106 Legal Agreement to secure the requirements as set out at the conclusion of the report (and amended by way of written update);
- ii) Completion of an Appropriate Assessment, supported by Natural England; and
- iii) Planning conditions set out at the end of the report (and amended by way of written update).

The Planning Committee also authorised the Development Manager (or their authorised deputies) to take all necessary action(s) in connection with points 1-3 above.

6b. 2023/0505 Woking Community Hospital

[NOTE: In accordance with the procedure for public speaking at Planning Committee, Mrs Helen Archer attended the meeting and spoke in objection to the application and Mr Jack Wagstaff spoke in support.]

The Committee considered an application for an extension to Woking Community Hospital to create a new diagnostic centre and associated alterations to car park (amended plans).

Councillor L Lyons, Ward Councillor, spoke on the application and explained that himself, Councillor I Johnson and Councillor E Nicholson had referred it to the Committee for consideration. The Councillors had been contacted by residents about the loss of privacy the removal of the trees would create and Councillor L Lyons thought it important that deliberation on the item took place in public. He commented that most residents were supportive of the hospital expanding and enhancing the services offered, however the loss of trees on the western boundary was the contentious point; these trees formed a natural barrier between the hospital site and the flats at St Andrews Gate. Councillor L Lyons thought that if this point could be addressed then the residents would be broadly happy with the application.

Some Members of the Committee queried whether the proximity of Heathside Crescent car park meant that this hospital car park expansion was unnecessary. The Planning Officer advised that the application must be considered in the form as put forward.

The applicant had suggested that they would be happy to submit a full planting plan before the start of the development. The Committee thought this was a good idea and asked that an additional condition be added regarding landscaping details on south west boundary, which was to be submitted before the development commenced.

RESOLVED

That planning permission be GRANTED subject to an additional condition be added regarding landscaping details on south west boundary.

6c. TPO/0013/2023 Land rear of 1 Nethercote Avenue

The Committee considered a recommendation that a Tree Preservation Order be confirmed following the receipt of one letter of objection to the making of the Order. The Tree Preservation Order protects two Oak trees on land to the rear of 1 Nethercote Avenue, Woking, Surrey, GU21 3JZ.

RESOLVED

That Tree Preservation Order Ref. TPO/0013/2023 be confirmed without modification.

7. PUBLIC PARTICIPATION AT PLANNING COMMITTEE

The Borough Council's arrangements for public participation at meetings of the Planning Committee had been reviewed with the purpose of allowing supporters and objectors equal opportunity to speak at the Committee meetings. The existing arrangements required 10 letters of objection before public speaking on an application was allowed. Under the proposals, this would change to a minimum of five representations, regardless of whether they supported or objected to an application.

The proposed amendments had been considered by the Corporate Governance Working Group and the Overview and Scrutiny Committee and were before the Planning Committee to consider the proposed changes.

The Chairman flagged up an error in the text of the report, and asked that the word 'supporter' be added consistently throughout. The Chairman noted this was missing from point 4.4 and 4.5, and asked Officers to thoroughly check the remainder of the document.

Following a suggestion by the Chairman to remove point 4.12, which stated the right to speak would only be exercised at the first meeting, it was agreed that point 4.13 would actually cover any need for public speaking to be allowed a second time on an application. The Committee agreed that very few applications came back in their original form and point 4.13 would allow public speaking for a second time if it was necessary.

The Committee asked that the wording in the Constitution make it clear that an objector or supporter could only speak if it was contrary to the Planning Officers recommendation. Under point 1.2 it was suggested it be re-worded to read "The number of objectors or supporters required, in contrary to the Officers recommendation, before a planning application qualifies for public speaking at the Planning Committee is five (5)."

It was clarified that details regarding the receipt of petitions had not been deleted, but had been expanded under point 2.41.

Councillor L Lyons, Planning Portfolio Holder, commented that the Planning Committee needed to be more accessible and commended all the work that had been done to update the Public Speaking at Planning Committee section of the Constitution. He cautioned making any changes that would see an increase in applications coming to the Committee for determination. There would be huge staffing changes at Woking Borough Council, and

a lowering of service would need to be accepted. Councillor L Lyons also cautioned against a policy that allowed a member of the public to speak in support of an application, in addition to the applicant.

The Chairman commented that her understanding was that if the text 'contrary to the Officers recommendation' was added, this would mean that a supporter or the applicant could speak, not both. The current policy meant that public speaking was not allowed from the applicant/supporter if there was no one registered in objection, the new proposal would solve this. Thomas James, Development Manager, suggested that to address Councillor L Lyons concerns, he could change the wording in point 3.9 to state "Only one representor of the objectors or supporters/applicant would be allowed to make an oral presentation". Mr James said that this would make it clear only one person could speak and he would also check whether there was reference elsewhere in the section where this would need to be added.

Following a question from the Committee, it was confirmed that if approved by Council in November, the changes would come into effect shortly afterwards.

RECOMMEND TO THE STANDARDS AND AUDIT COMMITTEE for recommendation there on to Council That

- (i) the amended Public Participation at Planning Committee section of the Constitution (Appendix 2 to the report) be adopted, subject to the following changes;
 - a) Any reference to 'objector' must be consistent with also reference to 'supporter' in the Public Speaking at Planning Committee section of the Constitution;
 - b) Point 1.2 be re-worded to read "The number of objectors or supporters required, *in contrary to the Officers recommendation*, before a planning application qualifies for public speaking at the Planning Committee is five (5)."
 - c) Amend point 3.9 and any other reference to read "Only one representor of the objectors or supporters/*applicant* will be allowed to make an oral representation."
- (ii) authority already delegated to the Monitoring Officer to make minor amendments to the Constitution, including amendments to references within the document and section numbering, be noted; and
- (iii) the Monitoring Officer be instructed to make the agreed changes to the Constitution.

The meeting commenced at 7.00 pm
and ended at 9.30 pm

Chairman: _____

Date: _____

PLANNING COMMITTEE – 12 DECEMBER 2023

PLANNING AND ENFORCEMENT APPEALS

The Committee is requested to:

RESOLVE:

That the report be noted.

The Committee has authority to determine the above recommendation.

Background Papers:

Planning Inspectorate Reports

Reporting Person:

Thomas James, Development Manager.

APPEALS LODGED

2023/0011

Application for erection of 2 x semi-detached and 1x detached dwelling and associated hard and soft landscaping following the demolition of the existing dwelling at Little Oaks, Jackmans Lane, St Johns, Woking, GU21 7RL.

Refused by Planning Committee
28 February 2023.
Appeal Lodged
7 November 2023.

2023/0135

Application for erection of a first-floor side extension with carport below at Green Edge Pyrford Road, Woking, GU22 8UQ.

Refused by Delegated Authority
2 November 2023.
Appeal Lodged
21 November 2023.

2022/1149

Application for erection of a garden storage building and car port Barnaby House Roundbridge Park, Old Woking Road, Woking, GU22 8JH.

Refused by Delegated Authority
6 July 2023.
Appeal Lodged
23 November 2023.

2023/0506

Application for erection of a two storey front and side extension, roof alterations to create new pitched roof and rear dormer. Insertion of 2No front rooflights and 2No rear rooflights at 148 Goldsworth Road, Woking, GU21 6NE.

Refused by Delegated Authority
8 September 2023.
Appeal Lodged
27 November 2023.

APPEALS DECISION

2022/0712

Application for the erection of a detached outbuilding to frontage following demolition of existing garage, car port and shed at The Whins, Lawfords Hill Road, Worplesdon Guildford, GU3 3QB.

Refused by Planning Committee
8 November 2022.
Appeal Lodged
4 May 2023.
Appeal Allowed
16 November 2023.

PLANNING COMMITTEE AGENDA

PLANNING APPLICATIONS AS AT 12 DECEMBER 2023

This report contains applications which either fall outside the existing scheme of delegated powers or which have been brought to the Committee at the request of a Member or Members in accordance with the agreed procedure (M10/TP 7.4.92/749). These applications are for determination by the Committee.

This report is divided into three sections. The applications contained in Sections A & B will be individually introduced in accordance with the established practice. Applications in Section C will be taken in order but will not be the subject of an Officer's presentation unless requested by any Member.

The committee has the authority to determine the recommendations contained within the following reports.

Key to Ward Codes:

BWB = Byfleet and West Byfleet
GP = Goldsworth Park
HO = Horsell
KNA = Knaphill
PY = Pyrford

C = Canalside
HE = Heathlands
HV = Hoe Valley
MH = Mount Hermon
SJS = St. Johns

Applications: 7

Item: 6A
Case ref: PLAN/2023/0779
Recommendation: Permit
Ward: Pyrford
Address: Qaro, Pyrford Heath, Pyrford, Woking, Surrey, GU22 8SR

Item: 6B
Case ref: PLAN/2023/0500
Recommendation: Refuse
Ward: Canalside
Address: 26 Eve Road, Woking, Surrey, GU21 5JT

Item: 6C
Case ref: PLAN/2022/0349
Recommendation: Permit
Ward: Heathlands
Address: 2 Eastgate Cottages, Heath House Road, Woking, Surrey, GU22 0RD

Item: 6D
Case ref: PLAN/2023/0599
Recommendation: Permit
Ward: Byfleet And West Byfleet
Address: 13 Petersham Avenue, Byfleet, West Byfleet, Surrey, KT14 7HU

Item: 6E
Case ref: TPO/0017/2023
Recommendation: Confirm
Ward: Heathlands
Address: Land adj. Hertford Park

Item: 6F
Case ref: TPO/0018/2023
Recommendation: Confirm
Ward: Mount Hermon
Address: Land at Midhope Close



Item:	6G
Case ref:	ENF/2018/00108
Recommendation:	Enforce
Ward:	Heathlands
Address:	Land to the South of Brookwood Lye Road

Section A A - A

Section B B - F

Section C G

SECTION A

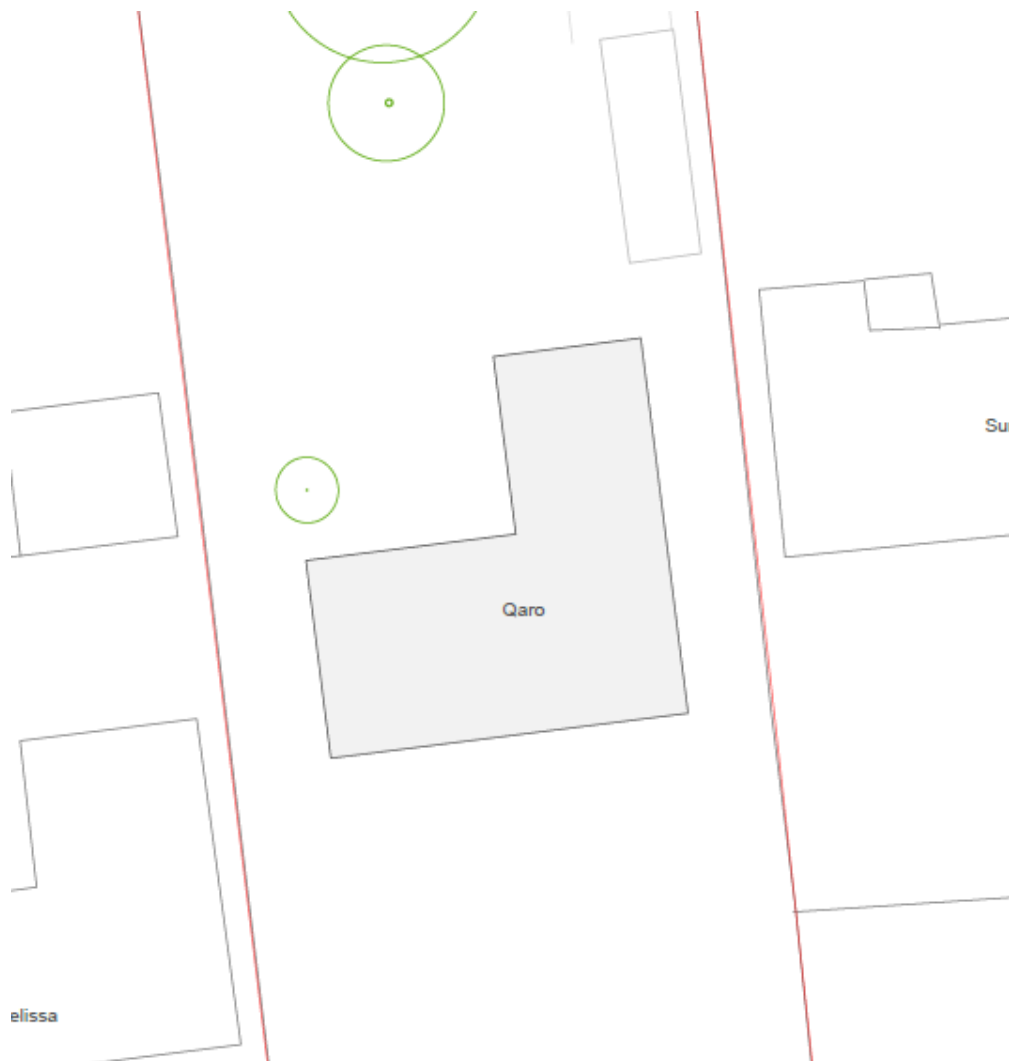
**APPLICATIONS ON WHICH
PUBLIC ARE ELIGIBLE
TO SPEAK**

(Note: Ordnance Survey Extracts appended to the reports are for locational purposes only and may not include all current developments either major or minor within the site or the area generally)

Qaro, Pyrford Heath, Pyrford

PLAN/2023/0779

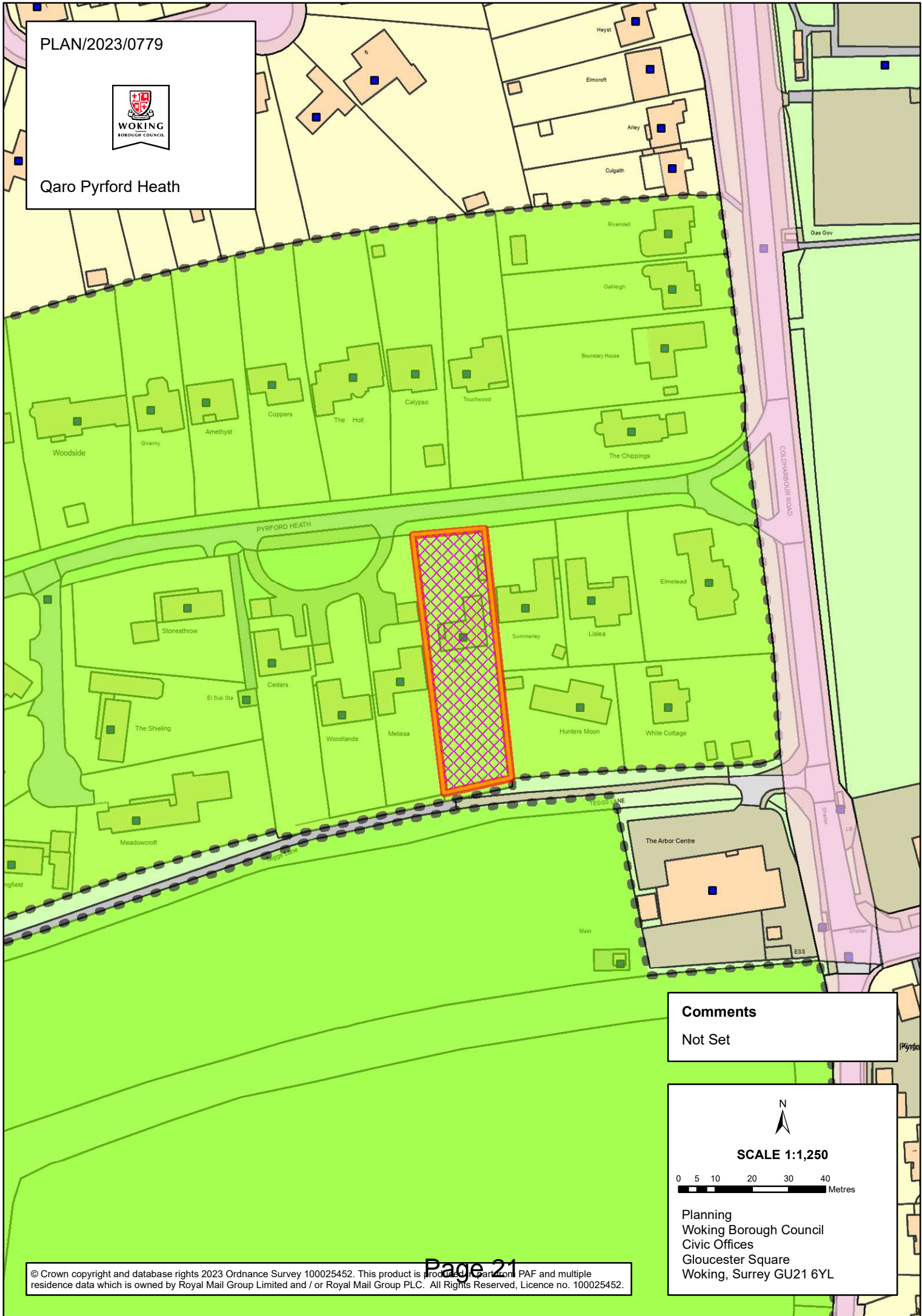
Enlargement of a dwellinghouse by construction of an additional storey and alterations to fenestration.



PLAN/2023/0779



Qaro Pyrford Heath



Comments
Not Set

N
SCALE 1:1,250
0 5 10 20 30 40 Metres

Planning
Woking Borough Council
Civic Offices
Gloucester Square
Woking, Surrey GU21 6YL

12th DECEMBER 2023 PLANNING COMMITTEE

6a PLAN/2023/0779

WARD: Pyrford

LOCATION: Qaro, Pyrford Heath, Pyrford, Woking, Surrey, GU22 8SR

PROPOSAL: Enlargement of a dwellinghouse by construction of an additional storey and alterations to fenestration.

APPLICANT: Norman Alongi

OFFICER: Josey Short

REASON FOR REFERRAL TO COMMITTEE

The application was called to the Committee by Cllr Graves if officers were minded to approve due to the visual impact and impact on neighbouring amenity. Though it is noted other reasons were given, these do not form planning reasons.

PROPOSED DEVELOPMENT

The application seeks planning permission for the proposed enlargement of a dwellinghouse by construction of an additional storey and alterations to fenestration.

The resultant dwelling would have an eaves height of 5.15 metres and a ridge height of 8.2 metres. The resultant dwelling would maintain the same roof form as the existing dwelling, albeit raised by one storey. The resultant dwelling would encompass new windows within the first-floor level to serve the rooms created. The alterations to the dwellings fenestration would also include the replacement and repositioning of 1 x ground floor window on the north elevation, the replacement of 2 x ground floor windows with doors on the south elevation, the replacement of 2 x ground floor windows with a window and door and with a window on the east side elevation and the insertion of 1 x new ground floor window on the east elevation and the insertion of 2 x window panels either side of the entrance door on the west elevation.

The application follows the approval of prior approval application PLAN/2020/0894 at the application site, making amendments to the fenestration arrangements at both ground and first floor.

PLANNING STATUS

- Pyrford Neighbourhood Area
- TBH SPA Zone B (400m-5km)
- TPO Polygons
- Urban Areas

RECOMMENDATION

GRANT planning permission.

SITE DESCRIPTION

The application site is located on the south side of Pyrford Heath within the developed area of Pyrford. The site comprises a detached bungalow. The street scene of Pyrford Heath is

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characterised by detached dwellings of varying styles and finishes. The host dwelling is one of a row of 6 bungalows on the south side of Pyrford Heath.

PLANNING HISTORY

PLAN/2020/0894 - *Prior notification for enlargement of a dwellinghouse by construction of an additional storey, with proposed ridge height of 8.2m (amended description to include height)*
– Prior Approval Approved – 05.03.2021

PLAN/2021/0673 - *Erection of detached garage and hardstanding, following demolition of existing detached garage*
Permitted – 26.08.2021 – *not yet commenced*

PLAN/2022/0699 - *Prior notification for a single storey rear extension to extend a maximum depth of 7.6m, maximum height of 4m and a maximum height of eaves of 3.3m*
GPD Extension Approved – 13.09.2022 – *not yet commenced*

AMEND/2022/0049 - *Non Material Amendment to PLAN/2020/0894 for Prior notification for enlargement of a dwellinghouse by construction of an additional storey, with proposed ridge height of 8.2m (amended description to include height)*
Refused – 07.12.2022

PLAN/2023/0033 - *Construction of an additional storey and associated hipped roof and the installation of external insulation, increase in height of ridge, changes to external materials, changes to fenestration, front porch addition and installation of solar panels*
Refused – 23.05.2023 – Appeal in progress

CONSULTATIONS

SCC Highways – (dated 26.09.2023) The application site is accessed via Pyrford Heath, which is a private road and does not form part of the public highway, therefore it falls outside The County Highway authorities jurisdiction. The County Highway Authority has considered the wider impact of the proposed development and considered that it would not have a material impact on the safety and operations of the adjoining public highway.

WBC Arboriculturist – (received 06.10.2023) -A tree protection plan will be required prior to any works on site, the Plan should be produced in line with BS5837 and provided by a suitably qualified and experienced arboricultural consultant. The plan should include Tree Survey details.

