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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, 26 June 2018 at 7.00 pm in the Council Chamber - Civic Offices.

The agenda for the meeting is set out below.

RAY MORGAN
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. Minutes

To approve the minutes of the meeting of the Planning Committee held on 5 June 2018 as published.

1a. 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 Members' Code of Conduct, any Member who is a Council-appointed Director of a Thameswey Group company will declare a non-pecuniary interest in any item involving that Thameswey Group company. The interest will not prevent the Member from participating in the consideration of that item.
- (iii) 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.

Matters for Determination

4. Planning and Enforcement Appeals (Pages 3 - 4)

5. Planning Applications (Pages 5 - 8)

Section A - Applications for Public Speaking

There are no items for public speaking.

Section B - Application reports to be introduced by Officers

5a. 2018/0363 150 Robin Hood Road, Knaphill, Woking (Pages 13 - 36)

5b. 2018/0229 13 Kilrush Terrace, Woking (Pages 37 - 50)

5c. 2018/0379 18 Norfolk Farm Road, Pyrford, Woking (Pages 51 - 64)

5d. 2017/1426 8 Old Hill, Woking (Pages 65 - 78)

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

5e. Meadowbrook, Prey Heath Road, Mayford (Enforcement) (Pages 81 - 88)

AGENDA ENDS

Date Published - 18 June 2018

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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PLANNING COMMITTEE – 26 JUNE 2018

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:

Peter Bryant, Head of Legal and Democratic Services

Date Published:

18 June 2018

APPEAL DECISIONS

2017/0808

Application for retrospective consent for the lowering of the cill height of a first floor side window at Flat 2 The Chesnuts, St Johns, Woking.

Refused by Delegated Powers
16 November 2017.
Appeal Lodged
27 March 2018.
Appeal Allowed
24 May 2018.

2017/0721

Application for the erection of a two storey detached dwelling (4x bed) on land to the rear of Invermark House and formation of associated vehicular access onto Oakcroft Road (re-submission) at Invermark, Oakcroft Road, West Byfleet

Refused by Delegated Powers
22 August 2017.
Appeal Lodged
27 March 2018.
Appeal dismissed
29 May 2018.

2016/1350

Application for Erection of a two storey detached dwelling (3x bed) on land to the rear of No.7 Friars Rise and associated vehicular access, parking and landscaping (Amended Plans) at Foxcroft, 7 Friars Rise, Woking.

Refused by Delegated Powers
20 November 2017.
Appeal Lodged
27 March 2018.
Appeal dismissed
29 May 2018.

2017/0962

Application for proposed two storey front and side extensions with internal layout alterations (amended plans) Key Lodge, Hook Heath Road, Woking, GU22 0LE

Refused by Planning Committee
6 February 2018
Appeal Lodged
17 April 2018
Appeal allowed
11 June 2018.

PLANNING COMMITTEE AGENDA **PLANNING APPLICATIONS AS AT 26TH JUNE 2018**

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

Major Applications Index to Planning Committee

26 June 2018

<u>ITEM</u>	<u>LOCATION</u>	<u>APP. NO.</u>	<u>REC</u>	<u>WARD</u>
0005A	150 Robin Hood Road, Knaphill, Woking, Surrey, GU21 2LS	PLAN/2018/0363	LEGAL	KNA
0005B	13 Kilrush Terrace, Woking, Surrey, GU21 5EG	PLAN/2018/0229	REF	C
0005C	18 Norfolk Farm Road, Pyrford, Woking, Surrey, GU22 8LH	PLAN/2018/0379	PER	PY
0005D	8 Old Hill, Woking, Surrey, GU22 0DF	PLAN/2017/1426	PER	HE
0005E	Meadowbrook, Prey Heath Road, Mayford, GU22 0SL	ENFORCEMENT		HE

SECTION A -

SECTION B - A, B, C, D

SECTION C - E

PER - Grant Planning Permission

LEGAL - Grant Planning Permission Subject To Compliance Of A Legal Agreement

REF - Refuse

Page 7

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)

SECTION B

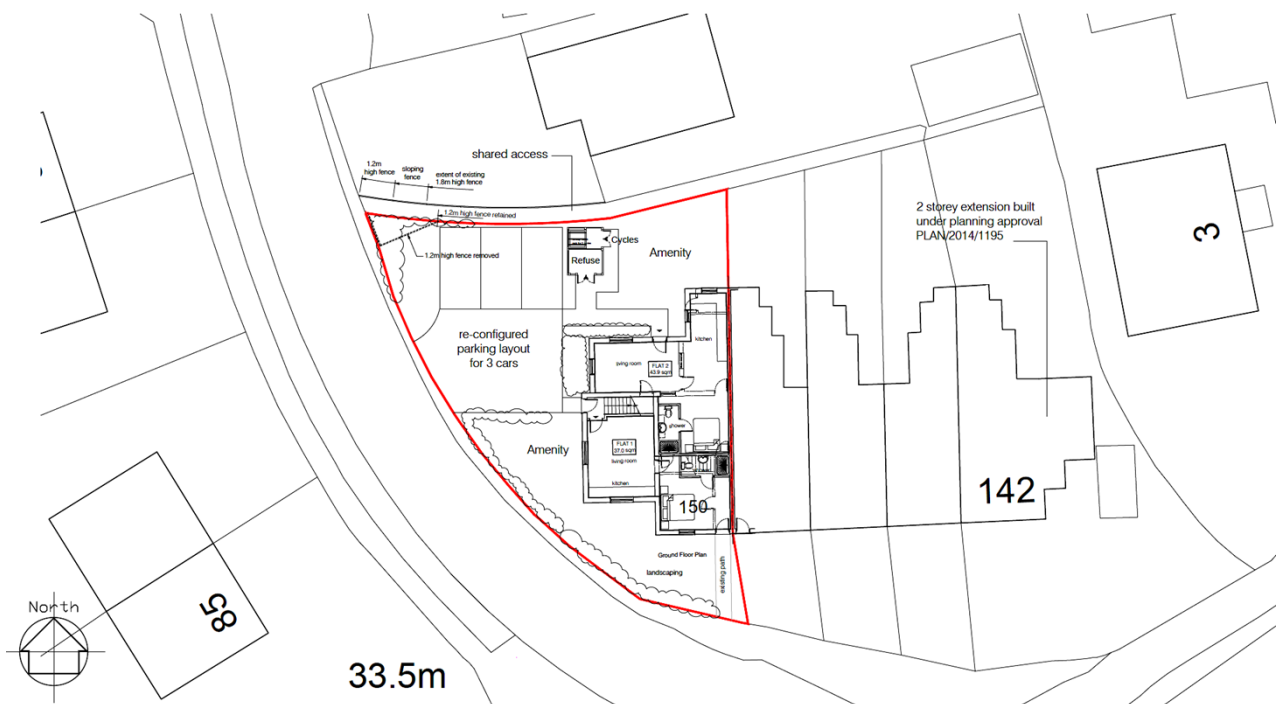
**APPLICATIONS WHICH WILL BE
THE SUBJECT OF A PRESENTATION
BY OFFICERS**

(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)