Pyrford Neighbourhood Forum – (received 12.10.2023) this is now the sixth planning application for this property in the last 30 months. The immediate previous application (PLAN/2023/0033) was refused and is now under appeal (APP/A3655/D/3323277) which makes the timing of this application unusual. Although the scheme has been altered, it is considered that the previous grounds for objection remain relevant as well as the reasons for refusal of application PLAN/2023/0033. The previous objections which remain relevant are as follows:-

- 1) Policies BE1 and BE3 of the Pyrford Neighbourhood Plan. The proposal will result in a building that is inappropriate for neighbouring properties and will therefore be in conflict with the immediate street scene. Though the works would not be a new development, they would not meet the privacy and amenity of neighbouring properties or blend into and not appear incongruous with its surroundings, in line with policy BE3.
- 2) Policies CS11, CS21 and CS24 of the Core Strategy – the works would result in the loss of a bungalow which are in short supply and thus would not meet local needs. The

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application fails to meet the requirements of CS21 due to the resultant relationship with neighbouring dwellings. The creation of a 2 storey dwelling amidst bungalow would not respect the town or streetscape.

- 3) Design Standard SPD – the application will impact adversely on the amenities and privacy of neighbouring properties and would also compromise the rhythm and the street scene.
- 4) Outlook, amenity, privacy and Daylight SPD – the works would lead to overlooking from the proposed windows and a loss of privacy. The additional height would block sunlight to neighbouring gardens resulting in overshadowing and a loss of light.
- 5) NPPF – the application would conflict with the prevailing character of the immediate area.
- 6) Other matters – The application does not contain a Design Statement and does not include any measurements.

REPRESENTATIONS

Twelve (12) letters of objection were received from seven (8) neighbouring dwellings. It is noted that two (2) of these letters did not include an address and one (1) was from the Byfleet, West Byfleet and Pyrford Residents' Association. The letters raise concerns for:-

Visual impact

- The proposed development would be of a contemporary style and is not in keeping with the character of the existing dwelling or the neighbouring properties and thus would impact on the visual amenity of the location and would be detrimental to the street scene.
- The site falls within the Ridgeway and Pyrford Heath sub character area of the Urban Area of Special Residential character (UASRC) and thus the character of the area should be maintained and proposals should be of the highest standard.
- The contemporary 2 storey building would be out of keeping with Pyrford Heaths character
- Qaro is one of a set of bungalows and the set should be maintained to remain in keeping with the street scene.

Please see Impact on Visual Amenity section of report for the assessment of the above points.

Neighbour impact

- The proposal would appear overbearing and dominating considering its positioning in the middle of a row of detached bungalows and would impact the natural light of the neighbouring properties.
- The first floor windows in the side and rear elevations would overlook neighbouring bungalows.
- The latest submission does not address the objections raised by many residents

Please see Impact on Neighbouring Amenity section of report for the assessment of points 1 and 2. In relation to point 3, it is advised that only planning considerations are assessed and thus there is no obligation on an applicant or agent to address all comments raised by neighbouring residents. Irrespective of this, it is noted that all neighbouring comments are addressed and planning considerations taken into account in the assessment of the application.

Parking and Highways

- The plans do not include a garage and thus there is no provision for how parking will be accommodated on the plot of the property
- Plans do not include provisions to reinstate the verge outside the property to be consistent with all other properties on the road.

Please see Highways and Parking section of this report for the assessment of the above.

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Planning History

- The guidance provided by planning officers for application PLAN/2020/0894 no longer applies as a similar application at the site was rejected this year and therefore the prior notification is invalid.

This is incorrect. All applications are assessed on their individual merit and the reasons for the refusal of application PLAN/2023/0033 are detailed within the delegated report. Prior approval PLAN/2020/0894 is still very much valid and forms a material planning consideration in the assessment of this application, alongside all other relevant planning history.

- Planning permission for a two storey dwelling was previously granted at the site however this was not built out due to a covenant held.

Legal covenants would not form a material planning consideration in the assessment of the application.

- There is a current appeal pending for the decision of application PLAN/2023/0033. Why has a new application been placed when a final decision on the previous application has not yet been made?

Planning appeals are assessed and decided by the Planning Inspectorate, which is an executive agency of the Department of Levelling Up, Housing and Communities. The Planning Inspectorate are therefore a third party to the local planning authority and the applicant in the appeal process. The appeal process does not restrict the submission of new applications whilst appeals are pending. As such, in this instance, the decision of application PLAN/2023/0033 and the reasons for this would be a material planning consideration in the assessment of the application, as the appeal has not yet been decided to state otherwise.

Housing Need

- The forum identifies a large population of over-55 category living in Pyrford. It is essential that bungalows are maintained in order for lifelong residents to be able to downsize and remain living in the village. Pyrford Heath needs a mixture of housing and it is important to retain the bungalow as a single storey dwelling. This makes it more difficult for elderly people to find accommodation in the locality.

See Other Material Considerations section of report.

Other Matters

- Planning permission would set a precedent for any of the 7 bungalows to request planning permission for a 2 storey dwelling. The increased in height could also allow for a loft conversion which would result in a 3 storey dwelling amongst bungalow

All applications are assessed on their individual merit and thus this would not form a planning consideration in the assessment of the application. Similarly, the assessment of this application is based on the development proposed and not future developments which may or may not materialise.

- There are no measurements included in the plans and thus clarification is required.

The drawings submitted in support of the application are to scale and therefore, the applicant/agent is not required to include annotated dimensions. It is noted that the plans can be measured on the councils website using the measuring tool.

- The site owner has made a number of planning applications and there has been no material change in circumstances since the last refusal.

Whilst the planning history itself forms a material consideration in the assessment of an application, the number of applications submitted in a certain time frame does not.

- Lislea was not included within the neighbour notification list despite close proximity to site

This neighbouring dwelling is not directly adjacent to the application site and therefore was not directly notified of the application in line with the legislation for the notifying neighbouring dwellings. None the less, the application was included on the councils weekly list online, which

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is publicly available, and comments from all neighbours are taken into account in the assessment of the application.

Three (3) letters of support were received from neighbouring areas of Woking.

RELEVANT PLANNING POLICY

National Planning Policy Framework (NPPF) (2023):

Section 2 – Achieving sustainable development

Section 4 – Decision making

Section 12 – Achieving well-designed places

Woking Core Strategy (2012)

CS8 – Thames Basin Heath Special Protection Area

CS21 - Design

CS24 – Woking's Landscape and Townscape

Development Management Policies DPD (2015):

DM2 – Trees and Landscaping

DM7 - Noise and Light Pollution

Pyrford Neighbourhood Plan (2017)

BE1 – Maintaining the character of the Village

BE2 – Parking Provision

BE3 – Spatial character

OS5 – Trees

Supplementary Planning Documents (SPDs):

Parking Standards (2018)

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2022)

Supplementary Planning Guidance (SPGs)

Urban Areas of Special Residential Character (2000)

(The Council produced a number of Supplementary Planning Guidance documents (SPGs) to amplify the policies of the Local Plan 1999. Although the Core Strategy and Development Management Policies DPD policies have now superseded the policies of the Local Plan 1999, some of the SPGs remain relevant and retain a degree of weight in decision making.)

PLANNING ISSUES

1. The main considerations within the determination of this application comprise the impact on character of the area, impact on neighbouring amenity, impact on private amenity space, impact on highways and parking, impact on trees and local finance considerations and other material considerations.

Impact on Character of the Area

2. The National Planning Policy Framework (2023) sets out that one of the fundamental functions of the planning and development process is to achieve the creation of high-quality buildings and places and that good design is a key aspect of sustainable development. Paragraph 124(d) of the NPPF (2021) supports development that makes efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and

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change. Section 12 (Achieving well designed places) of the NPPF (2023) states *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

3. Policy CS21 of the Core Strategy (2012) states *“Proposals for new development should...respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.”*
4. Policy BE1 of the Pyrford Neighbourhood Plan (2017) states;- *“To maintain the character of the area, all new developments should: be designed to a high quality and ensure that the specific context of the site and the wider character of the street scene are fully taken into account in relation to scale, appearance and materials.”* Policy BE3 requires all development to respect *“local character and appearance”*. Map 3 of the Pyrford Neighbourhood Plan (2017) identifies that the application site falls in character area 1 which is characterised by larger detached houses in substantial sylvan settings, generally with roads having grass verges and mature landscaping.
5. Section 9D of Supplementary Planning Document ‘Woking Design’ (2015) relates to residential extensions and states that building form should *‘the additional mass should respect the existing building proportion, symmetry and balance’*. Additionally, in regard to roof form it states, *‘the roof of an extension is a prominent component of the building form and should normally be of a similar format to that of the existing dwelling’* and that *‘roof forms that are contrary to the existing roof form will generally be resisted’*.
6. Pyrford Heath is a private cul-de-sac located on the western side of Coldharbour Road within the developed area of Pyrford. The street scene of Pyrford Heath is characterised by detached single and two storey dwellings of varying finishes. Irrespective of the variety in the street scene, it is noted that the south side of the cul-de-sac is characterised by a row of six L shaped bungalows. Though a number of these bungalows have been extended by single storey elements, the core form is maintained. Whilst it is acknowledged that there is a variety of finishes within the street scene, these are on the northern side of the cul-de-sac and they do not detract from the strong characteristic of this row of bungalows. The host dwelling is located centrally within this row of bungalows.
7. By virtue of the nature of the works proposed, they would be readily apparent when viewed from the street scene of Pyrford Heath. The proposed works would maintain the dwellings existing footprint; however the addition of a first floor would increase the overall height of the existing dwelling. The proposed extension would maintain the form and height of the existing roof, albeit raising it 2.4 higher than it currently is. Additionally, the proposed works would maintain the material palette of the existing dwelling. The works would include alterations to the ground floor window placings and the first-floor extension would also encompass windows to the front, rear and side elevations. It is considered that the resultant dwelling would appear sympathetic to the existing dwelling given the matching material palette and form.
8. The proportions of the proposed first floor and new roof would be the same as those of the existing dwelling. Given that the application site is located centrally in a row of 6 bungalows, the resultant dwelling would appear inconsistent in terms of its height. However, the resultant dwelling would maintain the style and finish of the existing dwelling and thus would still remain in keeping with the bungalows in this regard.

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9. A first-floor extension has been granted prior approval at the application site under application PLAN/2020/0894 which carries significant weight in the assessment of this application as it would provide an acceptable fallback position to the current proposal. This approval was granted on 05.03.2021 and thus will lapse on 05.03.2024 subject to condition 1 of the approval. The determination of this application was against relevant criteria set out within Class AA(b), Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) Order (2015) (as amended). By virtue of this criteria, the materiality of that formally approved mirrored that of the existing dwelling. Similarly, the additional floor and subsequent roof heights were determined by the floor and roof heights of the existing bungalow. The current scheme (subject of this report) is of the same scale, mass, bulk and materiality as that which was approved under application PLAN/2020/0894 with the only variation between the schemes being window and door placement. Therefore, the applicant could, in theory, build out the scheme which has already been approved under application PLAN/2020/0894. With this taken into account, irrespective of the inconsistency in height amongst the 6 existing bungalows the host dwelling sits in the middle of (as assessed in the previous paragraph), it would not be justifiable to warrant refusal of the existing planning application on this basis as the site benefits from a legitimate fall back position which would appear the same (with the exception of window placings) as that which has previously been approved and thus could be built out imminently.
10. As such, the assessment is of the impact of the window positioning on the visual amenity of the location. The proposed windows would be of a similar scale and material palette to those which are existing and as such, it is considered that they would not appear out of keeping within the character of the street scene or locality in general.
11. Reference is also made to the most recent refusal of planning permission at the site via application PLAN/2023/0033 (which is currently pending an appeal decision). The refused scheme would have resulted in a dwelling larger scale, mass and bulk as well as an overall modern style by virtue of the finish and thus was considered to be more harmful to the character of the street scene than prior approval scheme PLAN/2023/0033. As the current scheme subject of this report differs from this, and in light of the prior approval application which has been approved at the site (PLAN/2020/0894), it is considered that reason 1 for refusal of application PLAN/2023/0033 would not apply in this instance.
12. Consequently, although the height of the resultant dwelling would appear inconsistent within the row of 6 bungalows the site is located centrally within, the overall proportions and finish would appear sympathetic to the host dwelling and harmonise with the immediate surrounding neighbours. In addition to this, in light of the approval of prior approval application PLAN/2020/0894, an extension of the same height, mass, bulk and external finish could be built out at the site. The proposed variation to the window openings are not considered to be detrimental to the character of the street scene or locality in general by virtue of their similar scale and materiality to the windows of the existing dwelling. It would therefore not be justifiable to warrant refusal of the application on character grounds in this instance.

Impact on Neighbour Amenity

13. Section 12 of the NPPF 2021 states that planning decisions should ensure that a 'high standard of amenity' is achieved for existing and future residents and Policy CS21 of the Woking Core Strategy 2012 requires development proposals to '*Achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook*'.

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14. Section 6.9 of the SPD on Outlook states that “*when considering development proposals, it is important not to prejudice future daylight requirements by building too close to the boundary*”. Appendix 1, Table 1 of the Outlook, Amenity, Privacy and Daylight SPD (2022) sets out the recommended Minimum Separation distances for achieving privacy based on the number of storeys, the measured dimension and the distance. It is noted that these dimensions are for advice only and evidence of design quality and compatibility with context will be of overriding importance in the assessment of the acceptability of a scheme.
15. The nearest neighbouring dwellings to the application site are Summerley, Pyrford Heath to the east, Hunters Moon, Teggs Lane to the southeast and Melissa to the west. Though the resultant dwelling would be greater in height, by virtue of the juxtaposition with the nearest neighbouring dwellings, the works would not breach the 45- or 25-degree angles when measured from the nearest habitable windows and thus it is considered that the works would not have a detrimental impact on the sunlight or daylight the windows of these neighbouring dwellings currently receive.
16. The proposed works would encompass a number of new windows at ground and first floor levels on the front, rear and side elevations as well as rooflights on the front and rear elevations. The windows to the front elevation would front the public realm and as such would not result in overlooking or a loss of privacy to the nearest neighbouring dwellings. Likewise, the windows in the rear elevation would face the rear boundary of the site. Though it is noted that it may be possible to view parts of the nearest neighbouring gardens from the first-floor rear windows, given the juxtaposition with these neighbouring dwellings, this would not be of the private amenity space immediately to the rear of these neighbouring dwellings and thus it is considered this would not result in overlooking or a loss of privacy to the nearest neighbouring dwellings. By virtue of the boundary treatment on the shared boundaries, it is considered that the windows and doors at ground floor level would not result in overlooking or a loss of privacy. The proposed first floor windows within the side elevations would all serve bathrooms, which are not habitable rooms. With this taken into account, it would be reasonable and necessary to condition that the first-floor windows in the side elevations are permanently fitted with obscure glazing and non-opening in the event of planning permission being granted in this instance to prevent overlooking or a loss of privacy to the nearest neighbouring properties. With the aforementioned condition in place, it is considered that the resultant dwelling would not result in overlooking or a loss of privacy to the nearest neighbouring dwellings.
17. By virtue of the layout of Pyrford Heath, the west neighbouring dwelling (Melissa) is set further back than the host dwelling. By virtue of this juxtaposition, the proposed works would be set forward of the private amenity space of this neighbour, and thus would not have an overbearing impact on it. Similarly, although the southeast neighbouring dwelling (Hunters Moon, Teggs Lane) shares a side boundary with the host dwelling, this is located to the rear most part of the application sites garden and consequently, there would be distance of approximately 25 metres at the closest point between the host dwelling and this neighbour and the level of juxtaposition would remain. Therefore, it is considered that the works would also not have an overbearing impact on this neighbouring dwelling.
18. The east neighbouring dwelling (Summerley) is a bungalow which has a garden shallower than many of the other dwellings on Pyrford Heath, with a depth of approximately 13.5 metres (as measured from the rear elevation of the neighbouring dwelling). The proposed works would not increase the footprint of the existing dwelling and therefore would maintain the minimum distance of 3.1 metres between the side elevation of the host dwelling and the shared boundary with Summerley and a minimum distance of 4.1 metres between the two side elevations of the two dwellings at the closest point. By virtue of the juxtaposition between these two dwellings, the host (application) dwelling is set further

back from the street scene than Summerley, and consequently the rear elevation projects 5.2 metres further than that of this neighbour. This projection would be two storeys in nature and by virtue of the side gable design, the ridge height would be visible from the amenity space of this neighbouring dwelling. By virtue of the shallow depth of the neighbouring garden, the resultant dwelling would be visually prominent above the boundary treatment on the shared flank for approximately half of it and would be adjacent to the private amenity space of this neighbouring dwelling immediately to the rear of their property. This elevation would be largely blank, with the exception of 2 windows which would be set in approximately 3.9 metres from the rear elevation at first floor level. Though it is noted that a distance of 4.1, the eaves height would be 2.4 metres higher than that of the existing dwelling and would be taller than the boundary treatment on the shared boundary. It is noted that the rear of the site remains free from built form.

19. However, an extension and resultant dwelling of the same height, mass and bulk as that which is proposed under this application could be built out at the application site subject of the approval of prior approval application PLAN/2020/0894. With this taken into account, it would not be justifiable to warrant refusal of the existing planning application on this basis as the site benefits from a legitimate fall back position which would have the same impact on the aforementioned neighbouring dwelling as that which has previously been approved and thus could be built out imminently.
20. Irrespective of the above, it is noted that condition 3 of PLAN/2020/0894 removed permitted development rights for Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 to protect the amenity and privacy of the occupants of the neighbouring properties. Given that the fallback position of PLAN/2020/0894 is considered to make the current scheme acceptable, it would be reasonable and necessary to impose a condition to the same effect in the event of planning permission being granted in this instance, in order to manage any further impact on the east neighbouring dwelling in the same way the fall back scheme would. A condition to this effect is therefore considered to pass the 5-part test for planning conditions as set out in paragraph 56 of the NPPF (2023) and thus will be included in the event of planning permission being granted in this instance.
21. Though it is noted that reason for refusal 2 of application PLAN/2023/0033 was the impact to Summerley, the previous scheme would have resulted in a dwelling with a depth 1.3 metres greater, with eaves and ridge heights greater and an overall roof height which is 1.2 metres greater than that which is proposed under the current scheme. Consequently, the previous scheme (subject of application PLAN/2023/0033) was larger and bulkier than the current scheme and fall-back position and subsequently would have more of an impact on the east neighbouring dwelling, to the detriment of the enjoyment of their private amenity space through overbearingness. As such, it is considered that the previous reason for refusal (No. 2 of application PLAN/2023/0033) would not be relevant in this instance in light of the above assessment.

Impact on Private Amenity Space

22. The host dwelling would retain an area of private amenity space which is proportionate to the footprint of the resulting footprint of the host dwelling in accordance with the guidance in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2022). The proposal is therefore considered to have an acceptable impact on the size and quality of the host dwelling's amenity space.

Highways and Parking

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23. The Parking Standards SPD (2018) sets out the minimum on site vehicle parking spaces required per dwelling (table 3). The proposed works would result in a four-bedroom dwelling which would require off street parking provision for 3 vehicles in line with the Parking Standards SPD (2018). Though there is no hardstanding to the front of the site, there is ample space to provide the level of off-street parking provision required.
24. Though it is noted that concerns have been raised for the grass verge on Pyrford Heath, as this is a private road this would be a civil matter and subsequently, Surrey County Council Highways have raised no objections.

Impact on Trees

25. The application site is located within a TPO area (reference;- 626/0071/1964) and there are mature trees to the front of the site.
26. There are no objections in principle from an arboricultural perspective, but trees could be damaged during the construction phase, therefore it has been recommended by the Council's arboricultural officer that a Tree Protection Plan should be produced in line with BS5837 and provided by a suitably qualified and experienced arboricultural consultant. The plan should include Tree Survey details. A planning condition to this effect would be considered reasonable and necessary and thus would pass the 5-part test for planning conditions as set out in paragraph 56 of the NPPF (2023) and thus will be included in the event of planning permission being granted in this instance.

Local Finance Considerations

27. The Community Infrastructure Levy (CIL) is a mechanism adopted by Woking Borough Council which came into force on 1st April 2015, as a primary means of securing developer contributions towards infrastructure provision in the Borough. The proposed works would have a net increase of 116 sq. metres of additional gross internal floorspace and thus would be CIL Liable as it exceeds 100 sq. metres. In this case, as the use is residential, the proposed development would incur a cost of £125 per sq. metres (plus indexation for inflation) on a chargeable floorspace of 116sqm, (as set out in the additional information form submitted in support of the application). As such, the chargeable amount would be £18,642.86.

Other Material Considerations

28. Concern has been raised for the importance of maintaining bungalows in Pyrford for elderly residents. Whilst policy expresses the need for a mixture of housing in considering new housing developments, it does not specify a particular need for bungalows in the area of Pyrford. Nonetheless, it is noted that this application is for household extensions to an existing dwellinghouse and thus would be a householder development, rather than a residential development. There is no policy requirement preventing the extension of single storey dwellings to two storey, in principle. With this taken into account, this concern has not formed a material planning consideration in the assessment of this application. Irrespective of the above, the impact of the proposed works on the visual amenity of the location and the neighbouring impact have been assessed in relation to the scheme (as detailed earlier within this report).

CONCLUSION

Overall, in light of the fallback position of application PLAN/2020/0894, the proposal is considered to be appropriate in scale and character to the host building and surrounding area

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and is considered to have an acceptable impact on the amenities of neighbours. The proposal therefore accords with Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' (2022) and 'Woking Design' (2015) and the National Planning Policy Framework (2023) and is recommended for approval.

BACKGROUND PAPERS

Site Photographs dated 21st November 2023.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:

01. The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

02. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

- Site and Location Plans – AS001 – dated August 2023 and received by the LPA 11.09.2023
- Proposed Elevations – A001 – dated September 2023 and received by the LPA 25.09.2023
- Proposed Ground Floor, First Floor and Roof Plans – A002 – dated September 2023 and received by the LPA 25.09.2023

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

03. The external finishes of the development hereby permitted shall match those used in the existing dwelling in material, colour, style, bonding and texture.

Reason: In the interests of the character and appearance of the building and the visual amenities of the area.

04. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no development permitted by Class A of Part 1 of Schedule 2 of that Order shall be erected on the application site without the prior written approval of the Local Planning Authority of an application made for that purpose.

Reason: To protect the amenity and privacy of the occupants of neighbouring properties.

05. The first-floor windows in the east and west facing flank elevations hereby permitted shall be glazed entirely with obscure glass and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. Once installed the window shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

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Reason: To safeguard the amenities of the adjoining properties.

06. No development-related works shall be undertaken on site (including clearance and demolition) until tree protection details have been submitted to and approved in writing by the Local Planning Authority.

These details shall adhere to the principles embodied in BS 5837 (2012) and shall include a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement. The details shall make provision for the convening of a pre-commencement meeting and Arboricultural supervision by a suitably qualified and experienced Arboricultural Consultant for works within the RPAs of retained trees.

Full details shall be provided to indicate exactly how and when the retained trees will be protected during the site works. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure the retention and protection of trees on and adjacent to the site in the interests of the visual amenities of the locality and the appearance of the development. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

Informatives:

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework (2023).
2. The applicant is advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
3. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within their ownership.
4. The applicant is advised that under the Control of Pollution Act 1974, works which are audible at the site boundary are restricted to the following hours: 8.00 a.m. - 6.00 p.m. Monday to Friday, 8.00 a.m. - 1.00 p.m. on Saturdays and not at all on Sundays and Bank Holidays.
5. The applicant is expected to ensure the safe operation of all construction traffic in order to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. Where repeated problems occur the Highway Authority may use available powers under the terms of the Highways Act 1980 to ensure the safe operation of the highway.
6. Community Infrastructure Levy

The applicant is advised that the development hereby permitted is subject to a Community Infrastructure Levy (CIL) liability. The Local Planning Authority will issue a Liability Notice as soon as practical after the granting of this permission.

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The applicant is advised that, if he/she is intending to seek relief or exemptions from the levy such as for social/affordable housing, charitable development or self-build developments it is necessary that the relevant claim form is completed and submitted to the Council to claim the relief or exemption.

In all cases (except exemptions relating to residential exemptions), it is essential that a Commencement Notice be submitted at least one day prior to the starting of the development. The Commencement Notice should be sent to:
planning.policy@woking.gov.uk

The exemption will be lost if a commencement notice is not served on the Council prior to commencement of the development and there is no discretion for the Council to waive payment. For the avoidance of doubt, commencement of the demolition of any existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered to be "commencement" for the purpose of the CIL regulations.

A blank commencement notice can be downloaded from:
http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf

Claims for relief must be made on the appropriate forms which are available at:
<https://www.planningportal.co.uk/planning/policy-and-legislation/CIL/download-the-forms>

Other conditions and requirements also apply and failure to comply with these will lead to claims for relief or exemption being rendered void. The Local Planning Authority has no discretion in these instances.

For full information on this please see the guidance and legislation here:
<https://www.gov.uk/guidance/community-infrastructure-levy>
<http://www.legislation.gov.uk/all?title=The%20Community%20Infrastructure%20Levy%20Regulations%20>

Please note this informative provides general advice and is without prejudice to the Local Planning Authority's role as Consenting, Charging and Collecting Authority under the Community Infrastructure Levy Regulations 2010 (as amended).

SECTION B

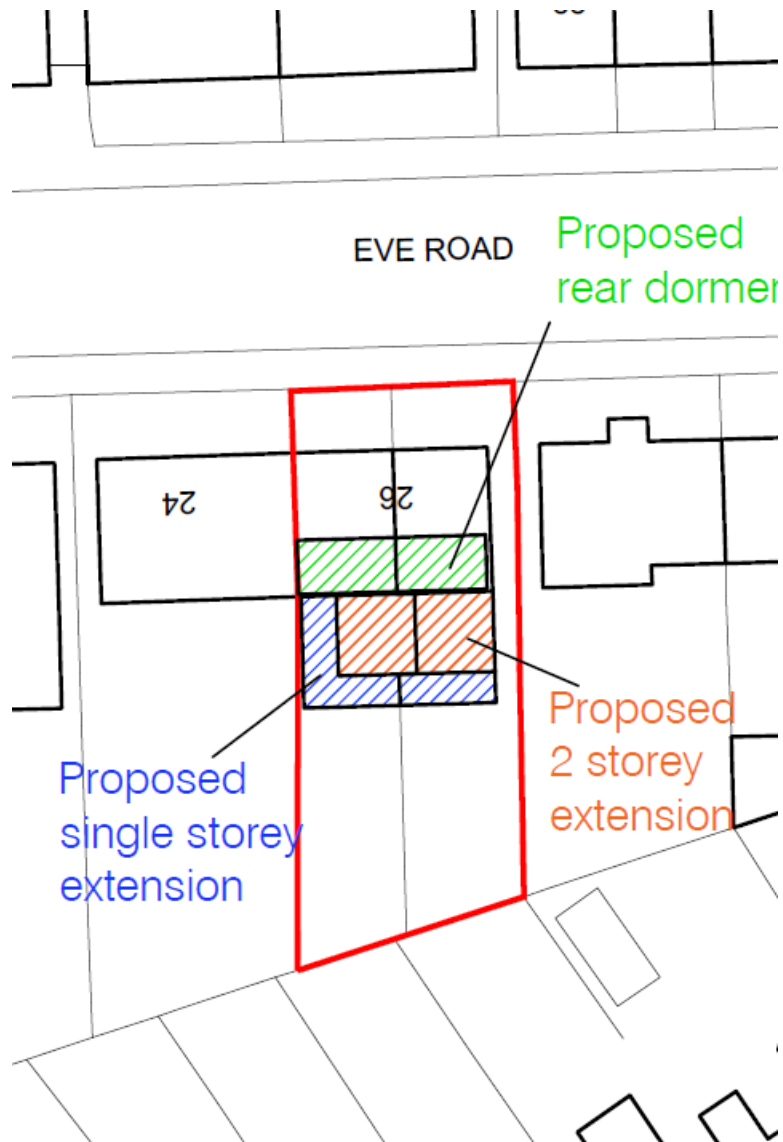
**APPLICATIONS WHICH WILL BE
THE SUBJECT OF A PRESENTATION
BY OFFICERS**

(Note: Ordnance Survey Extracts appended to the reports are for locational purposes only and may not include all current developments either major or minor within the site or area generally)

26 Eve Road, Woking

PLAN/2023/0500

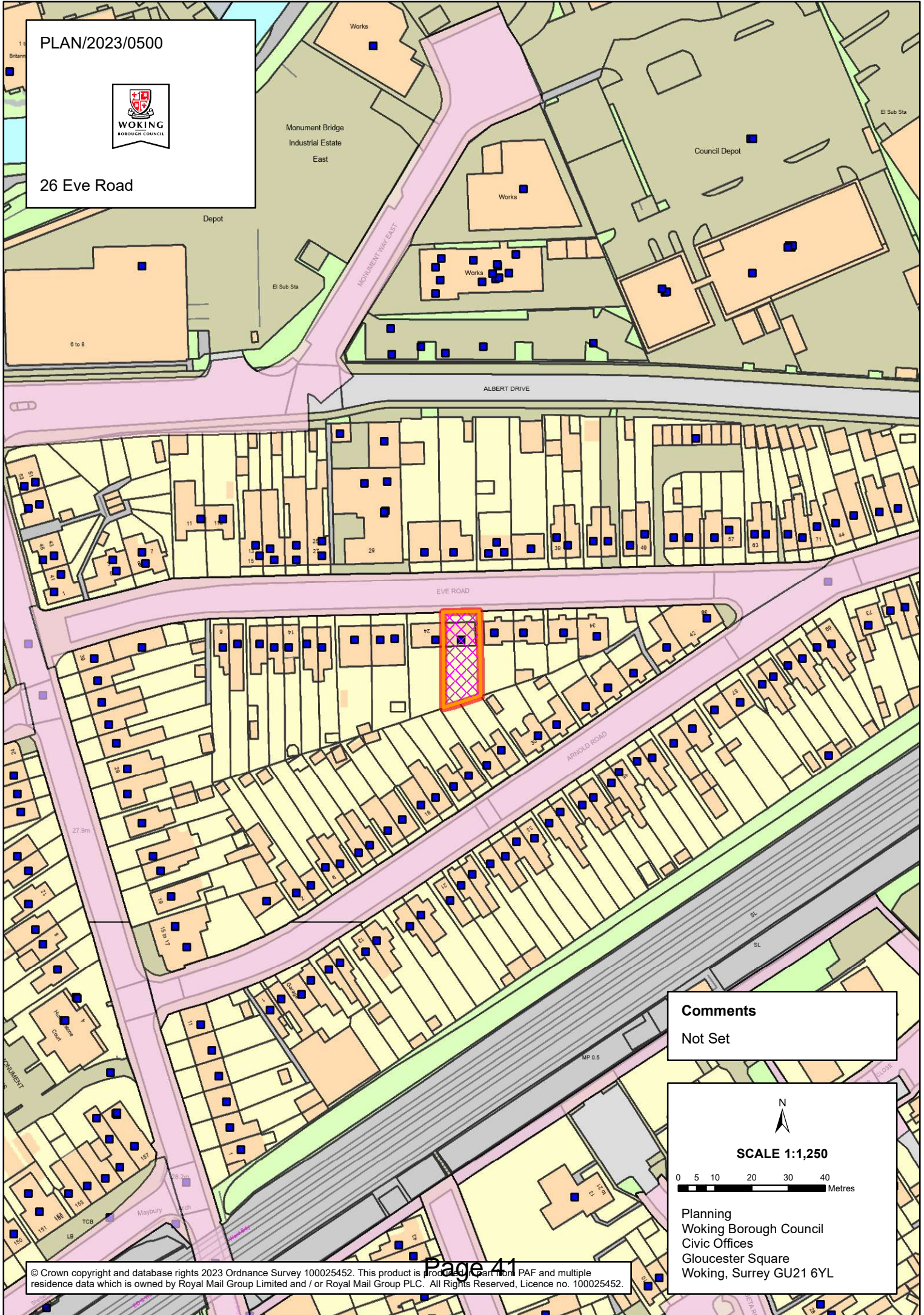
Subdivision of existing dwelling into 2 dwellings and erection of a part two storey, part single storey rear extension, rear dormer, front canopy, insertion of front rooflights and installation of external rendered insulation.



PLAN/2023/0500



26 Eve Road



Comments
Not Set

N
SCALE 1:1,250
0 5 10 20 30 40 Metres

Planning
Woking Borough Council
Civic Offices
Gloucester Square
Woking, Surrey GU21 6YL

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6b PLAN/2023/0500

WARD: Canalside

LOCATION: 26 Eve Road, Woking, Surrey, GU21 5JT

PROPOSAL: Subdivision of existing dwelling into 2 dwellings and erection of a part two storey, part single storey rear extension, rear dormer, front canopy, insertion of front rooflights and installation of external rendered insulation.

APPLICANT: Mazhar

OFFICER: Brooke
Bougnague

REASON FOR REFERRAL TO COMMITTEE

The application has been called to planning committee by Cllr Aziz for consistency as other applications have been granted on the other side of the road.

SUMMARY OF PROPOSED DEVELOPMENT

Subdivision of existing dwelling into 2 dwellings and erection of a part two storey, part single storey rear extension, rear dormer, front canopy, insertion of front rooflights and installation of external rendered insulation.

Site Area:	0.02 ha
Existing dwelling(s):	1
Proposed dwellings:	2
Existing density:	50dph (dwellings per hectare)
Proposed density:	100dph

PLANNING STATUS

- Priority Places
- Thames Basin Heaths SPA ZoneB (400m-5km)
- Surface water flooding – Medium

RECOMMENDATION

REFUSE planning permission.

SITE DESCRIPTION

The application site is a two storey double fronted semi detached dwelling dating from the Victoria/Edwardian era. The surrounding area is characterised by terraced and semi detached dwellings and is relatively high density in nature.

PLANNING HISTORY

None relevant

CONSULTATIONS

SCC Highways: No objections

Local Lead Flood Authority: No objection subject to conditions

REPRESENTATIONS

None received

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2023)

Woking Core Strategy (2012):

CS1 - A Spatial strategy for Woking Borough
CS8 - Thames Basin Heaths Special Protection Areas
CS7 - Biodiversity and nature conservation
CS9 - Flooding and water management
CS10 - Housing provision and distribution
CS11 - Housing mix
CS18 - Transport and accessibility
CS21 - Design
CS22 - Sustainable construction
CS24 - Woking's landscape and townscape
CS25- Presumption in favour of sustainable development

Development Management Policies Development Plan Document (2016):

DM10 - Development on Garden Land

South East Plan 2009 (Saved policy):

NRM6 - Thames Basin Heaths Special Protection Areas

Supplementary Planning Documents:

Design (2015)
Parking Standards (2018)
Outlook, Amenity, Privacy and Daylight (2022)
Climate Change (2013)

Other Relevant Guidance and Legislation:

Planning Practice Guidance (PPG) (online resource)
The Conservation of Habitats and Species Regulations 2017 (as amended)
Updated Thames Basin Heaths Avoidance Strategy (February 2022)
Woking Borough Council Strategic Flood Risk Assessment (SFRA) (November 2015)
Technical Housing Standards - Nationally Described Space Standard (NDSS) (March 2015)

PLANNING ISSUES

Principle of development

1. The site lies within the designated Urban Area, as defined by the Council's Proposals Map, and is within residential use as existing. Both the National Planning Policy Framework (NPPF) and Policy CS25 of the Woking Core Strategy (2012) promote a presumption in favour of sustainable development, with the overarching policies of both the NPPF and the Development Plan as a whole emphasising the need for new housing. Policy CS10 of the Woking Core Strategy (2012) identifies that the Council will make provision for an additional 4,964 net additional dwellings in the Borough between 2010 and 2027, with an indicative number of 750 net additional dwellings as infill development in the rest of the Urban Area (i.e., outside of Woking Town Centre/West Byfleet District Centre/Local Centres etc), as is applicable in this instance, whereby an indicative density range of 30 - 40dph is set out by the policy.

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Impact on character

2. Policy CS21 of the Woking Core Strategy (2012) requires development proposals to *'respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land'*.
3. Policy DM10 of the DM Policies DPD (2016) permits sub-division of existing plots providing the proposed development *'...does not involve the inappropriate sub-division of existing curtilages to a size substantially below that prevailing in the area', "the means of access is appropriate in size and design to accommodate vehicles and pedestrians safely and prevent harm to the amenities of adjoining residents and is in keeping with the character of the area"* and *"suitable soft landscape is provided for the amenity of each dwelling appropriate in size to both the type of accommodation and the characteristic of the locality'*. The subdivision of existing plots can be considered acceptable in the Urban Area where the resulting plot sizes and widths are reflective of the prevailing grain and pattern of development in the area.
4. The proposal is to sub-divide the existing semi-detached dwelling into 2x two storey dwellings and the associated subdivision of the plot. The proposal also includes the erection of a part two storey, part single storey rear extension and a rear dormer window extension. Eve Road is predominately residential in character and is characterised by pairs of semi-detached Victorian and Edwardian dwellings as well as terraced dwellings and purpose-built flats. The application site has a relatively wide plot of approximately 10m, there are a mix of plot widths in the area ranging from 5m to 10m. It is considered that the proposed plot widths of approximately 4.5m and 5.5m would not detract from the character of the area and are considered consistent with the prevailing grain and pattern of development in the area. No.35 Eve Road sited to the north east of the application site is a similar house to the proposal site and was granted planning permission for a similar plot subdivision and extensions under planning application ref: PLAN/2018/0166.
5. The alterations to the frontage would involve replacing the existing single front door with a pair of front doors and an enlarged porch canopy which is considered relatively minor and a visually acceptable alteration. The proposal also includes installing external wall insulation and finishing the property in render which would result in the property having a similar appearance to the property at No.35 Eve Road. It is considered that the alterations would not have a significant impact on the character and appearance of the streetscene or host dwelling.
6. The proposal includes a part two storey, part single storey rear extension and rear dormer window. The proposed dormer window is a large addition to the roofscape, it would be sited to the rear of the property and there are other large dormers along Eve Road. The single storey element of the extension would be approximately 5m deep and the first floor would be approximately 3.6m deep. The single storey element would be sited adjacent to the boundary with No.24 Eve Road with the first floor set in approximately 1.7m from the west side boundary. The extension is a large addition to the host dwelling, however the extension would be sited to the rear of the property and would not be visible from Eve Road. Overall, it is considered that the extensions would not detract from the character and appearance of the streetscene or host dwelling.

Impact on Neighbours

7. Policy CS21 of the Woking Core Strategy 2012 states that *'proposals should...achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms*

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of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook'.

8. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022) advises that privacy is *'the protection of habitable rooms and intimate areas of private outdoor amenity from being directly overlooked'*. Appendix 1 also provides details of the recommended minimum separation distances for achieving privacy. For three storey dwellings (which includes dormers windows) the rear to rear elevation separation distance is 30m and for rear elevation to rear boundary the distance is 15m.
9. No.33 Eve Road is sited to the north of the application site. Four rooflights are proposed in the north elevation orientated towards No.33 Eve Road. There is an approximate 17.6m separation distance which complies with Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022). It is considered that there would not be a significant loss of daylight, overbearing impact or loss of privacy to No.33 Eve Road.
10. No.28 Eve Road is sited to the east of the application site. The proposed extension would be approximately 5m deep at ground floor and 3.6m deep at first floor and sited approximately 1m from the east boundary and 2.3m from the property at No.28 Eve Road. In the rear elevation of No.28 Eve Road there are three windows and a door at ground floor and three first floor windows. The 45 degree test has been applied and passed, it is considered that the proposal would not have a significant loss of daylight to this property. Due to the separation distance it is considered that the proposal would not have a significant overbearing impact on No.28 Eve Road. No windows are proposed in the side elevation of the extension orientated towards No.28 Eve Road, had the application been considered acceptable a condition could have restricted the insertion of windows in the east side elevation to retain the privacy of No.28 Eve Road. Two windows (kitchen at ground floor and bathroom at first floor) are proposed in the east side elevation of the existing dwelling orientated towards No.28 Eve Road. There are no windows in the side elevation of No.28 Eve Road orientated towards the application site. Due to the position of the first floor window had the application been considered acceptable a condition could have required the window to be obscure glazed and top opening only to retain the privacy of No.28 Eve Road.
11. The proposal includes a part two storey, part single storey rear extension. The ground floor element would be approximately 5m deep and would be sited adjacent to the boundary with attached property No.24 Eve Road. The extension would have an eaves height of approximately 3m and maximum height of approximately 3.7m. The first floor element would be set in a minimum of approximately 1.7m from the boundary. There is a ground floor window in the rear elevation of No.24 Eve Road sited close to the boundary which serves a kitchen. The 45 degree test has been applied and marginally failed however due to the size of the kitchen there is no space for a seating area and would therefore be solely used for cooking purposes it is considered that there would not be a significant loss of daylight to the room. The 45 degree test has been applied to a first floor bedroom window and passed. Overall, it is considered that the proposal would not have a significant loss of daylight to No.24 Eve Road. No windows are proposed in the west side elevation orientated towards No.24 Eve Road, had the application been considered acceptable a condition could have restricted the insertion of windows to retain the privacy of No.24 Eve Road. Due to the hipped roof of the ground floor element and set in of the first floor extension it is considered that the proposal would not have a significant overbearing impact on No.24 Eve Road.
12. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022) recommends that the separation distance for three storey development (which includes rear dormer windows) with rear facing windows, from rear to rear should be 30m and that

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the distance from rear elevation to rear boundary should be 15m. No.26 and No.28 Arnold Road are located directly to the rear (south) of the application site. The proposed dormer would result in a minimum rear to boundary separation distance of approximately 14.4m and minimum rear to rear elevation separation distance of approximately 24.6m which falls short of the recommended rear to rear separation distance. The windows in the rear dormer would serve ensembles and landings and therefore had the application been considered acceptable a condition could have required these windows to be obscure glazed and top opening only to retain the privacy of No.26 and No.28 Arnold Road and reduce overlooking. The proposed two storey rear extension would comply with the minimum separation distances and would not result in a significant loss of privacy or overlooking to No.26 and No.28 Arnold Road. Due to the separation distance it is considered that the proposal would not result in an overbearing impact on No.26 and No.28 Arnold Road.