150 Robin Hood Road, Knaphill

PLAN/2018/0363

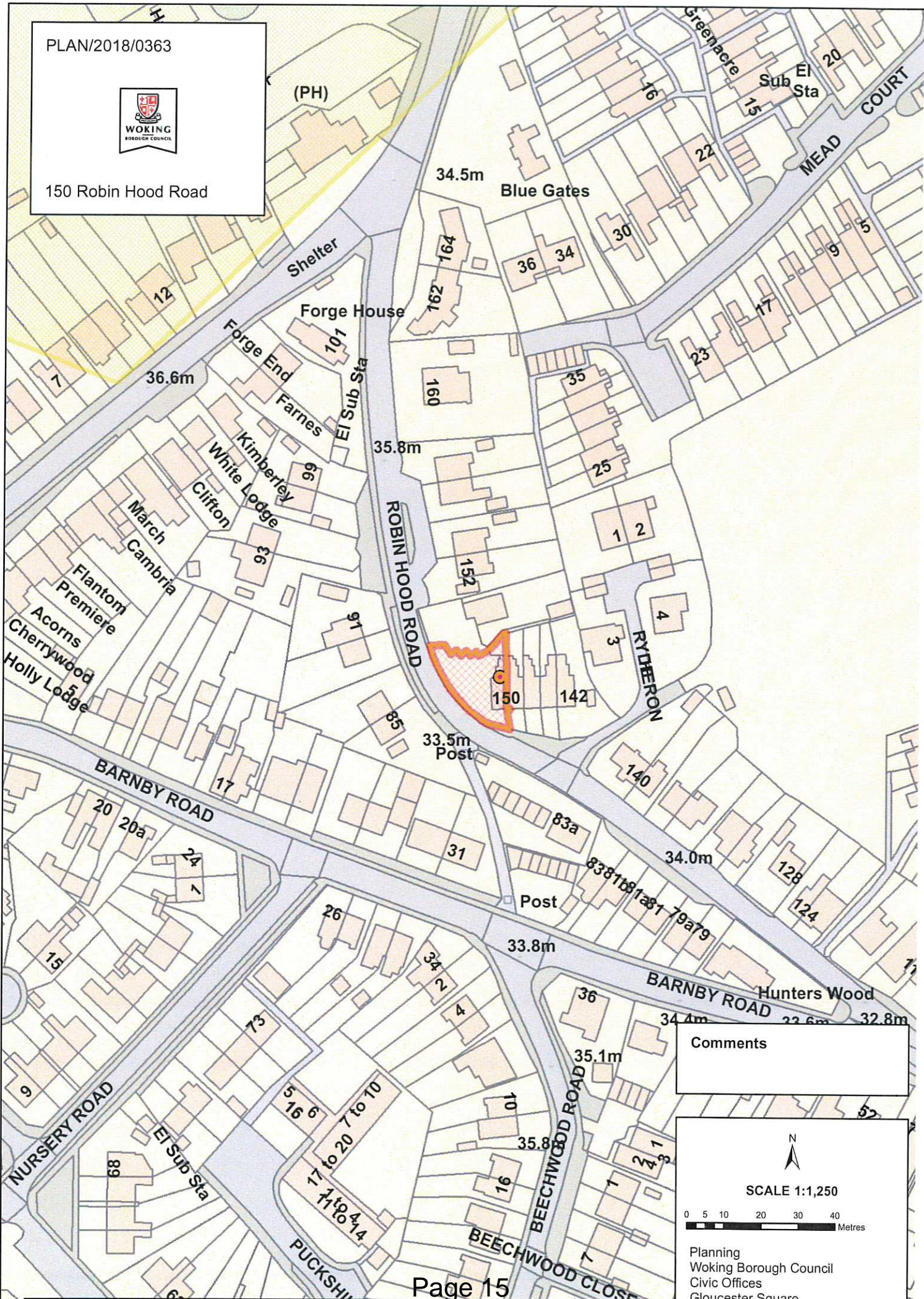
Erection of two storey side extension, single storey rear extension, rear dormer roof extension and sub-division of x1 dwellinghouse (2 bedroom) into x3 flats (x2 studio/1 bedroom and x1 2 bedroom) with associated vehicular access, parking, refuse/cycle store and landscaping (part retrospective).



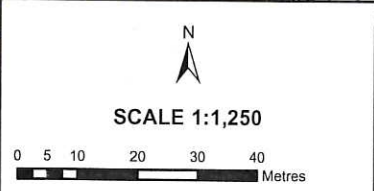
PLAN/2018/0363



150 Robin Hood Road



Comments



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

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5a 18/0363 Reg'd: 06.04.18 Expires: 01.06.18 Ward: KNA
Nei. 08.05.18 BVPI 13 (Dwellings) Number 12/8 On No
Con. Target of Weeks Target?
Exp: on Cttee'
Day:

LOCATION: 150 Robin Hood Road, Knaphill, Woking, GU21 2LS

PROPOSAL: Erection of two storey side extension, single storey rear extension, rear dormer roof extension and sub-division of x1 dwellinghouse (2 bedroom) into x3 flats (x2 1 bedroom and x1 2 bedroom) with associated vehicular access, parking, refuse/cycle store and landscaping (part retrospective) (amended plans received 11.06.2018).

TYPE: Full Application

APPLICANT: Sharaz Homes Limited

OFFICER: Benjamin Bailey

REASON FOR REFERRAL TO COMMITTEE

The proposal is of a development type which falls outside the Management Arrangements and Scheme of Delegations.

SUMMARY OF PROPOSED DEVELOPMENT

This is a part retrospective full planning application for the erection of a two storey side extension, single storey rear extension, rear dormer roof extension and sub-division of x1 dwellinghouse (2 bedroom) into x3 flats (x2 1 bedroom and x1 2 bedroom) with associated vehicular access, parking, refuse/cycle store and landscaping.

Site Area: 0.0354 ha (354 sq.m)
Existing units: 1
Proposed units: 3
Existing density: 28 dph (dwellings per hectare)
Proposed density: 84 dph

Amended plans were received on 11.06.2018 which made alterations to the internal layout in order to provide the two bedroom unit at ground floor level with direct access to, and exclusive use of, the rear amenity space. These amended plans made only internal layout alterations and did not alter the dwelling number, or dwelling mix, as initially proposed. It was therefore not considered necessary to undertake further public consultation on amended plans.