13. Overall the proposal is therefore considered to have an acceptable impact on the amenities of neighbours in terms of loss of light, overlooking and overbearing impacts and accords with Policy CS21 of the Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022) and the policies in the NPPF.
14. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

Standard of accommodation:

15. The proposed three bedroom dwellings would have internal floor areas of 100sqm which is consistent with the recommended minimum standards set out in the National Technical Housing Standards (2015). The proposed dwellings are considered to achieve an acceptable size and standard of accommodation with good quality outlooks to habitable rooms.
16. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022) provides minimum recommended garden amenity areas. Dwellings with two or more bedrooms and over 70sqm in floorspace should provide a suitable area of private garden amenity in scale with the building but generally no smaller than the building footprint (depending on existing context).
17. Plot 1 would have a footprint of approximately 53sqm with a garden area of approximately 50sqm and Plot 2 would have a footprint of approximately 54sqm with a garden area of approximately 53sqm. The footprints of both Plot 1 and 2 would both be marginally larger than the area of private amenity space. It is considered that both the dwellings would have access to sufficient amenity space.
18. There is sufficient space to accommodate sufficient refuse/recycling bins.
19. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

Impact on parking:

20. Supplementary Planning Document 'Parking Standards' (2018) requires a dwelling with 4 or more bedrooms to provide a minimum of 3 onsite parking spaces and a 3 bedroom dwelling to provide 2 onsite parking spaces.
21. The existing dwelling has 4 bedrooms and would be required to provide 3 onsite parking spaces. The proposal would result in 2 x 3 bedroom dwellings that would require 4 on site parking spaces which is 1 more space than the existing parking requirements. The existing dwelling does not have any off street parking and is reliant on on-street parking on Eve

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Road which is restricted for permit holders only Monday to Saturday 09.30am to 6pm. It is considered that a shortfall of 1 parking space would not result on a significant harmful impact on parking provision locally compared to the existing situation.

22. Supplementary Planning Document 'Parking Standards' (2018) requires the provision of 2 cycle spaces per dwelling. There is sufficient space within the rear garden of each proposed dwelling to provide sufficient cycle parking.
23. SCC Highways have undertaken an assessment in terms of the net likely additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway.
24. Overall the proposal is therefore considered to have an acceptable impact on parking and accords with Supplementary Planning Document 'Parking Standards' (2018) and the policies in the NPPF.
25. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

Impact on Flood Risk and Drainage:

26. Policy CS9 of the Woking Core Strategy (2012) states that '*The Council will determine planning applications in accordance with the guidance contained within the NPPF. The SFRA will inform the application of the Sequential and Exceptional Test set out in the NPPF*'. Policy CS9 also states that '*The Council expects development to be in Flood Zone 1 as defined in the SFRA*' and that '*A Flood Risk Assessment will be required for development proposals within or adjacent to areas at risk of surface water flooding as identified in the SFRA*'. Paragraph 159 of the NPPF (2023) states that '*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)*'.
27. The site is within Flood Zone 1 and is not therefore at risk from fluvial flooding. However, the Council's Strategic Flood Risk Assessment (SFRA) (November 2015) identifies parts of the application site to be at a medium risk of surface water flooding. The part of Eve Road sited to the north of the application site is at risk of high and medium surface water flooding.
28. Paragraph 161 of the NPPF (2023) requires a sequential approach to the location of development taking account of the potential and future risk of all sources of flooding, to avoid, where possible, flood risk to people and property. The proposed development would result in one new dwelling and new residential occupiers living in an area at medium risk of surface water flooding, with sole access to those dwellings taking place across an area of medium and high surface water flood risk.
29. Paragraph 162 of the NPPF (2023) states that '*The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding*' (emphasis added). If it is not possible for a development to be located in areas with a lower risk, the exception test may have to be applied. This approach is consistent with Policy CS9 of the Woking Core Strategy (2012).
30. The Planning Practice Guidance (PPG) advises that the sequential approach "*is designed*

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to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding" (Paragraph: 023, Reference ID: 7-023-20220825, Revision date: 25 08 2022) (emphasis added). The development would be sited on land at medium risk of surface water flooding, and with sole access to the two proposed dwellings taking place across an area with medium and high surface water flood risk; the sequential test is therefore required.

31. The application is accompanied by a Flood Risk Assessment (FRA) but not a Sequential Test. The FRA advises that the application site is at low risk of surface water flooding and assessed the site on this basis. However, both the Environment Agency's Surface Flood maps and the SFRA show the application site at risk of medium surface water flooding. The FRA proposes a water exclusion strategy to mitigate against surface water flood risk which *'in this instance aims to prevent floodwater from entering the ground floor by using flood resistant techniques (dry-proofing) up to the flood level of 28.60m AOD (i.e. 0.38m above the ground floor)*'. This includes installing a damp proof membrane within the floor, use of water resistant paints across external walls and use of movable flood barriers across doorways and windows up to 0.38m above ground floor. The FRA also proposes to regrade the rear garden of the application site to provide sufficient flood compensation for the lost volume due to the footprint of the proposed extension.
32. With regards to access and egress the FRA also acknowledges that during flood event the *'hazard to people would therefore be Dangerous for Most for 167m, Dangerous for Some for 10m then Very low thereafter'* which would make evacuation dangerous.
33. A recent appeal decision dated 3 October 2022 (Appeal Ref: APP/L3625/W/21/3286824) in Reigate and Banstead Borough is also relevant. Whilst this appeal decision relates to another Borough the surface water flood risk issue at hand is comparable to the present application. At paragraph 8 the Inspector states that *"The development would be on land at medium risk of surface water flooding, so the sequential test is required"* and (at paragraph 9) that *"No sequential test has been provided. That the flood depth may be no more than 300mm in the medium risk scenario does not mean it is not in an area of medium flood risk on the SWFM [Surface Water Flood Map]"* and that *"the PPG (7-023-20220825) advises that even if a flood risk assessment shows a development can be made safe without increasing risk elsewhere, the sequential test still needs to be satisfied"* (emphases added).
34. At paragraph 10 the Inspector states *"That the site lies within the lowest probability of river and sea flooding, is at negligible risk of groundwater flooding, there are no recorded incidents of sewer surcharge, is at minimal risk of reservoir flooding, does not obviate the need for the sequential test. Although it is suggested there could be a future drainage betterment, the evidence does not demonstrate the appeal scheme would be removed from an area at medium risk of flooding, or how this would be achieved in the design. Matters such as flood resistant design measures are matters to be dealt with after the sequential test has been passed. The evidence does not demonstrate there are no other appropriate sites reasonably available in areas with a lower flood risk. Consequently, the sequential test is not satisfied"*.
35. Another recent appeal decision dated 13 October 2023 (APP/D1265/W/23/3316590) is also relevant. The Inspector states the following at paragraphs 5, 6 and 7: *'Measures are proposed within the appellant's Drainage and Flood Risk Statement to mitigate against flood risk. These include that the finished floor levels of the proposed dwelling and patio would be set to a height above 300mm. A surface water drainage system is also proposed, connecting to the system within the garden of No 27 itself.*

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Alternatively, if this connection cannot be secured, agreement would be sought with Wessex Water for discharge of water into the public system.

On this basis, the Council's Drainage Engineer did not object to the proposal. The Local Lead Flood Authority (LLFA) also did not object and recommended a pre-commencement condition to secure these measures. However, the Planning Practice Guidance¹ (PPG) makes clear that where flood risk is a consideration, the decision-making process should first consider avoidance.

Furthermore, even with a planning condition securing mitigation measures, and in circumstances where the proposal could be made safe throughout its lifetime, the PPG advises that the National Planning Policy Framework (the Framework) and its sequential test must be satisfied. This requires the appellant to show that there are no other sites appropriate for the proposal within an area at a lower risk of flooding. As such, only if no other sites are available should control and mitigation in respect of site-specific measures be considered'.

36. The information submitted by the applicant is insufficient to enable the Local Planning Authority to determine that the sequential test is passed. There is no evidence to demonstrate that there are no other appropriate sites reasonably available in areas with a lower flood risk from all sources. Consequently, the sequential test cannot be satisfied. That the application site lies within the lowest probability of fluvial (i.e., river and sea) flooding does not obviate the need for the sequential test due to surface water flood risk. Even in the event that there could be a future drainage betterment, no evidence has been provided to demonstrate the proposed development would be removed from an area at risk of surface water flooding, or how this would be achieved in the design. Matters such as flood resistant design measures are matters to be dealt with after the sequential test has been passed.
37. Whilst the Lead Local Flood Authority (LLFA) (Surrey County Council) have raised no objection to the present application, providing that a surface water drainage condition is attached, the LLFA are a consultee on planning applications (as opposed to the decision-maker) and only consider surface water issues, the LLFA will not have considered fluvial flood risk and/or the application of the sequential test in preparation of their consultation response. The sequential test is applied by the LPA based on submissions made by the applicant (of which there are none in this instance) and any pertinent advice.
38. It is noted that an application for a similar development at No.35 Eve Road (ref: PLAN/2018/0166) was permitted on 09.10.2018. No.35 Eve Road is in an area with very high, high and medium surface water flooding. This application was determined in accordance with planning policy and guidance including the PPG that were adopted and relevant at the time of determination. On 25th August 2022 the Flood Risk and Coastal Change section of the PPG was updated including when/how the sequential and exception tests should be applied to improve speed, certainty and effectiveness and surface water flood risk and how it should be considered and addressed. Upon publication, the updated PPG came into immediate effect and is therefore a material consideration in the determination of the present application.
39. The proposed development would result in one additional dwelling on land which is at medium risk of surface water flooding and would be wholly reliant on access/egress across land which is at high and medium risk of surface water flooding (as identified in the Council's Strategic Flood Risk Assessment (November 2015)). In the absence of information to demonstrate that the sequential test is satisfied, the proposed development conflicts with the aims of Policy CS9 of the Woking Core Strategy (2012) which requires that proposals must avoid areas at risk of flooding where possible and prioritise

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development in areas with the lowest risk of flooding. The proposed development also conflicts with the National Planning Policy Framework (NPPF) (2023) and paragraph 7-023-20220825 (Revision date: 25 08 2022) of the Planning Practice Guidance (the PPG).

Affordable housing:

40. Policy CS12 of the Woking Core Strategy (2012) states that all new residential development will be expected to contribute towards the provision of affordable housing and that, on sites providing fewer than five new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 10% of the number of dwellings to be affordable on site. However, Paragraph 64 of the NPPF (2023) states that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)”*. Moreover, Supplementary Planning Document Affordable Housing Delivery (2023) states (at para 5.2) that *“In taking account of the change to the NPPF and PPG as a material consideration, the council will therefore no longer require affordable housing or affordable housing financial contributions for sites of less than 10 dwellings unless the site is 0.5ha or larger.”*
41. Whilst it is considered that weight should still be afforded to Policy CS12 it is considered that more significant weight should be afforded to Paragraph 64 of the NPPF (2023) and Supplementary Planning Document Affordable Housing Delivery (2023). The proposal is not major development and is not within a designed rural area, therefore no affordable housing contribution is sought.

Energy and water consumption:

42. Policy CS22 of the Woking Core Strategy (2012) seeks to require new residential development to achieve Code for Sustainable Homes Level 5 from 2016 onwards. However, a Written Ministerial Statement to Parliament, dated 25 March 2015, sets out the Government’s expectation that any Development Plan policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the (now abolished) Code for Sustainable Homes; this is equivalent to approximately 19% above the requirements of Part L1A of the 2010 Building Regulations. This is reiterated in Planning Practice Guidance (PPG) on Climate Change, which supports the NPPF (2023).
43. Part L of the Building Regulations was updated in June 2022 and now requires an energy performance improvement for new dwellings of 31% compared to the 2010 Building Regulations. The current Building Regulations therefore effectively require a higher energy performance standard than what Policy CS22 would ordinarily require. As such, had the application been recommended for approval it would not have been necessary to recommend a condition relating to energy performance as more stringent standards are required by separate regulatory provisions (i.e., the Building Regulations).
44. However, the LPA requires all new residential development to achieve as a minimum the optional requirement set through Part G of the Building Regulations for water efficiency, which requires estimated water use of no more than 110 litres/person/day. Had the application been recommended for approval this requirement would have been secured through recommended condition.

Impact on the Thames Basin Heaths Special Protection Area (SPA):

45. The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection. Policy CS8 of the Core Strategy states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH

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SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes of the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.

46. Policy CS8 of Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The proposed development would require a SAMM financial contribution of **£1,180** based on a net gain of 1x three bedroom dwellings which would arise from the proposal. The Appropriate Assessment concludes that there would be no adverse impact on the integrity of the TBH SPA providing the SAMM financial contribution is secured through a S106 Legal Agreement. CIL would be payable in the event of planning permission being granted. Nonetheless no Legal Agreement has been submitted to secure the SAMM financial contribution given the other objections to the proposal.
47. In view of the above, and in the absence of a Legal Agreement to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the additional dwellings would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area, either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects, contrary to the Conservation of Habitats and Species Regulations 2017 (SI No. 490 - the "Habitats Regulations"), saved Policy NRM6 of the South East Plan (2009), Policy CS8 of the Woking Core Strategy (2012) and the Thames Basin Heaths Avoidance Strategy (2022).

Community Infrastructure Levy (CIL)

48. The proposal would be liable to make a CIL contribution of £17,647.20 based on a net increase in floor area of 106m².

CONCLUSION

49. The proposed development would result in one additional dwelling on land which is at medium risk of surface water flooding and would be wholly reliant on access/egress across land which is at high and medium risk of surface water flooding (as identified in the Council's Strategic Flood Risk Assessment (November 2015)). In the absence of information to demonstrate that the sequential test is satisfied, the proposed development conflicts with the aims of Policy CS9 of the Woking Core Strategy (2012) which requires that proposals must avoid areas at risk of flooding where possible and prioritise development in areas with the lowest risk of flooding. The proposed development also conflicts with the National Planning Policy Framework (NPPF) (2023) and paragraph 7-023-20220825 (Revision date: 25 08 2022) of the Planning Practice Guidance (the PPG).
50. Furthermore, in the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the net additional dwellings arising from the proposed development would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Woking Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Avoidance Strategy (2022), saved policy NRM6 of the South East Plan

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(2009) and the Conservation of Habitats and Species Regulations 2017 (SI No. 490 - the "Habitats Regulations").

51. The proposal is therefore contrary to the Development Plan and is recommended for refusal.

BACKGROUND PAPERS

1. Site visit photographs

RECOMMENDATION

Refuse planning permission for the following reasons:

01. The proposed development would result in one additional dwelling on land which is at medium risk of surface water flooding and would be wholly reliant on access/egress across land which is at high and medium risk of surface water flooding (as identified in the Council's Strategic Flood Risk Assessment (November 2015)). In the absence of information to demonstrate that the sequential test is satisfied, the proposed development conflicts with the aims of Policy CS9 of the Woking Core Strategy (2012) which requires that proposals must avoid areas at risk of flooding where possible and prioritise development in areas with the lowest risk of flooding. The proposed development also conflicts with the National Planning Policy Framework (NPPF) (2023) and paragraph 7-023-20220825 (Revision date: 25 08 2022) of the Planning Practice Guidance (the PPG).
02. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the net additional dwellings arising from the proposed development would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Woking Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Avoidance Strategy (2022), saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2017 (SI No. 490 - the "Habitats Regulations").

Informatives

1. The plans relating to the development hereby refused are listed below:
L0.1 received by the Local Planning Authority on 05.06.2023
B.01 Rev A received by the Local Planning Authority on 05.06.2023
P.01 Rev B received by the Local Planning Authority on 05.06.2023
P.02 received by the Local Planning Authority on 05.06.2023
P.03 received by the Local Planning Authority on 05.06.2023
P.04 Rev A received by the Local Planning Authority on 05.06.2023
P.05 Rev A received by the Local Planning Authority on 05.06.2023
P.06 Rev A received by the Local Planning Authority on 05.06.2023
P.07 Rev A received by the Local Planning Authority on 05.06.2023
P.08 Rev A received by the Local Planning Authority on 05.06.2023
P.09 Rev A received by the Local Planning Authority on 05.06.2023
P.10 received by the Local Planning Authority on 05.06.2023
2. In the event that the applicant should wish to appeal against this decision a Section 106 Legal Agreement would be required to address the TBH SPA issue. A Section 106 unilateral undertaking appeal template is available to download at:

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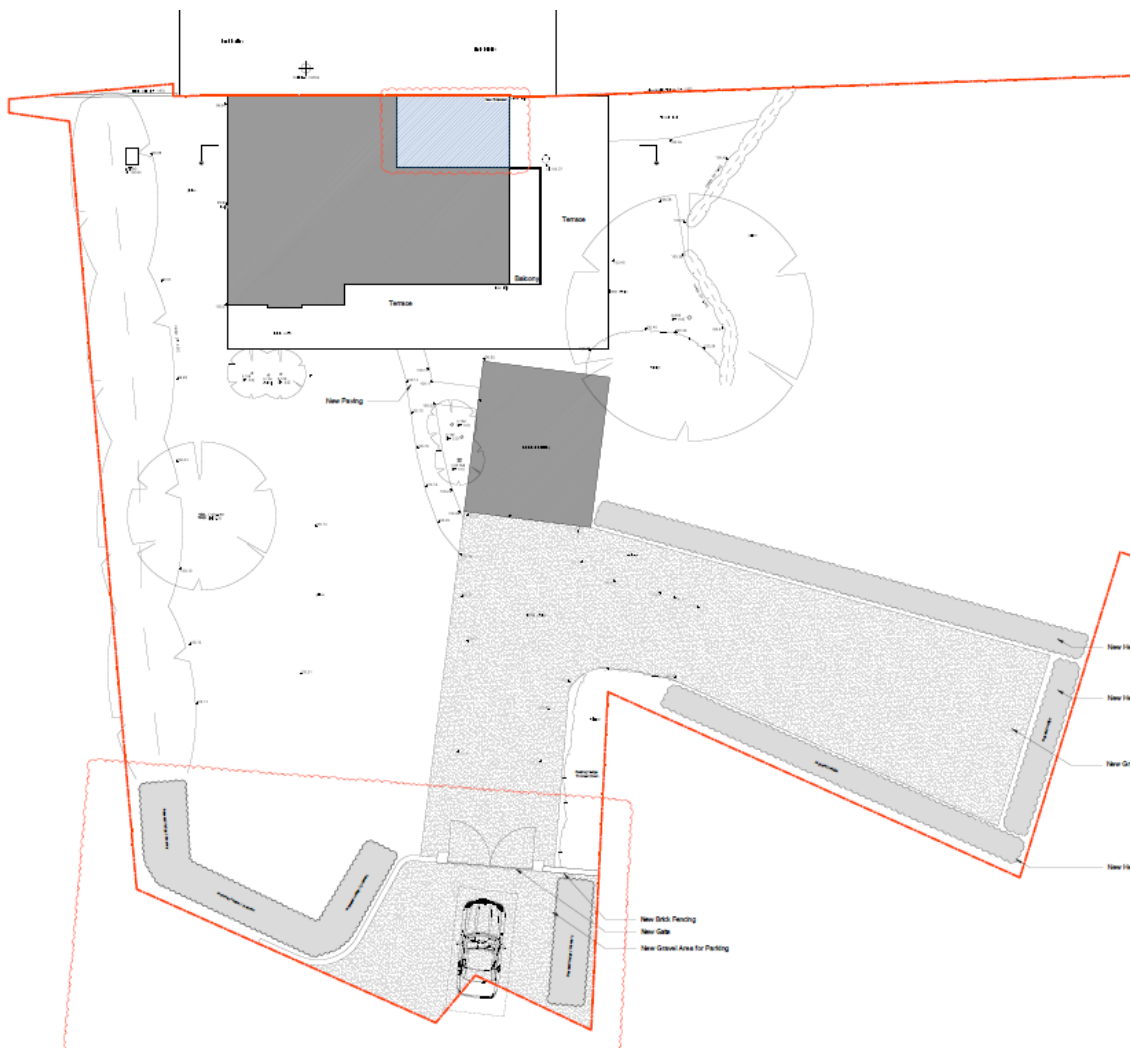
<https://www.woking.gov.uk/planning-and-building-control/planning/policies-and-guidance/section-106-agreements>

A completed, signed version of this template should be submitted to both the Planning Inspectorate and the Local Planning Authority as soon as possible during the course of any appeal.

2 Eastgate Cottages, Heath House Road

PLAN/2022/0349

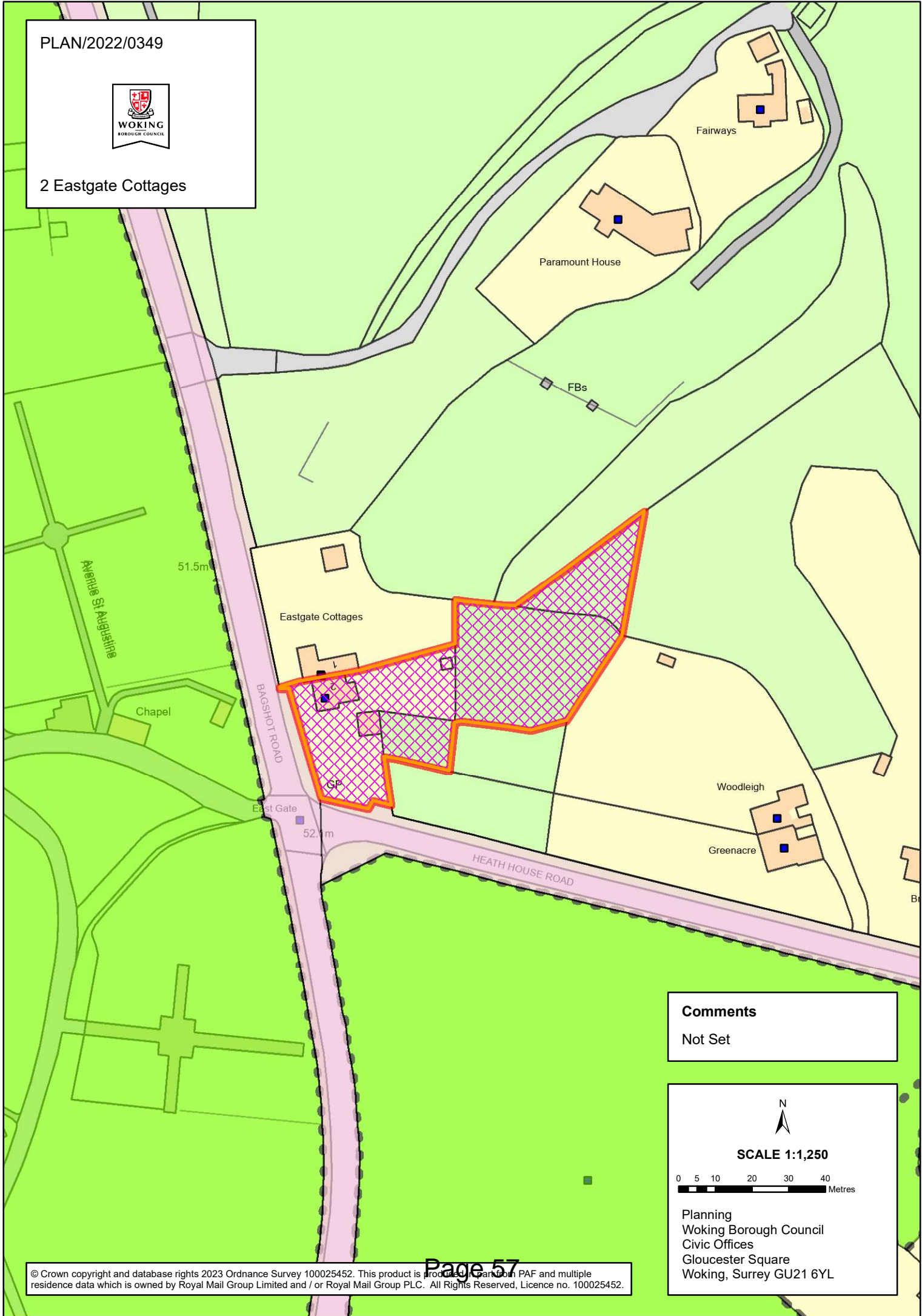
Erection of a first floor rear extension with balcony, single storey rear extension, insertion of front rooflights and external alterations. Erection of front gates and brick piers.



PLAN/2022/0349



2 Eastgate Cottages



Comments
Not Set

N
SCALE 1:1,250
0 5 10 20 30 40 Metres

Planning
Woking Borough Council
Civic Offices
Gloucester Square
Woking, Surrey GU21 6YL

6c PLAN/2022/0349

WARD: Heathlands

LOCATION: 2 Eastgate Cottages, Heath House Road, Woking, Surrey, GU22 0RD

PROPOSAL: Erection of a first floor rear extension with balcony, single storey rear extension, insertion of front rooflights and external alterations. Erection of front gates and brick piers

APPLICANT: Jayandra Patel

OFFICER: Russell Ellis

REASON FOR REFERRAL TO COMMITTEE:

The application was called in by Councillor Kevin Davis as he believes the proposal is not harmful to the Green Belt and is acceptable in terms of design.

SUMMARY OF PROPOSED DEVELOPMENT

The proposal is the erection/addition of a first floor extension above a previous extension with first floor balcony. Additionally, the erection of a single storey rear extension, again, extending off an existing single storey rear. It is further described that 2 front rooflights are added and external alterations (essentially removal of windows, new doors etc) and addition of entrance gates and piers. The plans also show dormer style addition to the roof and eaves of the side elevation however this is missing from the description of development on the application form.

PLANNING STATUS

- Green Belt
- Ancient Woodland
- Medium Surface Water Flood Risk Area
- Brookwood Neighbourhood Area
- TBH SPA Zone A (within 400m)

RECOMMENDATION

Refuse the application

SITE DESCRIPTION

The property is a semi-detached cottage, previously part of one building split into the two cottages around or pre- 1930's, built in traditional texture red brick and clay roof tiles. The property has been previously extended a number of times as detailed below.

RELEVANT PLANNING HISTORY

Application No. 1160 14.02.1939 (ie. Pre-1st June 1948) Back additions

It is not clear the works here or whether implemented but the importance in planning is that it was before 1st June 1948 therefore this is date which determines what is the original building.

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77/797 Double garage at 2 Eastgate Cottages

80/1657 2 single storey extension

85/0252 Erection single storey

1992/0537 Single storey rear (92 BC records exist)
Building Control records show this was implemented.

REPRESENTATIONS

Two representations were received raising the following summarised concerns:

- Balcony will affect privacy and result in overlooking (*this is address in the report*)
- Party wall use (*would not be a planning consideration but is a private agreement between those involved*)
- Access to the roof and guttering would be impossible (*not a planning consideration and are a private matter*)
- Concern over shared drains (*not a planning matter for consideration, would be a building control and/or relevant water authority matter*)

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2023):

Section 12 – Achieving well-designed places
Section 13 - Protecting Green Belt land

Woking Core Strategy (2012):

CS6 – Green Belt
CS21 – Design
CS24 – Woking's Landscape and Townscape

Development Management Policies DPD 2016

Policy DM13 – Buildings in and adjacent to the green belt

Supplementary Planning Documents:

Design (2015)
Outlook, Amenity, Privacy and Daylight (2022)

PLANNING ISSUES

Impact on Green Belt

1. The application site is located within the Green Belt. Paragraph 149 of the National Planning Policy Framework (2021) identifies that "*the extension or alteration of a*

12 DECEMBER 2023 PLANNING COMMITTEE

building provided that it does not result in disproportionate additions over and above the size of the original building” does not constitute inappropriate development within the Green Belt. Policy CS6 of the Woking Core Strategy (2012) reflects the position of the current National Planning Policy Framework (2021) regarding Green Belt.

2. Policy DM13 of the DM Policies DPD (2016) expands further, the Council’s position is *‘disproportionate additions over and above the size of the original building as it existed at 1 July 1948 or if it was constructed after the relevant date, as it was first built’*. Moreover it further states that *‘acceptable, proposals will be within the range of 20-40% above the original volume of the building’*.
3. Policy DM13 of the DM Policies DPD (2016) also states *‘the NPPF does not provide any guidance as to what may be regarded as ‘proportionate’ or ‘disproportionate’ addition in the context of a building extension or alteration. The Council considers that different locations and forms of development present different site specific characteristics. In this regard, the details of any application will be judged on its own individual merits’*. The NPPF (2012) referred to in Policy DM13 of the DM Policies DPD (2016) has been superseded by the NPPF (2023), the NPPF (2023) does not provide any guidance as to what may be regarded as ‘proportionate’ or ‘disproportionate’ addition in the context of a building extension or alteration.
4. There is a long planning history for the site detailed above. These extensions and alterations have all added to the footprint, floor area and volume of the original dwelling (for the purposes of Green Belt policy, the NPPF regards the ‘original’ building as being as it existed on 1st July 1948). The Green Belt calculations initially submitted gave an uplift (when adding in the proposal to all previous additions from original) of 113%. When the fact that this would greatly exceed policy and be inappropriate, the calculations were resubmitted, merely increasing the “existing” volume such that the uplift now came to 17%. This methodology is incorrect and the first calculation of 113% is a more accurate figure. Any further extensions would therefore represent disproportionate additions to the host dwelling.
5. The proposal therefore represents inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Furthermore, the proposal would significantly harm the openness of the Green Belt by virtue of the (in total) disproportionate extensions and alterations which result in a dwelling which is materially larger than the original.
6. Paragraph 147 of the NPPF (2021) goes on to state that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’*. Paragraph 148 of the NPPF (2021) states *‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’*. As such it must be established whether any ‘very special circumstances’ clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.
7. No very special circumstances have been submitted which would clearly outweigh the harm caused to the Green Belt by reason of the proposal inappropriateness.
8. The proposed development would result in disproportionate additions over and above the size of the original building. The proposal therefore represents inappropriate development in the Green Belt which would be harmful by definition and would impact detrimentally on the openness of the Green Belt. No very special circumstances are

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considered to exist which would clearly outweigh the harm caused to the Green Belt. The proposal would therefore be contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).

Character of the Area

9. Policy CS21 of the Woking Core Strategy (2012) states that new development should respect and make a positive contribution to the street scene and the character of the area within which it is located.
10. Historic maps would appear to show the property was originally one single larger building accessed off Bagshot Road to the west; and later split with No.2 then accessed from Heath House Road. However, what could be termed the front/principal elevation has always remained described as that facing west and Bagshot Road. This is borne out by previous applications and their description and even the current, correctly, describes the additions as being at the rear.
11. However, the 1980 two storey side addition certainly had the function of presenting the south elevation as the principle one, relocating the front door and closing off the west facing one, adding a porch over the new entrance and this opening up into a hallway. This elevation with the doors, matching windows etc is the elevation presented when approaching the building from the road/access and is very much in keeping and character of the building as a whole.
12. The current proposal completely alters how this elevation is presented on approach, removing all the traditional and matching windows and replacing with a stark brick façade by “bricking up” these openings. Additionally, this elevation is to have the large glazed dormer style window (3m wide) added serving the principal bedroom, utilising modern materials, and stepped out slightly from the wall on this elevation ie. Removing the eaves at this point, that will also be part of the “first impression” presented on approaching the dwelling.
13. This elevation as proposed becomes totally out of character with the main dwelling and area and whilst Heath House Road has minimal pedestrian traffic, this elevation would adversely impact street scene.
14. To the rear, the modern design is probably more acceptable and as there is no street view, is less dominant and impactful. However, the rear elevation becomes almost fully glazed and additionally a 1st floor balcony is added at 4.75m wide and 1.25m in depth; clearly designed to be utilised and used extensively. This rear elevation, certainly from 1st floor, directly impacts neighbouring amenity, privacy, outlook and the openness of the green belt.
15. Therefore, in addition to finding the proposal unacceptable development in the green belt by definition, on its own the design also fails due to its effect on the openness of the green belt, poor design and impact on outlook, amenity and privacy.
16. It is therefore contrary to the NPPF (Sections 12 & 13), Woking DMP DM13, Woking Core Strategies CS6, CS21, and CS24; and SPD policies on Design (2015) and Outlook, Amenity, Privacy and Daylight (2022).

Impact on Neighbours

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17. Policy CS21 of the Woking Core Strategy (2012) advises that proposals for new development should achieve a satisfactory relationship to adjoining properties, avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook.
18. The large glazed rear elevation has the potential to impact the neighbouring amenity and the balcony is of such a size that it is clearly intended for regular use and again, would impact outlook and amenity significantly harming the neighbour's amenities.
19. The proposal therefore conflicts with policies on Design (2015) and Outlook, Amenity, Privacy and Daylight (2022).
20. Consequently, the proposal is recommended for refusal.

LOCAL FINANCE CONSIDERATIONS

21. The proposal is not Community Infrastructure Levy (CIL) liable.

CONCLUSION

22. The proposed development would result in disproportionate additions over and above the size of the original building. The proposal therefore represents inappropriate development in the Green Belt which would be harmful by definition and would impact detrimentally on the openness of the Green Belt. No very special circumstances are considered to exist which would clearly outweigh the harm caused to the Green Belt. The proposal would therefore be contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the DM Policies DPD (2016) and the National Planning Policy Framework (2023).
23. By reason of design, the proposal has an unacceptable impact on the character of the host dwelling, openness of the green belt and neighbouring amenity and is therefore contrary to NPPF (Sections 12 & 13), Woking DMP DM13, Woking Core Strategies CS6, CS21, and CS24; and SPD policies on Design (2015) and Outlook, Amenity, Privacy and Daylight (2022).

BACKGROUND PAPERS

1. Site visit photographs
2. Previous applications
3. Current application

RECOMMENDATION

Refuse planning permission for the following reasons:

- i) The proposed development would result in disproportionate additions over and above the size of the original building. The proposal therefore represents inappropriate development in the Green Belt which would be harmful by definition and would impact detrimentally on the openness of the Green Belt. No very special circumstances are considered to exist which would clearly outweigh the harm caused to the Green Belt. The proposal would therefore be contrary to Policy CS6 of the Woking Core

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Strategy (2012), Policy DM13 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).

- ii) By reason of design, the proposal has an unacceptable impact on the character of the host dwelling, openness of the green belt and neighbouring amenity and is therefore contrary to NPPF (Sections 12 & 13), Woking DMP DM13, Woking Core Strategies CS6, CS21, and CS24; and SPD policies on Design (2015) and Outlook, Amenity, Privacy and Daylight (2022).

Informatives

1. The plans relating to the development hereby refused are listed below:

Dwg No. (PA)010 Existing and proposed elevation 01 dated 06.04.2022

Dwg No. (PA)011 Existing and proposed elevation 02 dated 06.04.2022

Dwg No. (PA)012 Existing and proposed elevation 03 dated 06.04.2022

Dwg No. (PA)013 Existing and proposed section dated 06.04.2022

Dwg No. (PA)005 Existing first floor plan dated 06.04.2022

Dwg No. (PA)004 Existing ground floor plan dated 06.04.2022

Dwg No. (PA)006 Existing roof plan dated 06.04.2022

Dwg No. (PA)002 Existing site plan dated 06.04.2022

Dwg No. (PA)008 Proposed first floor plan dated 06.04.2022

Dwg No. (PA)007 Proposed ground floor plan dated 06.04.2022

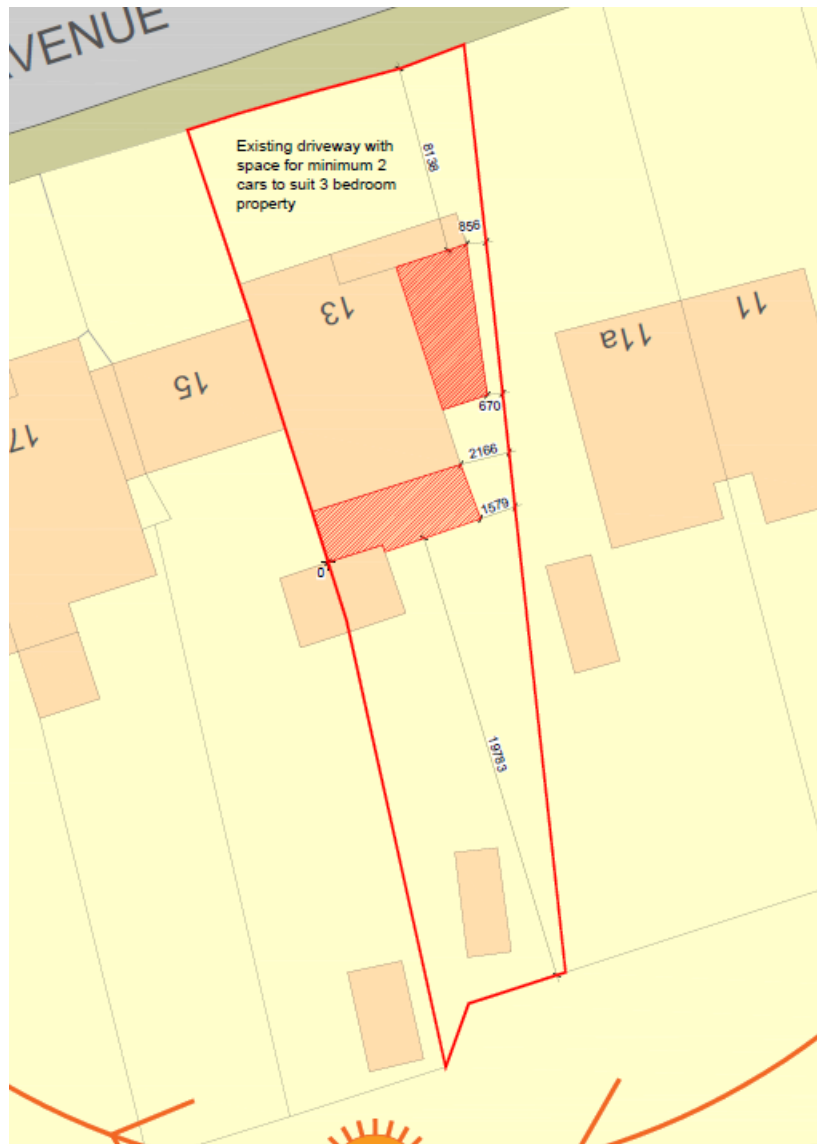
Dwg No. (PA)001 Location and block plan dated 06.04.2022

Dwg No. (PA)014 Gate elevation dated 06.04.2022

13 Petersham Avenue, Byfleet

PLAN/2023/0599

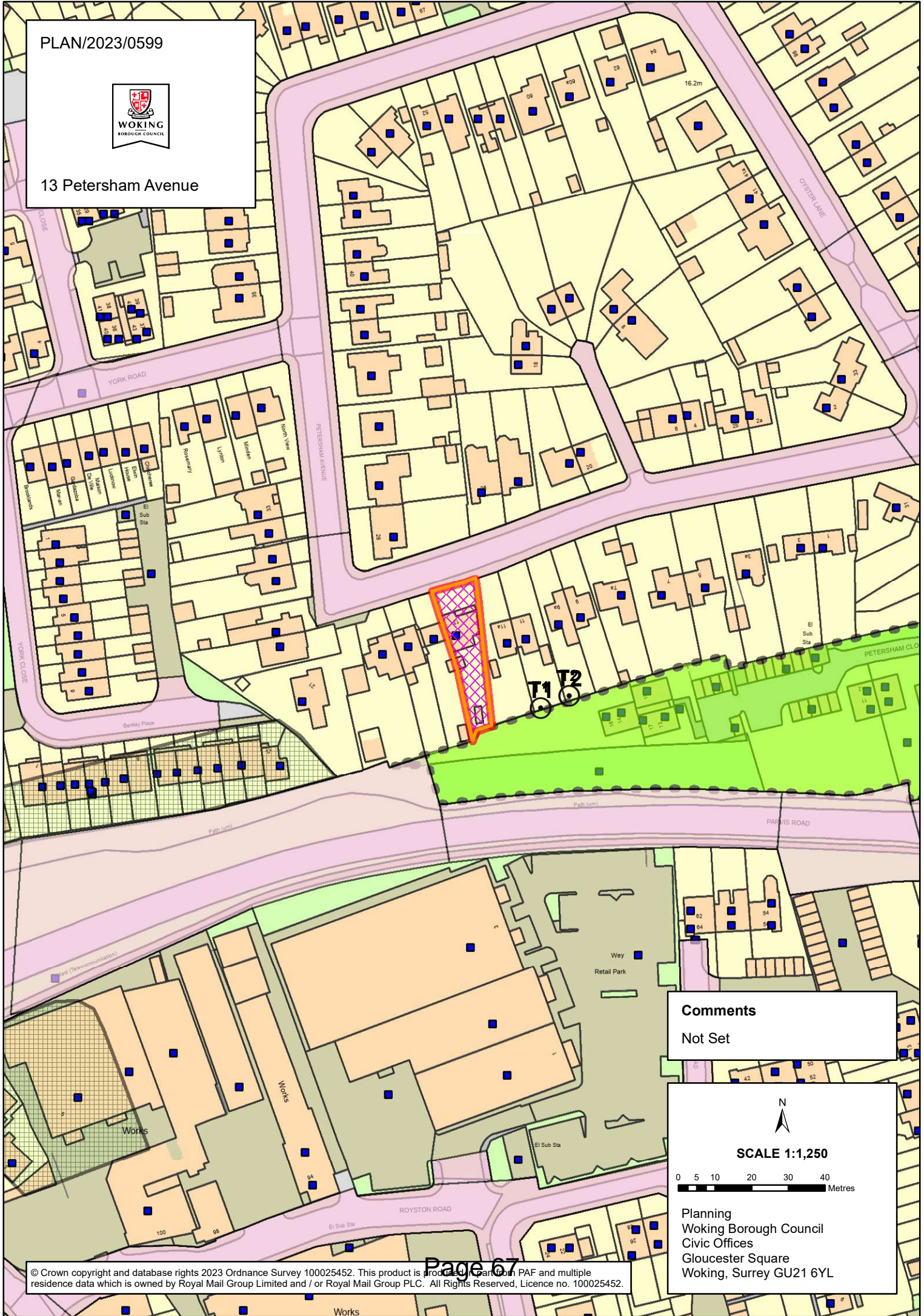
Erection of a first floor side extension and single storey rear extension. Conversion of garage into habitable room and insertion of 2No front rooflights.



PLAN/2023/0599



13 Petersham Avenue



Comments
Not Set

N
SCALE 1:1,250
0 5 10 20 30 40 Metres

Planning
Woking Borough Council
Civic Offices
Gloucester Square
Woking, Surrey GU21 6YL

6d PLAN/2023/0599

WARD: BWB

LOCATION: 13 Petersham Avenue, Byfleet, West Byfleet, Surrey, KT14 7HU

PROPOSAL: Erection of a first floor side extension and single storey rear extension. Conversion of garage into habitable room and insertion of 2No front rooflights.

APPLICANT: Mr & Mrs Martin

OFFICER: Claire Bater

REASON FOR REFERRAL TO COMMITTEE

The application is brought before the Committee as the applicant is a Councillor.

PROPOSED DEVELOPMENT

The planning application seeks permission for a proposed first floor side extension and single storey rear extension. It is also proposed to convert the garage to habitable accommodation and insert 2 front rooflights.

PLANNING STATUS

- Urban Area
- Flood Zone 2
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)

RECOMMENDATION

GRANT planning permission.

SITE DESCRIPTION

The application site is a two-storey semi- house located on the south side of Petersham Avenue, Byfleet within the urban area.

PLANNING HISTORY

PLAN/1988/1337 – Erection of a first floor extension to rear of existing dwelling. – refused 03.02.1989

81/0336 – Construction of a pitched roof over existing flat roof and the erection of a single storey extension – permitted 24.06.1981

79/1078 – Erection of a single storey extension – permitted 25.10.1979

74/0877 – Demolition of the existing garage and the erection of a new garage – permitted.