PLANNING STATUS

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

RECOMMENDATION

Grant planning permission subject to recommended conditions and SAMM (TBH SPA) contribution secured by Legal Agreement.

SITE DESCRIPTION

The application site contains a two storey end-of-terrace dwelling situated within the Urban Area in the Knaphill area of the Borough. The dwelling is externally finished in brick below a tiled roof. The north-western area of the site is laid to gravel and utilised for car parking. The remainder of the residential curtilage is laid to a combination of lawn and patio hard surfacing. The site is enclosed to the northern boundary by close-boarded fencing beyond which is a pedestrian walkway which serves as access to the rear gardens of other dwellings within the subject terrace. Planning permission was granted under reference PLAN/2016/0516 for the erection of a two storey side extension and single storey rear extension.

RELEVANT PLANNING HISTORY

PLAN/2016/0516 - Proposed two storey side and single storey rear extension.
Permitted subject to conditions (24.06.2016)

PLAN/2015/1049 - Extension and alterations to existing 2 bed dwelling to create one additional 2 bed dwelling and alterations to existing access to create additional car parking.
Refused (10.12.2015) for the following reasons:

01. *The proposed development by reason of its proximity to the road boundary, overall bulk and scale, layout, siting, increase in hardstanding and lack of quality private amenity space would result in an overbearing, cramped and contrived form of development which would fail to make a positive contribution to the character and appearance of the area, contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), Policy HSG22 of the Woking Borough Local Plan (1999), Supplementary Planning Guidance 'Plot Subdivision - Infilling and Backland Development' (2000), National Planning Policy Framework (2012).*
02. *The proposal would fail to provide adequate private amenity space, which would create poor living conditions for future occupants of the proposed dwelling and occupiers of the existing dwelling at 150 Robin Hood Road. This would be contrary to Policy CS21 of the Woking Core Strategy (October 2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight (2008)' and a core principle of the National Planning Policy Framework.*
03. *It has not demonstrated that the access arrangements would not be detrimental to highway safety at this location which would be contrary to Policies CS18 and CS21 of the Core Strategy and the provisions of the National Planning Policy Framework.*
04. *In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards affordable housing, it cannot be determined that the proposed dwelling would make sufficient contribution towards affordable housing. The proposal is therefore contrary to Policy CS12 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Affordable Housing Delivery (2014)'.*
05. *In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the additional*

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dwelling would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Policy CS8 of the Woking Core Strategy (2012), the Thames Basin Heaths Avoidance Strategy (2010 - 2015) and saved Policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations").

CONSULTATIONS

County Highway Authority (CHA) (SCC) (Initial):

Commented that the fence on the northern boundary of the site partially restricts visibility for vehicles exiting the site and requested whether it would be possible that this fence could be lowered in height or moved back to improve visibility.

County Highway Authority (CHA) (SCC) (Second):

Following submission of amended proposed site plan removing section of fence to improve visibility no objection subject to recommended conditions 05, 06 and 07.

REPRESENTATIONS

x6 letters of objection have been received raising the following main points:

- Insufficient car parking for the x3 dwellings proposed
- Will result in additional on-street parking
- High density of over-development
- Overlooking and loss of privacy to No.150A Robin Hood Road
- Substandard visibility for vehicles accessing and egressing the site
- Rear dormer is not shown correctly on the submitted plans
(Officer Note: The existing rear dormer is unauthorised (although had not progressed beyond the timber frame as of 01.05.2018); the rear dormer proposed is reduced in width in comparison to the rear dormer as partly constructed. In the event planning permission is granted the existing rear dormer would have to be altered in order to comply with approved plans or would be liable to planning enforcement action)
- Rear dormer is imposing and out of character
- The previously granted application for extensions to produce a 4 bedroom dwelling was a much more sensible arrangement
(Officer Note: The Local Planning Authority has a statutory duty to determine planning applications. Each planning application must be determined on its own individual merits)
- Front landscaping and amenity areas are tiny and hardly worthy of the description
(Officer Note: Only the rear amenity area has been taken into account as this is the only area which is considered useable)
- The cycle and refuse area, which were similarly listed on the plans for No.142 Robin Hood Road are unlikely to be used
- There are parts of Robin Hood Road with no pavement which makes it more dangerous when walking

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2012)

Core planning principles

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 10 - Meeting the challenge of climate change, flooding and coastal change