CONSULTATIONS

Arboricultural Officer - *“There are trees on site to the rear but are far enough away so as not to be considered a constraint, therefore no arboricultural objections are raised.”*

Byfleet, West Byfleet, Pyrford Residents Association – no comments received.

REPRESENTATIONS

None received.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2021)

Section 12 - Achieving well-designed places

Woking Core Strategy (2012)

CS9 – Flooding and water management

CS21 – Design

CS24 – Woking's Landscape and Townscape

Supplementary Planning Documents (SPD's)

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2021)

Parking Standards (2018)

PLANNING ISSUES

Impact on Character of the Area

1. Section 12 of the *National Planning Policy Framework (2021)* states that *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”* and that *“Good design is a key aspect of sustainable development...”* and requires proposals to *“add to the overall quality of the area...”*, to be *“visually attractive as a result of good architecture...”* and *“sympathetic to local character and history, including the surrounding built environment and landscape setting...”*.
2. Policy CS21 of the *Woking Core Strategy (2012)* requires development proposals to *“respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land”* whilst Policy CS24 requires development proposals to provide a 'positive benefit' in terms of townscape character.
3. Supplementary Planning Document *Woking Design (2015)* sets out guidance for domestic extensions and states that *“significant extensions to the street façade will usually be resisted where there is a well established building line”* and *“extensions should not result in unbalanced or disproportionate frontages...The additional mass should respect the existing building proportion, symmetry and balance”*.
4. The existing building is a two-storey end-of-terrace house constructed with pebble-dash render to all elevations; this is in contrast to the smooth white render used on the other houses in the terrace. Clay roof tiles are present on the pitched roof.

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5. The proposed first floor side extension would be over the existing attached garage and would maintain the eaves and ridge height of the host dwellinghouse. A separation distance of 1m would be retained to the side boundary with No.11a Petersham Avenue.
6. The proposed single storey rear extension would have a depth of 2.69m, match the width of the existing single storey rear extension and infill the gap to the existing detached store outbuilding. A flat roof with overall height of 2.67m would cover both the existing and proposed extensions.
7. The extensions would be constructed from materials to match those of the host dwellinghouse and it is considered that the proposed development would have an acceptable impact on the character of the host dwellinghouse and the surrounding area.

Impact on Neighbouring Amenity:

8. Policy CS21 of the *Woking Core Strategy* (2012) advises that proposals for new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook.
9. Woking Council's SPD Outlook, Amenity, Privacy and Daylight (2008) contains a 45° test to determine whether a rear extension would have an acceptable impact on the sunlight/daylight levels received by the rear windows of adjoining and adjacent properties, in this instance Nos.11a and 15 Petersham Avenue. The proposed extensions pass this towards both adjacent properties. The SPD also contains a 25° test to determine whether an extension would have an acceptable impact on the sunlight/daylight levels received by the side windows of adjoining and adjacent properties. No windows are present in the side elevations of these neighbouring properties and accordingly the proposed extensions would pass this test too.
10. It is considered that the proposal would not appear unacceptably overbearing towards neighbouring properties. This is due to the combination of the depth and height of the extensions as well as the location in relation to the main private amenity space of neighbouring properties.
11. It is considered that the proposed siting, scale, massing and design of the proposed extensions would not unacceptably impact sunlight/daylight levels, would not create unacceptable overlooking issues and would not appear unacceptably overbearing towards neighbouring properties.

Impact on Private Amenity Space:

12. Woking Borough Council's SPD Outlook, Amenity, Privacy and Daylight (2022) recommends that large family dwellings with a gross floor area of more than 150sqm should have private amenity space that is at least equal in area to the gross floor area of the house and also in scale with the house. According to the submitted drawings the proposed development would leave the dwelling with a gross floor area of approximately 167.7sqm and a rear garden with an area of approximately 146sqm. It is therefore considered that the proposed development would have an acceptable impact on the property's levels of private amenity space.

Impact on Car Parking Provision & the Highway:

13. Woking Borough Council's SPD *Parking Standards* (2018) recommends that dwelling houses with four or more bedrooms should have a minimum of three car parking spaces.

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The proposed development would create an additional bedroom, therefore increasing the demand for parking provision. However, notwithstanding the loss of the existing attached garage to habitable accommodation, it is considered that space is available for three cars to park off-road as required by the SPD *Parking Standards* (2018). For these reasons, it is considered that the proposal would have an acceptable impact on car parking provision and highway safety.

Impact on Flood Risk:

14. The application site is in Flood Zone 2 (medium risk). The application does not propose floor levels any lower than existing and is considered to be relatively minor in nature. For these reasons it is considered that the proposal would have an acceptable impact on the flood risk of the area.

Local Finance Considerations:

15. The Council introduced the Community Infrastructure Levy (CIL) on 1 April 2015. As the proposed development would not lead to additional gross floor space of more than 100sqm it is not liable for a financial contribution to CIL.

CONCLUSION

16. Overall, the proposal is considered to have an acceptable impact on the character of the host dwelling and surrounding area and on the amenities of neighbours. The proposal therefore accords with policies CS9 and CS21 of the *Woking Core Strategy* (2012), Supplementary Planning Documents *Outlook, Amenity, Privacy and Daylight* (2022), *Woking Design* (2015) and *Parking Standards* (2018) and the *National Planning Policy Framework* (2021) and is recommended for approval.

BACKGROUND PAPERS

Site visit photographs (dated 20.09.2023)
Flood Risk Assessment dated 12.07.2023 (received 13.07.2023)
Flood Risk Questionnaire (received 13.07.2023)
Design Statement (received 13.07.2023)

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be commenced not later than three years from the date of this permission.

Reason: To accord with the provisions of Section 91 (1) of The Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

Drawing No: 23-012/P/001 "Location Plan" received by the LPA on 13.07.2023
Drawing No: 23-012/P/002 "Block Plan" received by the LPA on 13.07.2023
Drawing No: 23-012/P/005 "Proposed Plans" received by the LPA on 13.07.2023
Drawing No: 23-012/P/006 "Proposed Elevations" received by the LPA on 13.07.2023

Reason: For the avoidance of doubt and to ensure that the development is completed in accordance with the approved plans.

3. The external finishes of the development hereby permitted shall match those used in the existing building in material, colour, style, bonding and texture.

Reason: To protect the character and appearance of the building and the visual amenities of the area.

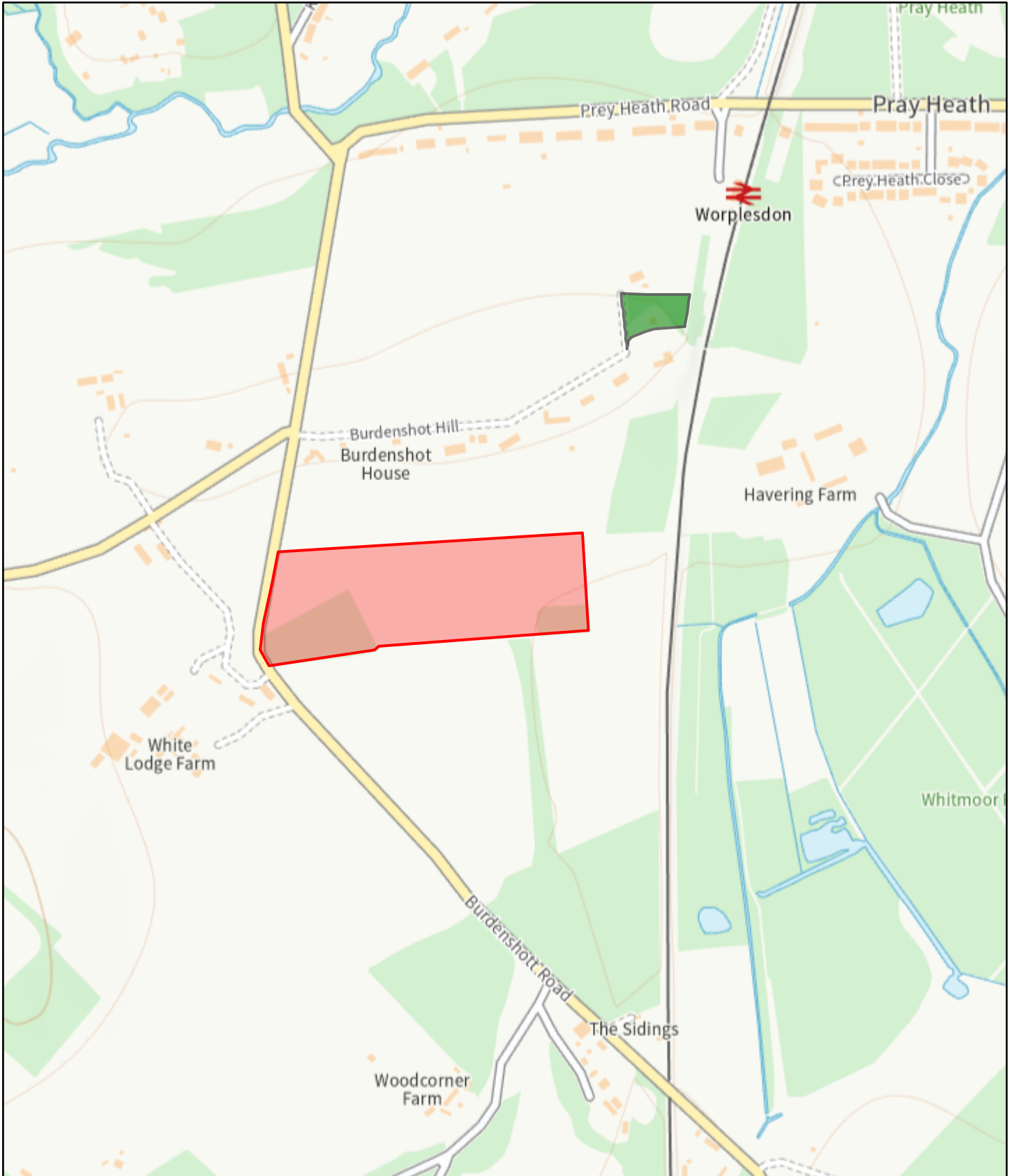
4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the flat roof area of the extension hereby permitted shall not be used as a balcony, roof terrace, sitting out area or similar amenity area without the grant of further specific planning permission by the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining properties.

Informatives

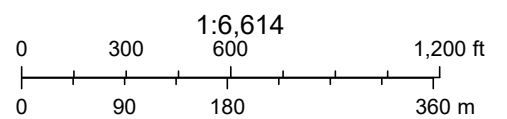
01. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework (2023).
02. The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00 a.m. - 6.00 p.m. Monday to Friday
8.00 a.m. - 1.00 p.m. Saturday
and not at all on Sundays and Bank Holidays.
03. The applicant is advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
04. The provisions of the Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet, prepared by the Ministry of Housing, Communities and Local Government, and setting out your obligations, is available at the following address:
<https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance#explanatory-booklet>
05. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within their ownership.



11/30/2023, 4:20:34 PM

 Tree Preservation Polygons



PLANNING COMMITTEE – DECEMBER 12TH 2023

CONFIRMATION OF TREE PRESERVATION ORDER REF. TPO/0017/2023 – LAND ADJACENT TO HERTFORD PARK SITED TO THE EAST OF BURDENSOTT ROAD WORPLESDON GUILDFORD SURREY GU3 3RJ

Executive Summary

The purpose of this report is to recommend to the Committee that a Tree Preservation Order be confirmed following the receipt of one letter of objection to the making of the Order. The Tree Preservation Order protects trees on Land Adjacent To Hertford Park Sited To The East Of Burdenshott Road Worplesdon Guildford Surrey GU3 3RJ

Recommendations

The Committee is requested to:

RESOLVE that Tree Preservation Order Ref. TPO/0017/2023 be confirmed without modification

This Committee has authority to determine the above recommendations.

Background Papers:

Plan from Tree Preservation Order showing location of the trees

Letters of objection: St Aubyn Tree Consultancy on behalf of Janine Summers

Reporting Officer:

Thomas James
Ext. (74)3435, E Mail: Thomas.james@woking.gov.uk

Contact Officer:

James Veats, Senior Arboricultural Officer
Ext. (74)3739, E Mail james.veats@woking.gov.uk

1. Introduction

An area Tree Preservation Order was made on 09th August 2023 on Land Adjacent To Hertford Park Sited To The East Of Burdenshott Road Worplesdon Guildford Surrey GU3 3RJ Appendix 1.

- 1.1. The plan showing the site location is shown in **Appendix 2**.
- 1.2. One objection was received to the making of the Tree Preservation Order. This is shown in **Appendix 3**.
- 1.3. Notwithstanding the objections received to the making of the Tree Preservation Order, the recommendation is that it be confirmed without modification.

2. Background Information

- 2.1. The land is situated to the South of Burdenshott Hill and to the North East of White Lodge House on Burdenshot Road running East from Burdenshott Road shown in **Appendix 2**.
- 2.2. On the 27th July 2023 the council received an email from concerned residents that the trees on and adjacent to a proposed development at the site in question, planning application PLAN/2023/0224 Proposed erection of agricultural buildings, structures and associated works. Alterations to existing access onto Burdenshott Road (amended address) could have a detrimental impact on trees.
- 2.3. During the consultation process of planning applications, the councils tree officer are advised that a proposal has been submitted. A site visit is then undertaken to assess the likely impact the development may have on trees. If it is felt that trees may be affected by the proposed an assessment is undertaken to determine if the loss of those trees would be of detriment to the character of the area. If it is determined that there could be a negative impact on trees, then a TPO may be issued.
- 2.4. The trees sit to the front of the site and around the field boundary these are mature specimens and could suffer as a result if works are not undertaken in an arboriculturally sensitive manner. Given the foreseeable threat to the trees as a result of development a TPO was issued.

3. Letters of objection

- 3.1. One letter of objection from St Aubyn Tree Consultancy on behalf of Janine Summers was received on 22/08.2023 .
- 3.2. There objection outlines that the trees on site have been managed in an appropriate manner for many years and points out that not all the trees are of high amenity value and that the use of an Area TPO was not appropriate or in line with Government guidance.

4. The Tree Officer's response to the objections received is as follows:

- 4.1. The trees amenity can be justified by the fact that they are located to the front of the land adjacent to the road.
- 4.2. The sylvan character of the area is considered to be high and the trees in question make a significant contribution to the character of the area.
- 4.3. The council has carried out a TEMPO assessment **Appendix 4** which has determined that a TPO is "Definity merits TPO". As identified within the TEMPO guidance notes a definitely merits TPO is "trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise".

5. Implications

6. Financial

6.1. None

7. Human Resource/Training and Development

7.1. None

8. Environmental/Sustainability

8.1. None

9. Conclusions

Given the trees high public amenity value and the threat from removal and or damage, protection of the trees is considered appropriate and it is recommended that the Tree Preservation Order be confirmed without modification.

REPORT ENDS



Woking Borough Council

Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

TOWN AND COUNTRY PLANNING (Tree Preservation) (England) Regulations 2012

TREE PRESERVATION ORDER

Town and Country Planning Act 1990

The Land Adjacent To Hertford Park Sited To The East Of Burdeshott Road Worplesdon Guildford Surrey GU3 3RJ (TPO/0017/2023)

The Woking Borough Council, in exercise of the powers conferred on them by section of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as the Land Adjacent To Hertford Park Sited To The East Of Burdeshott Road Worplesdon Guildford Surrey GU3 3RJ (TPO/0017/2023).

Interpretation

2.

1. In this Order “the authority” means the Woking Borough Council.
2. In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.

1. Subject to article 4, this Order takes effect provisionally on the date on which it is made.
2. Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - a. cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - b. cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.


Application to trees to be planted pursuant to a condition



INVESTOR IN PEOPLE

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Arboricultural Officer Signature

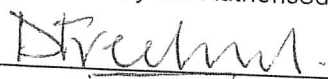
Signed: 

Printed: JAMES WATT

Date: 9/08/23

Authorised Officer Signature:

I endorse the action taken by the Authorised Officer.

Signed: 

Printed: DAN FROELAND

Date: 9/8/23

SCHEDULE

SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
------------------	-------------	-----------

Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
------------------	-------------	-----------

A1	The Mixed hardwoods trees within the area marked A1 on the map	Mature Oak with hawthorn understory and Poplar copse
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Groups of trees

(within a broken black line on the map)

Reference on map	Description	Situation
------------------	-------------	-----------

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
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CERTIFICATE OF SERVICE

TPO Ref No:

TPO/0017/2023 (Land at Land Adjacent To Hertford Park Sited To The East Of Burdeshott Road
Worplesdon Guildford Surrey GU3 3RJ, TREE PRESERVATION ORDER)

Description Land Adjacent To Hertford Park Sited To The East Of Burdeshott Road
Worplesdon Guildford Surrey GU3 3RJ
Location Land Adjacent To Hertford Park Sited To The East Of Burdeshott Road
Worplesdon Guildford Surrey GU3 3RJ

I certify that at approximately 1:30pm on 09/08/23, I delivered to the following persons, a copy of the
above Tree Preservation Order and "Regulation 5" letter dated 9 August 2023.

Name Address

Owner/
occupier Oakhanger Burdeshot Hill Worplesdon Guildford Surrey GU3 3RL

Owner/
occupier Longridge Burdeshot Hill Worplesdon Guildford Surrey GU3 3RL

Owner/
occupier Burdeshott House Burdeshot Hill Worplesdon Guildford Surrey GU3 3RL

Owner/
occupier Pendle Burdeshot Hill Worplesdon Guildford Surrey GU3 3RL

Owner/
occupier Goodacre Burdeshot Hill Worplesdon Guildford Surrey GU3 3RL

Owner/
occupier Chagfords Burdeshot Hill Worplesdon Guildford Surrey GU3 3RL

~~Owner/
occupier Oakhanger Burdeshot Hill Worplesdon Guildford Surrey GU3 3RL~~

~~Owner/
occupier Longridge Burdeshot Hill Worplesdon Guildford Surrey GU3 3RL~~

~~Owner/
occupier Burdeshott House Burdeshot Hill Worplesdon Guildford Surrey GU3 3RL~~

~~Owner/
occupier Pendle Burdeshot Hill Worplesdon Guildford Surrey GU3 3RL~~

~~Owner/
occupier Goodacre Burdeshot Hill Worplesdon Guildford Surrey GU3 3RL~~

~~Owner/
occupier Chagfords Burdeshot Hill Worplesdon Guildford Surrey GU3 3RL~~



INVESTOR IN PEOPLE

occupier

Owner/
occupier

J Summers Hertford Park Burdeshott Road Worplesdon Woking GU3 3RN

Signed:

Name:



JAMES VEATS

Position:

SITE ARB OFFICER

Date: 9 August 2023

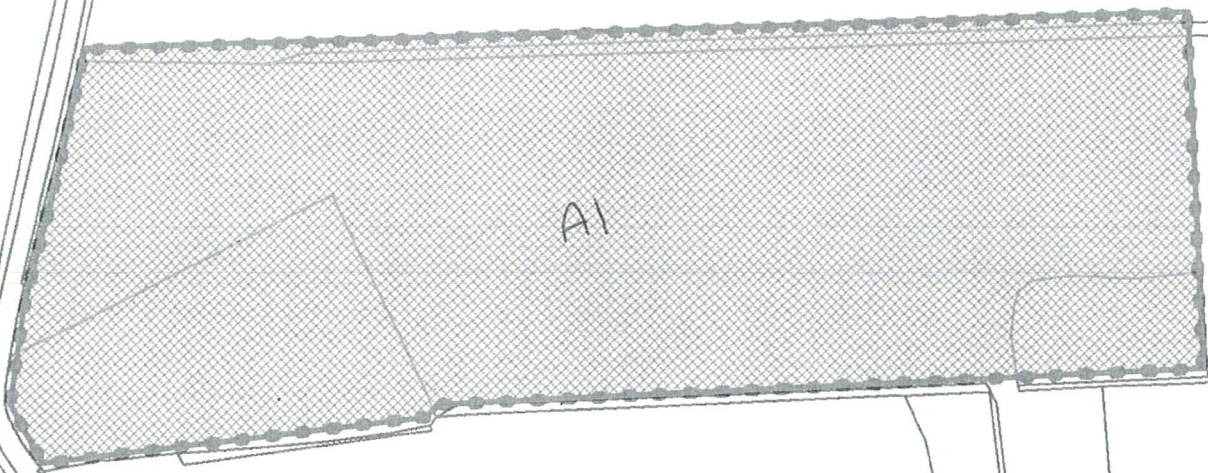
CRTSERV - Certificate of Service

TPO/0017/2023



Land adjacent to Hertford Park East of Burdeshott Road

Handwritten signature and date: 9/8/23



Comments
Area Order

N
SCALE 1:2,500
0 10 20 40 60 80 Metres

Planning
Woking Borough Council
Civic Offices
Gloucester Square
Woking, Surrey GU21 6YL

Appendix 2 – Site Plan (Green area indicates location of protected trees)





Rock House
49-51 Cambridge Road
Hastings TN34 1DT
01424 533216

info@statrees.com

www.statrees.com

22/08/2023

Mr James Veats
Principal Tree Officer
Woking Borough Council
Civic Offices, Gloucester Square
Woking
Surrey GU21 6 YL

By email only: james.veats@woking.gov.uk
Our ref: StA 3139 TPO Obj Land to east of Burdenshott Road

Re: Objection to TPO 0017 2023 A1 at Land adjacent to Hertford Park sited to the East of Burdenshott Road, Worplesdon, Guildford, Surrey GU3 3RJ

Dear Mr Veats

I am instructed by Janine Summers, the owner of the land which has recently been made the subject of a Tree Preservation Order (TPO) 0017 2023.

Please accept this letter as a formal objection to this TPO on the basis that:

- Although the recently refused planning permission did not include any arboricultural information to support it, and therefore potentially there may have been arboricultural impacts which had not been considered or addressed, had this information been requested, it would have readily been provided and the proposals adjusted accordingly.
- A full arboricultural survey and report is now in the process of being undertaken to support a resubmission of this recently refused application.
- The site has been under good arboricultural management for many years.
- Not all of the trees within the site are of high amenity value. For example, there is a small copse of over mature Poplar which will need management in the near future. The site owner is keen to keep the extents of the TPO focused on the higher value amenity trees, to minimise the inevitable burden of additional administration due to a TPO and to ensure that this doesn't become a barrier to the ongoing management of the land.

As you are no doubt aware, the Department of the Environment Circular 36/78 (Memorandum, para 43) states that the use of area orders is broadly discouraged because it may lead to trees of little merit being preserved. The current guidance is that "**authorities are advised to only use this category as a temporary measure until they can fully assess the trees in the area. In addition, authorities are advised to re-survey existing orders which include the area category**"¹.

¹ Mynors, Hall & Nichols, *The Law of Trees, Forests and Hedges*. 3rd ed, Street & Maxwell, London



Furthermore, case law (*Robinson vs East Riding of Yorkshire*, Court of Appeal) supports this approach, indicating that following an area order being made, it would not be best practice for that order to continue for any substantial period of time, and at some point, a more detailed inspection should be undertaken, so that a revised order will relate to trees specified by either an individual, group or woodland designation.

I confirm that I have been instructed to carry out a tree survey and my client intends to make this information available to the Woking Borough Council's tree team, to enable the Council to make a more focused TPO on solely the high amenity trees within the site.

Please could you confirm receipt of this TPO objection and if you need anything further at this stage, please do get in touch to discuss.

Yours sincerely



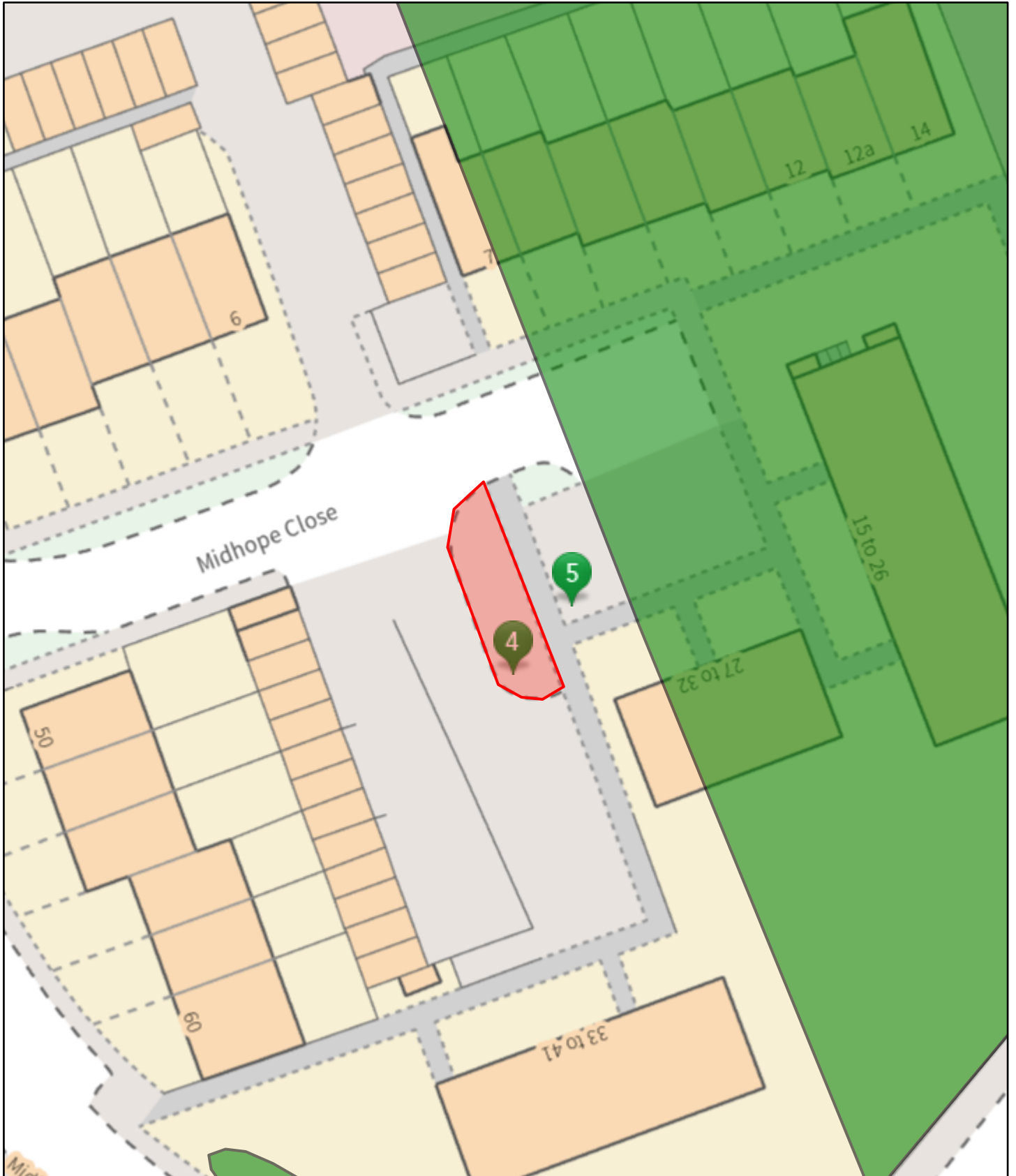
Abi St Aubyn

MICFor MArborA DipArb L6 (ABC) MEng(Hons)
Chartered Arboricultural Consultant



APPENDIX 4

TEMPO ASSESSMENT	
Date: 9th August 2023	Surveyor: DF
Tree Details: Burdenshot Woodland	
Part 1: Amenity assessment	SCORE
a) Condition & suitability for TPO	
5) Good - Highly suitable 3) Fair/satisfactory - Suitable 1) Poor - Unlikely to be suitable 0) Dead/dying/dangerous* - Unsuitable * Relates to existing context and is intended to apply to severe irremediable defects only	5
b) Retention span (in years) & suitability for TPO	
5) 100+ - Highly suitable 4) 40-100 - Very suitable 2) 20-40 - Suitable 1) 10-20 - Just suitable 0) <10* - Unsuitable *Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality	4
c) Relative public visibility & suitability for TPO	
Consider realistic potential for future visibility with changed land use 5) Very large trees with some visibility, or prominent large trees Highly suitable 4) Large trees, or medium trees clearly visible to the public - Suitable 3) Medium trees, or large trees with limited view only - Suitable 2) Young, small, or medium/large trees visible only with difficulty - Barely suitable 1) Trees not visible to the public, regardless of size - Probably unsuitable	3
d) Other factors	
Trees must have accrued 7 or more points (with no zero score) to qualify	
5) Principal components of formal Arboricultural features, or veteran trees 4) Tree groups, or principal members of groups important for their cohesion 3) Trees with identifiable historic, commemorative or habitat importance 2) Trees of particularly good form, especially if rare or unusual 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) -1) Trees with poor form or which are generally unsuitable for their location	4
Part 2: Expediency assessment	
Trees must have accrued 10 or more points to qualify	
5) Immediate threat to tree inc. s.211 Notice 3) Foreseeable threat to tree 2) Perceived threat to tree 1) Precautionary only	2
Part 3: Decision guide	
Any 0 - Do not apply TPO 1-6 - TPO indefensible 7-11 - Does not merit TPO 12-15 - TPO defensible 16+ Definitely merits TPO	18
Decision	Definitely Merits TPO
Further Information:	
Planning application has been submitted	



11/30/2023, 4:26:26 PM

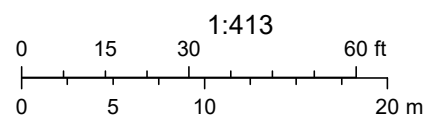
Tree Preservation Points

4 T4

5 T5

Utility - OS Topographic Area

Tree Preservation Polygons



PLANNING COMMITTEE – 12TH DECEMBER 2023

**CONFIRMATION OF TREE PRESERVATION ORDER REF. TPO/0018/2023 – LAND AT MIDHOPE
CLOSE WOKING SURREY**

Executive Summary

The purpose of this report is to recommend to the Committee that a Tree Preservation Order be confirmed following the receipt of one letter of objection to the making of the Order. The Tree Preservation Order protects four trees including one Lime and three False Acacia on Land at Midhope Close, Woking Surrey

Recommendations

The Committee is requested to:

RESOLVE that Tree Preservation Order Ref. TPO/0018/2023 be confirmed without modification

This Committee has authority to determine the above recommendations.

Background Papers:

Plan from Tree Preservation Order showing location of the trees.

Letters of objection:

Richard Shearer (Chairman for Midhope Close Flats Management Company Ltd)

Reporting Officer:

Thomas James

Ext. (74)3435, E Mail: Thomas.james@woking.gov.uk

Contact Officer:

Dave Frye, Arboricultural Officer

Ext. (74)3749, E Mail dave.frye@woking.gov.uk

1. Introduction

A Tree Preservation Order was made on 15th August 2023 to three False Acacia and one Lime tree on Land at Midhope Close, Woking Surrey. **Appendix 1**

- 1.1. The plan showing the site location is shown in **Appendix 2**.
- 1.2. One objection was received to the making of the Tree Preservation Order. This is show in **Appendix 3**.
- 1.3. Notwithstanding the objection received to the making of the Tree Preservation Order, the recommendation is that it be confirmed without modification.

2. Background Information

- 2.1. The area of Midhope Close is residential with a mixture of flats and housing. The area is accessible to the public with pavement and road access. **Appendix 2**.
- 2.2. On the 23rd June 2023 the council received a planning application for the alterations to existing car park including alterations to access, creation of 5No additional parking spaces and a new bin and cycle store. REF: PLAN/2023/0501
- 2.3. During the consultation process of planning applications, the councils tree officer are advised that a proposal has been submitted. A site visit is then undertaken to assess the likely impact the development may have on trees. If it is felt that trees may be affected by the proposed an assessment is undertaken to determine if the loss of those trees would be of detriment to the character of the area. If it is determined that there would be a negative result from tree loss then a TPO may be issued.
- 2.4. The trees sit in the middle of the current car park and the planning application seeks to remove these trees to make way for further parking. Given the foreseeable threat to the trees as a result of development a TPO was issued.

3. Letters of objection

- 3.1. One letter of objection was received by the Council on the 11th September 2023 from Richard Shearer acting on behalf of Midhope Close Flats Management Company Limited. **Appendix 3**.
- 3.2. Grounds for objection –
- 3.3. The objection has identified that the trees will require removal as part of the planning application.
- 3.4. Point 8 of the objection states that the “trees have proved to be the wrong trees in the wrong place”. Cars parked below the trees end up covered in sap from the trees which has caused a nuisance to flat residents.
- 3.5. The objection states that arboricultural advice has been sought which has noted that the trees are not worth preserving. It identifies that the Robina is “not regarded as a high grade species” and that the Robina are not in good condition.
- 3.6. Point 10 of the objection has stated that there is a requirement under the deeds of the site that the estate should be managed for the benefit of residents. The planning application that has been submitted is seen as optimising the land available to residents as a net improvement.

4. The Tree Officer's response to the objections received is as follows:

- 4.1. The objection has outlined that there is a need to increase the available parking within the grounds of the Midhope Estate and that in order to provide more parking the removal of the 4 trees subject to this TPO is required. Any part of the objection which refers to the planning application or any of the requirements for further parking is to be assessed by the planning officer. Where trees are potentially affected by development the planning officer will consult the tree officer for comments.
- 4.2. The seasonal issues associated with trees such as leaf fall, falling detritus or sap falling on to cars is not considered to be an appropriate reason to remove protected trees. Whilst the council understands the problems associated with these issues, suitable management can help to alleviate the nuisance caused.
- 4.3. The objection has said that arboricultural advice has been sought, however this has not been submitted to the council as part of the objection. The Robina trees are not considered to be a low grade species. TPOs do not distinguish between species of trees as to whether a TPO should be issued.
- 4.4. Mitigation has been discussed throughout the objection, however, replacement trees will take many years before they have the same value as the trees currently in situ. Therefore the TPO will ensure that mature trees are retained.
- 4.5. The making of a TPO on trees occurs when trees are under threat of removal and when they make a contribution to the character of the area. Both of these factors have been identified, therefore, the council has carried out a TEMPO assessment (**Appendix 4**) which has concluded that a TPO is required as it finds that a TPO is merited. As identified within the TEMPO guidance notes a definitely merits TPO is "trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise".

5. Implications

5.1. Financial

5.1.1. None

5.2. Human Resource/Training and Development

5.2.1. None

5.3. Environmental/Sustainability

5.3.1. None

6. Conclusions

Given the trees high public amenity value and the threat from removal and or damage, protection of the trees is considered appropriate and it is recommended that the Tree Preservation Order be confirmed without modification.

REPORT ENDS



Woking Borough Council

Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

TOWN AND COUNTRY PLANNING (Tree Preservation) (England) Regulations 2012

TREE PRESERVATION ORDER

Town and Country Planning Act 1990

The Land at Midhope Close Woking Surrey (TPO/0018/2023)

The Woking Borough Council, in exercise of the powers conferred on them by section of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as the Land at Midhope Close Woking Surrey (TPO/0018/2023).

Interpretation

2.

1. In this Order “the authority” means the Woking Borough Council.
2. In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.

1. Subject to article 4, this Order takes effect provisionally on the date on which it is made.
2. Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - a. cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - b. cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

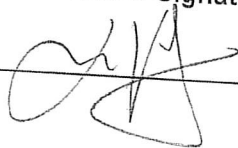
Application to trees to be planted pursuant to a condition



INVESTOR IN PEOPLE

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Arboricultural Officer Signature

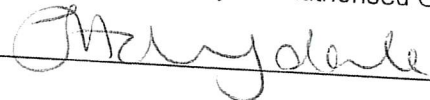
Signed:  _____

Printed: _____ JAMES VANTS _____

Date: 15/08/23 _____

Authorised Officer Signature:

I endorse the action taken by the Authorised Officer.

Signed:  _____

Printed: JOANNE HOLLINGDALE _____

Date: 15.08.2023 _____

SCHEDULE

SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
------------------	-------------	-----------

Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
------------------	-------------	-----------

Groups of trees

(within a broken black line on the map)

Reference on map	Description	Situation
------------------	-------------	-----------

G1	Mixed hardwoods trees	4 x trees consisting of 3 False Acacia and 1 Lime
----	-----------------------	---

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
------------------	-------------	-----------

Land at Midhope Close



Group Order 1 x Lime 3 x Acacia

G1

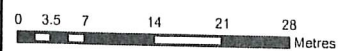
[Handwritten signature]
15/8/23

Comments

TREE/0018/2023



SCALE 1:750



Planning
Woking Borough Council
Civic Offices
Gloucester Square
Woking, Surrey GU21 6YL

CERTIFICATE OF SERVICE

TPO Ref No:

TPO/0018/2023 (Land at Land Opposite 15 To 28 27 To 32 33 To 41 , Midhope Close, Woking, Surrey, GU22 7UF, , TREE PRESERVATION ORDER)

Description Land at Midhope Close Woking Surrey
Location Land Opposite 15 To 28 27 To 32 33 To 41
Midhope Close
Woking
Surrey
GU22 7UF

I certify that at approximately 3:30pm on 15/8/23, I delivered to the following persons, a copy of the above Tree Preservation Order and "Regulation 5" letter dated 15 August 2023.

Name	Address
Owner/ occupier	37 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	36 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	31 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	30 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	25 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	24 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	19 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	18 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	6 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	3 Midhope Close Woking Surrey GU22 7UF
Owner/	5 Midhope Close Woking Surrey GU22 7UF



INVESTOR IN PEOPLE

occupier	
Owner/ occupier	60 Midhope Road Woking Surrey GU22 7UG
Owner/ occupier	58 Midhope Road Woking Surrey GU22 7UG
Owner/ occupier	56 Midhope Road Woking Surrey GU22 7UG
Owner/ occupier	54 Midhope Road Woking Surrey GU22 7UG
Owner/ occupier	52 Midhope Road Woking Surrey GU22 7UG
Owner/ occupier	50 Midhope Road Woking Surrey GU22 7UG
Owner/ occupier	41 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	40 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	39 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	38 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	35 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	34 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	33 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	32 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	29 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	28 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	27 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	26 Midhope Close Woking Surrey GU22 7UF
Owner/ occupier	23 Midhope Close Woking Surrey GU22 7UF
Owner/	22 Midhope Close Woking Surrey GU22 7UF

occupier
Owner/
occupier 21 Midhope Close Woking Surrey GU22 7UF
Owner/
occupier 20 Midhope Close Woking Surrey GU22 7UF
Owner/
occupier 17 Midhope Close Woking Surrey GU22 7UF
Owner/
occupier 16 Midhope Close Woking Surrey GU22 7UF
Owner/
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Owner/
occupier 10 Midhope Close Woking Surrey GU22 7UF
Owner/
occupier 9 Midhope Close Woking Surrey GU22 7UF
Owner/
occupier 8 Midhope Close Woking Surrey GU22 7UF
Owner/
occupier 7 Midhope Close Woking Surrey GU22 7UF
Owner/
occupier 2 Midhope Close Woking Surrey GU22 7UF
Owner/
occupier 1 Midhope Close Woking Surrey GU22 7UF
Owner/
occupier 4 Midhope Close Woking Surrey GU22 7UF

Signed:

Name:

Position:

Date: 15 August 2023



JAMES VENTS

SNR ARTS OFFICER

CRTSERV - Certificate of Service

Appendix 2 – Site Plan (Red area indicates location of protected trees)



Appendix 3 – Letter of Objection

To: The Planning Officer, Woking Borough Council

1. I write on behalf of Midhope Close Flats Management Company Limited (MCFMCL) to comment on TPO/0018/2023 issued on 15 August 2023 in respect of 4 trees on our forecourts. There has not previously been a TPO on these 4 trees.
2. Midhope Close Flats is a mid-market residential estate of 27 flats, built in 1970, at GU22 7UF in Mount Hermon Ward (but outside the Mount Hermon Conservation Area). Collectively the 27 flat-owners own the freehold and self-manage the estate via MCFMCL.
3. MCFMCL has approved and initiated a small project to reconfigure the two forecourts at the front of our flats to increase the parking-spaces from 22 at present to 27. The project has been submitted for planning approval under reference PLAN/2023/0501.
4. The reconfiguration will enable each flat to have one usable parking-space for its exclusive use. This will have significant benefit to flat residents and to communal harmony. It will also have neighbourhood benefit in that there will be less need for flat residents to park on the nearby public roads, thereby reducing the parking pressure in the immediate Midhope area, which is densely populated and densely parked. For this reason our project has been welcomed by some of our long-time neighbours.
5. The reconfiguration will be achieved by tarmacing over the small grass patch that currently separates the two forecourts. The current two entrances to the forecourts will be reconfigured to a single entrance.
6. It will be necessary to remove the four trees (1 lime, 3 robinia) that are currently located on the grass patch. It is intended that replacement trees will be planted alongside the new entrance. Additionally there will be new hedging (in place of the current two entrances and also on the north side of the forecourts) and new shrubs (at the south-east corner of the forecourts).
7. The four trees to be replaced are not of long standing. The 3 robinia were planted from saplings some 12-15 years ago on the then-unused patch of grass to provide an ornamental benefit. The lime was then in place, but had been stunted up till then by some leylandii, which were removed. The four trees provide some colour in summer, but are starkly bare in winter. Normally we keep the trees well cut back, because we don't want branches breaking off in high winds and damaging cars parked underneath or the flat buildings. Currently the trees are much taller and the branches more expansive than we normally allow. Since we have been planning to remove the trees, there was no point in incurring the cost of getting them cut back. The last cut-back was in 2019, so at present - unusually - the trees have 4 years of growth.

8. However, the trees have proved to be the wrong trees in the wrong place. The problem is that the trees drop sap. Cars parked underneath the branches get sticky and end up covered in dust and dirt, which solidifies as the stickiness hardens. Understandably, this causes annoyance to flat residents. So, even if we were not doing the reconfiguration, we would be removing the trees.

9. The arboricultural advice we have is that the trees are not worth preserving. In particular, robinia is not regarded as a high-grade species and our three are not in the best of condition. We can do better with new trees.

10. We are a residential estate. We have some 56 people living here currently. We manage the estate for the benefit of residents. Not least, this is a requirement of our title deeds under property law. Providing adequate parking, so that residents can come and go and lead their lives as they wish, is a fundamental part of managing the estate. Our reconfiguration project is a further step in managing the forecourts and utilising our limited land optimally, and we see the consequential re-organisation of the forecourt trees as a net improvement.

11. We have many trees on our estate, particularly on our boundary-lines along Midhope Road and Guildford Road. We use a reputable business of qualified arborists to properly manage our trees, as we will do with the planned new trees in the forecourts.

12. For the above reasons, we object to the proposed TPO/0018/2023 and we request WBC not to confirm it. We take the view that the planned reorganisation of our forecourt trees should be considered in the round as part of the planning application.

If you need further information from us, please contact me.

Richard Shearer
Chairman, for Midhope Close Flats Management Company Limited
37 Midhope Close
Woking
GU22 7UF

APPENDIX 4

TEMPO ASSESSMENT	
Date: 15/8/23	Surveyor: DF
Tree Details: Group of Lime and Robinia	
Part 1: Amenity assessment	
	SCORE
a) Condition & suitability for TPO 5) Good - Highly suitable 3) Fair/satisfactory - Suitable 1) Poor - Unlikely to be suitable 0) Dead/dying/dangerous* - Unsuitable * Relates to existing context and is intended to apply to severe irremediable defects only	3
b) Retention span (in years) & suitability for TPO 5) 100+ - Highly suitable 4) 40-100 - Very suitable 2) 20-40 - Suitable 1) 10-20 - Just suitable 0) <10* - Unsuitable *Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality	4
c) Relative public visibility & suitability for TPO Consider realistic potential for future visibility with changed land use 5) Very large trees with some visibility, or prominent large trees Highly suitable 4) Large trees, or medium trees clearly visible to the public - Suitable 3) Medium trees, or large trees with limited view only - Suitable 2) Young, small, or medium/large trees visible only with difficulty - Barely suitable 1) Trees not visible to the public, regardless of size - Probably unsuitable	3
d) Other factors Trees must have accrued 7 or more points (with no zero score) to qualify 5) Principal components of formal Arboricultural features, or veteran trees 4) Tree groups, or principal members of groups important for their cohesion 3) Trees with identifiable historic, commemorative or habitat importance 2) Trees of particularly good form, especially if rare or unusual 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) -1) Trees with poor form or which are generally unsuitable for their location	1
Part 2: Expediency assessment	
Trees must have accrued 10 or more points to qualify 5) Immediate threat to tree inc. s.211 Notice 3) Foreseeable threat to tree 2) Perceived threat to tree 1) Precautionary only	5
Part 3: Decision guide	
Any 0 - Do not apply TPO 1-6 - TPO indefensible 7-11 - Does not merit TPO 12-15 - TPO defensible 16+ Definitely merits TPO	16
Decision	Definitely Merits TPO
Further Information: Planning application has been submitted showing removal	

SECTION C

**APPLICATION REPORTS NOT TO BE
PRESENTED BY OFFICERS UNLESS REQUESTED
BY A MEMBER OF THE COMMITTEE**

(Note: Ordnance Survey Extracts appended to the reports are for locational purposes only and may not include all current developments either major or minor within the site or the area generally)

6g ENF/2018/00108

WARD: Heathlands

LOCATION: Land To The South Of Brookwood Lye Road, Woking, Surrey, GU24 0HD.

DESCRIPTION: Unauthorised material change of use of the land to residential comprising a caravan site for gypsies/travellers and associated ancillary storage.

OFFICER: Mike Ferguson (Senior Planning Enforcement Officer)

PURPOSE

To seek Committee approval for enforcement action and to authorise all actions necessary to remedy the breach of planning control including proceedings in the courts.

SITE STATUS

- Green Belt (only relevant to the Surrey Wildlife Trust (SWT) owned land to the east of the site)
- Thames Basin Heaths SPA Zone B (400m-5km)
- Flood Zones 2 and 3 (only relevant to the front part of site)
- Surface Water Flood Risk area (medium risk)
- Tree Preservation Order (626/0251/1979)

RECOMMENDATION

1. Issue an Enforcement Notice in respect of the above land requiring the following within two (2) years of the notice taking effect:
 - a) Permanently cease the unauthorised residential use of the land edged red on the attached location plan (comprising a caravan site and associated ancillary storage).
 - b) Permanently remove all caravans and mobile homes, any structures/vehicles capable of human habitation, other vehicles/trailers, walls/fences that demarcate pitches, building materials, and any other paraphernalia associated with the unauthorised use from the land edged red on the attached location plan.
2. That the Director of Democratic and Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended, and officers be authorised in the event of non-compliance to prosecute under Section 179 of the Town & Country Planning Act 1990 or appropriate power and/or take direct action under Section 178.

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3. Due to the nature of the use of the land edged red on the attached location plan, the situation can and will likely rapidly change. It is therefore further recommended that the Planning Committee delegate authority to the Head of Planning to pursue such enforcement action as is necessary in respect of any additional and future breaches of planning control at the site and to instruct the Director of Legal & Democratic Services to issue further Enforcement Notices. Any prosecutions will be authorised by the Director of Legal & Democratic Services under this standing delegation.

SITE DESCRIPTION

The site is located on the southern side of Brookwood Lye Road (A324). Access to the site is directly off Brookwood Lye Road. To the east of the site is dense woodland (and part of this Tree Preservation Order (TPO) protected woodland has long since been encroached into). To the west of the site is land on which there is a lawful basis for gypsy/traveller occupation albeit much of that has been vacated as the use has unlawfully migrated eastwards and onto the land area in question. To the south of the site is the South-Western main railway line (Waterloo to Basingstoke).

It is an understatement to say that the locality is currently somewhat of a blot on the landscape and has been for several years. This locality also presents a problem for the Council in terms of its current state versus the envisaged end result as set out in the Site Allocations DPD. There has long since been a lawful basis for gypsy/traveller occupation on specific parcels of land in this locality (to the west of the land area in question) but there is no lawful basis for the current use of the land area against which enforcement action is being considered.

In recent years the number of caravans seen to be unlawfully present on the land in question has been in the ballpark of 30 (albeit this was evidently a changing number). Negotiations with the key landowner in recent times has resulted in a significant reduction in the number of caravans unlawfully present (this being reduced to just 5 at the time of the most recent site visit on 17/11/23). The locations of these 5 caravans are shown approximately by the blue dots on the indicative location plan. This now presents a very different scale of planning breach and poses a lesser logistical problem to resolve than the former situation did.

The land area in question is indicated by the red line on the location plan and it incorporates Title Deeds SY485483 (in the name of Felix Connors), SY845583 and part of SY840539 (both Thameswey owned) and part of SY694554 (SWT owned). These separate Title Deed areas are approximately shown by the black dashed lines on the indicative location plan. This information is based upon Land Registry documents obtained on 22/11/23 (but this will be re-checked prior to any notice being served).

PLANNING HISTORY

It had been hoped in recent years that a 'planning' solution existed such that PLAN/2017/1307 "*Demolition of an existing one-storey dwelling and ancillary structures associated with the existing caravan park (SG) which provides 13 permanent and 2 temporary pitches at Five Acres, to construct a replacement two-storey dwelling and a replacement caravan park comprised of 19 permanent pitches with hard and soft landscaping and relocated access (Amended/additional information/plans received 20 January 2021)*" refers to a resolution to grant planning permission in February 2021 subject to a legal agreement. However, no such legal agreement has been signed and so the planning permission has not actually been issued. The land area to which PLAN/2017/1307 would have related is shown approximately by the red dotted line on the indicative location plan.

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It is important to understand that Policy GB2 (land at Five Acres) of the Site Allocations DPD adopted in October 2021 removes the site from the Green Belt and allocates the site to deliver the number of permanent Gypsy and Traveller pitches as proposed in PLAN/2017/1307. Please see pages 209-216 of <https://www.woking2027.info/allocations/siteallocationsdpd.pdf> for further details.

At present there is no immediate prospect of this unmet need for gypsies/travellers being addressed due to the key landowner being unwilling to sign the legal agreement (despite discussions over the last two years to try and change this position).

If it had progressed to implementation, this gypsy/traveller site for 19 pitches would have superseded the existing lawful position on areas of land to the west of that new gypsy/traveller site such that those land areas would have been released so as to (potentially) enable the progression of bricks and mortar development also.

The lawful basis for gypsy/traveller occupation on specific parcels of land (to the west of the land in question) is broadly illustrated on the indicative location plan by way of the two areas with purple dashed lines that provide for a total of 10 pitches (7 + 3). There were a further 3 pitches within the land area between these two lawful areas but due to these being personal and temporary permissions they are no longer extant.

As an aside, it is noted that there is at present an application (not yet validated) that seeks permission for "*Change of use of land for the stationing of permanent residential mobile homes*". This application relates to a land area incorporating that on which there is a current lawful basis for 3 gypsy/traveller pitches.

The land area against which enforcement action is being recommended has lawful agricultural use only.

ENFORCEMENT HISTORY

There are two extant Enforcement Notices that do have some relevance to the current circumstances. However, neither adequately covers the current breaches of planning control and so they do not provide a mechanism for resolving matters without a new notice being served.

EO492 (dating back to 2003) is pertinent to most of the land area in question (but it does not cover the encroachment into the SWT owned woodland). Also, the requirements of that notice are such that they refer to two specific touring caravans and so (unfortunately) the limitations of the wording are such that the present situation is not fully encapsulated.

EO585 (dating back to 2010) only covers a small portion of the land area in question at the far end nearest the railway line and so again it does not adequately cover enough land area to fully encapsulate the current breaches of planning control.

REPORT

The history of the site and of adjacent land (both from a planning perspective and from an enforcement perspective) are sufficiently complex that it is not possible to explain all of the details in a deliberately comparatively concise report such as this.

A renewed effort to understand the issues at this land off Brookwood Lye Road and the immediate environs re-commenced in November 2021, with site visits occurring on

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30/11/2021, 30/03/2022, 31/05/2022, 15/03/2023, and 17/11/2023. It was important to gain a full understanding of the complex planning history to establish the relevant lawful and unlawful uses, to understand the pertinent policy position, and to engage with the key landowner to seek resolution.

There have been concerted efforts in the last two years to explore viable 'planning' solutions given the acknowledged unmet need for the provision of gypsy/traveller accommodation (whilst in parallel seeking improvements in the appearance of the land and a reduction in the number of caravans present). There has been a significant improvement in terms of what is present now in comparison to what was present at the beginning of this period and what is apparent on available aerial imagery from recent years. The significantly reduced use of the land means there is a substantively lesser scale of problem such that the likelihood of having to engage assistance from other departments and agencies is similarly diminished.

Despite the positive improvements there have been, there is still a large area of land on which there is a breach of planning control such that, with discussion and non-formal options having apparently been exhausted (and to avoid immunity from enforcement action being a potential future issue), it is considered the time has arrived for further enforcement action to change the current status quo.

The legal agreement pertaining to PLAN/2017/1307 would have included planning obligations as follows:

- £5,658 SAMM (TBH SPA) contribution.
- Prevention of the re-establishment of any previous gypsy/traveller pitches on the site and adjacent land on implementation of that permission.

Whilst it is still recognised that there is a need for gypsy/traveller pitches (ideally in this vicinity) the current arrangement is simply not satisfactory from a planning perspective. It is also considered that (in the absence of a legal agreement and the associated planning conditions) it is not appropriate to simply under-enforce and grant planning permission on part of the land in question by way of an Enforcement Notice.

The arguably unusual step of having a compliance period of 2 years is considered necessary and proportionate in this instance. The thinking behind this is that it gives all parties (and particularly those unlawfully living on the affected land) ample time to consider their options and to make alternative arrangements thereby having minimal impact on potentially vulnerable family groups and any argument that their human rights are infringed. It also gives the key landowner ample time to come back to the table and either sign the legal agreement as per PLAN/2017/1307 or to propose viable alternate schemes on the land. The key landowner could also consider applying for permission for a greater number of pitches on the land where there is already a lawful use and/or where there once was. It is considered that 2 years provides a reasonable timescale within which viable applications for gypsy/traveller pitches can be submitted, assessed, determined, and (if approved) implemented. It would also give time for those unlawfully present on the land (or at least some of them) to migrate back to the specific parcels of land on which there is a lawful basis for gypsy/traveller occupation.

Officers are mindful of a practical consideration in so far as even if PLAN/2017/1307 did go ahead there is no obvious strategy in place or provision for where families would reside whilst that permission was being implemented. Whilst gypsies/travellers may not be keen to approach Housing for assistance because of a probable aversion to bricks and mortar, they are entitled to do so. There is also specific reference to travellers/gypsies in the Homelessness Code of Guidance which states that where a duty to secure accommodation for travellers arises, but an appropriate site is not immediately available, the Council may need to provide temporary accommodation until a suitable site becomes available. The key landowner indicated (in discussion in March 2023) that it would likely take approximately 12 months to make a site habitable once permission had been granted. In practical terms, the taking of

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enforcement action with a lengthy compliance period (2 years being considered appropriate) would have the dual benefit of protecting that land and preventing the unlawful use from becoming immune whilst also offering a suitable temporary solution for families who may otherwise have nowhere else to go.

The bungalow (which was incorporated within the land area application to PLAN/2017/1307) is currently unoccupied and appears uninhabitable at the present time. There is a lawful basis for the presence of caravans within the curtilage of that bungalow (there being a possibility of ancillary use when the bungalow is occupied or otherwise the incidental storage of caravans). It is further relevant that the occupation of a caravan during the refurbishment of the bungalow would not be considered a breach of planning control as there would be no change of use of residential land. At the present time it is suspected that one caravan is likely being lived in and a few others are just being stored or are uninhabitable. Consequently, the curtilage of the bungalow is deliberately excluded from the land area against which enforcement action is currently being recommended.

An examination of available imagery suggests that the breach of planning control (in terms of the unauthorised use of land) commenced sometime after March 2017.

Thameswey are landowners of part of the land against which enforcement action is being recommended. Thameswey are aware of the (subject to authorisation) intended enforcement action against land in which they have an interest.

SWT are landowners of a vast swathe of land to the east, but part of this land has been encroached into and is being occupied by gypsies/travellers. It is understood that the key landowner and SWT are in contact about the use of their land and the potential purchase or transfer of part of it. SWT will be contacted before any Enforcement Notice is served.

In this instance, it is considered that an appeal and a Public Inquiry are highly probable. Indeed, it must be understood that the complex nature of the site and of gypsy/traveller need in the borough are such that the Planning Inspectorate may decide in favour of the appellant or at least may very well grant planning permission in some capacity. This is an unusual situation where such an outcome may not be the worst as it would still bring this matter to a formal conclusion one way or another thereby moving on from the current ambiguity (or an unsatisfactory situation whereby a significant unauthorised use of land becomes immune from enforcement action and thereby lawful through the passage of time). Whatever the final outcome transpires to be, the taking of enforcement action will stop the clock and will represent a firm line in the sand, thereby placing the onus on those currently breaching planning controls to act.

The respective landowners will be given forewarning of the intended (subject to approval) enforcement action such that if, by the date of intended serving, caravans have been removed from parts of the land then the current red line boundary may have to be reduced and notices re-drafted before being served.

However, the landowner has also verbally indicated a strong wish to avoid receiving an Enforcement Notice. It is acknowledged that the state of the land at the time of the most recent visit on 17/11/23 was vastly improved in comparison to earlier this year and in 2022 (and the land now presents rather differently than may be the general perception of anyone viewing publicly available aerial imagery which is not up to date). That said, even a significant reduction in the number of caravans present means there is still an ongoing unlawful use of the land.

If enforcement action is authorised by the Planning Committee, it is the intention to notify the landowners of such immediately. It will then be the intention to delay serving the notice for a short period (until mid-January 2024) to give the landowners a short window of opportunity to

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resolve the breaches before the notice is served. It is considered that this is a reasonable course of action bearing in mind that the aim is to resolve the breaches of planning control (not to punish) and that this may also avoid a time consuming and costly appeal process. If by mid-January 2024 the breaches as described are still ongoing then the notice would be served as per the terms authorised. If by then the circumstances have changed (e.g. the residential use on all or part of the land has ceased for example) but there remains a lesser breach of planning control, then it is likely that a suitably amended notice will be served.

EXPEDIENCY OF TAKING ACTION

It is considered expedient to take enforcement action for the following reasons:

1. It appears to the Council that the unauthorised use of land commenced within the last ten (10) years and so is not immune from enforcement action.
2. The development comprises inappropriate development within the Green Belt which is by definition harmful. The proposed development would also reduce openness and would conflict with the purposes of the Green Belt resulting in encroachment of the countryside having an urbanising and detrimental visual effect by reason of the siting of the caravans, the spread of development on the site, the parking and associated domestic paraphernalia. No Very Special Circumstances exist which would clearly outweigh the harm caused to the Green Belt by reason of inappropriateness, the loss of openness and conflict with the purposes of the Green Belt. The proposed development is therefore contrary to Policies CS6 and CS14 of the Woking Core Strategy 2012, Policy DM13 of the DM Policies DPD 2016, Policy SA1 of the Site Allocations DPD (2021) and the National Planning Policy Framework (2023).
3. The development would, by reason of the siting of the caravans, the spread of development on the site, the parking and associated domestic paraphernalia result in a development which would have an urbanising and detrimental impact on the open and rural character and appearance of the site and surrounding area contrary to Policies CS14, CS21 and CS24 of the Woking Core Strategy (2012), Policy DM13 of the DM Policies DPD (2015), SPD Woking Design 2015 and the National Planning Policy Framework (2023).
4. The site forms part of the allocations GB1 and GB2 of the Site Allocations DPD with GB1 being designated for residential development and GB2 for traveller pitches as required by policy SA1 of the Site Allocations DPD. The land has been released from the Green Belt for these intended purposes. The development therefore conflicts with the intended purpose of releasing land from the Green Belt and would prejudice the delivery of the allocations and compromise the Council's ability to provide residential development and to meet its Gypsy and Traveller needs in a planned manner contrary to policies SA1, GB1 and GB2 of the Site Allocations DPD.
5. The development does not provide for an appropriate design and layout of a traveller's site and would lead to unsatisfactory living conditions for future occupiers as required by Policy SA1 of the Site Allocations DPD and Policy CS14 of the Woking Core Strategy (2012).
6. In the absence of arboricultural information, it has not been demonstrated the development would result in acceptable arboricultural impacts and that the protected trees within and adjacent to the site, which are of high public amenity

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value, are capable of being retained. The development has also resulted in loss of protected trees. The proposal is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the DM Policies DPD (2016) and the National Planning Policy Framework (2023).

7. In the absence of drainage information, it has not been demonstrated that the development would not increase the risk of surface water flooding to the site or on adjacent land contrary to Policy CS9 of the Woking Core Strategy (2012), Policy SA1 of the Site Allocations DPD and the National Planning Policy Framework (2023).
8. In the absence of land contamination information, it has not been demonstrated that there are no existing contaminants on site or if there were, appropriate mitigation can be provided to ensure there is no unacceptable risk of pollution within the site contrary to policies DM5 and DM8 of the DM Policies DPD (2016) and the National Planning Policy Framework (2023).
9. In the absence of any ecology information, it has not been demonstrated there be no harm to protected species or their habitats or appropriate mitigation could be provided to overcome any identified harm. The development is contrary to Policy CS7 of the Woking Core Strategy (2012) and the National Planning Policy Framework (2023).
10. In the absence of a S106 Legal Agreement to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the unauthorised development comprising the net additional caravans would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area, either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects, contrary to The Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations"), saved Policy NRM6 of the South East Plan 2009, Policies CS8 and CS17 of the Woking Core Strategy (2012) and the Updated Thames Basin Heath Avoidance Strategy (2022).
11. Paragraph 59 of the NPPF (2023) states that "Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control". It is considered that enforcement action is proportionate for the reasons listed above.

The above reasons therefore make it expedient to undertake enforcement action and issue the necessary Enforcement Notice.

FINANCIAL IMPLICATIONS

The financial implications including staff resources, the costs of any subsequent appeal, court hearing, legal representation and/or any other costs (including, where appropriate, taking direct action) are all matters that have been considered in the making of this report. In this instance, particularly bearing in mind the current financial landscape, it is notable that the consequent costs are likely to be significant.

An appeal against an Enforcement Notice could be subject to an application for full or partial award of the Appellant's costs in making an appeal if it was considered that the LPA acted unreasonably.

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If the Committee decide to authorise the taking of enforcement action and the applicant decides to exercise their right of appeal (which is considered very probable in this instance), it is thought likely that this case would be determined by Public Inquiry and therefore costs are likely to be comparatively high as Counsel would need to be engaged.

Notwithstanding the above, the key landowner has verbally indicated a wish to take swift remedial action if enforcement action is authorised due to an apparent desire to avoid receiving an Enforcement Notice. This, if it occurred, would be a positive and cost-effective outcome. The key landowner has also been informed that the subsequent granting of planning permission (that may potentially negate the need for an appeal process to run its full course) can supersede an Enforcement Notice.

BACKGROUND PAPERS

- Illustrative site plan.
- Aerial imagery.
- Sample site visit photographs dated 17/11/23.
- Committee Report and Draft Decision Notice for PLAN/2017/1307 (available online).

RECOMMENDATION

1. Issue an Enforcement Notice in respect of the above land requiring the following within two (2) years of the notice taking effect:
 - a) Permanently cease the unauthorised residential use of the land edged red on the attached location plan (comprising a caravan site and associated ancillary storage).
 - b) Permanently remove all caravans and mobile homes, any structures/vehicles capable of human habitation, other vehicles/trailers, walls/fences that demarcate pitches, building materials, and any other paraphernalia associated with the unauthorised use from the land edged red on the attached location plan.
2. That the Director of Democratic and Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended, and officers be authorised in the event of non-compliance to prosecute under Section 179 of the Town & Country Planning Act 1990 or appropriate power and/or take direct action under Section 178.
3. Due to the nature of the use of the land edged red on the attached location plan, the situation can and will likely rapidly change. It is therefore further recommended that the Planning Committee delegate authority to the Head of Planning to pursue such enforcement action as is necessary in respect of any additional and future breaches of planning control at the site and to instruct the Director of Legal & Democratic Services to issue further Enforcement Notices. Any prosecutions will be authorised by the Director of Legal & Democratic Services under this standing delegation.