Section 11 - Conserving and enhancing the natural environment

Woking Core Strategy (2012)

CS1 - A spatial strategy for Woking Borough

CS8 - Thames Basin Heaths Special Protection Area

CS9 - Flooding and water management

CS10 - Housing provision and distribution

CS11 - Housing mix

CS12 - Affordable housing

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 (DMP DPD) (2016)

DM7 - Noise and Light Pollution

DM11 - Sub-divisions, specialist housing, conversions and loss of housing

Supplementary Planning Documents (SPD's)

Design (2015)

Outlook, Amenity, Privacy and Daylight (2008)

Parking Standards (2018)

Climate Change (2013)

Affordable Housing Delivery (2014)

Other Material Considerations

Planning Practice Guidance (PPG)

South East Plan (2009) (Saved policy) NRM6 - Thames Basin Heaths Special Protection Areas

Thames Basin Heaths Special Protection Area Avoidance Strategy

Community Infrastructure Levy (CIL) Charging Schedule (2015)

Woking Borough Council Strategic Flood Risk Assessment (November 2015)

PLANNING ISSUES

01. The main planning issues to consider in determining this application are:

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring amenity
- Amenities of future occupiers
- Highways and parking implications
- Thames Basin Heaths Special Protection Area (TBH SPA)
- Affordable housing
- Other matters

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having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance.

Principle of development

02. The NPPF (2012) and Policy CS25 of the Woking Core Strategy (2012) promote a presumption in favour of sustainable development. 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. The reasoned justification text to Policy CS10 states that new residential development within the Urban Area will be provided through redevelopment, change of use, conversion and refurbishment of existing properties or through infilling.
03. The application site is within the Urban Area, outside of fluvial flood zones, and outside of the 400m (Zone A) exclusion zone of the Thames Basin Heaths Special Protection Area (TBH SPA), where the impacts of new residential development upon the TBH SPA are capable of mitigation through the provisions of the adopted TBH SPA Avoidance Strategy.
04. The proposal relates to the extension and sub-division of an existing single dwellinghouse into x3 flats. Policy DM11 (Sub-divisions, specialist housing, conversions and loss of housing) of the Development Management Policies DPD (2016) states that:

General criteria

Proposals for:

the sub-division of existing dwellings of an appropriate size to two or more dwellings, including flats; will be permitted provided the following criteria are met:

- (i) the proposal does not harm the residential amenity or character of the area;*
- (ii) a good quality of accommodation is provided by meeting any relevant housing standards;*
- (iii) there would be no detrimental impact on the visual appearance of the area or that of the building itself;*
- (iv) any proposed alterations, extensions or additional areas of hard surfacing required to enable the conversion of the dwelling are appropriate in scale, form and extent to the site and its surroundings;*
- (v) maximum tree cover, mature planting, and screening is retained;*
- (vi) boundary treatment to the street frontage of the property is retained and a sufficient area of amenity space is retained or provided;*
- (vii) there is adequate enclosed storage space for recycling/refuse;*
- (viii) access is acceptable and parking (including for cycles) is provided on site in accordance with the Council's standards. Car parking (including drop-off points if relevant) will not be permitted in rear gardens or in locations which might cause a nuisance to adjoining residential properties;*
- (ix) the traffic impacts of the proposal are considered acceptable;*
- (x) the internal layout of the rooms within the proposed conversion will not cause undue disturbance to adjoining residential properties in the building;*
- (xi) an appropriate contribution is made to avoid harm to the Thames Basin Heaths Special Protection Areas, as set out in Core Strategy Policy CS8, where relevant;*
- (xii) there is a safe access and egress route during flood events.*

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Dwelling sub-divisions

In addition to the 'General Criteria' above, the sub-division of dwellings of an appropriate size to two or more dwellings will only be permitted where:

- (i) the proposal would not result in an overall loss of a family home; and*
- (ii) each proposed dwelling has access to a suitable area of private amenity space.*

05. Family accommodation is defined within the Woking Core Strategy (2012) as 2+ bedroom units, which may be houses or flats, exceeding 65 sq.m in floorspace. Policy CS11 of the Woking Core Strategy (2012) states that *"the Council will not permit the loss of family homes on sites capable of accommodating a mix of residential units unless there are overriding policy considerations justifying this loss"*.
06. Prior to the commencement of works on site the application property provided x2 bedrooms, measured approximately 80 sq.m in floorspace (excluding the attached external stores) and therefore constituted 'family accommodation' and a 'family home' for the purposes of Policy DM11 of the Development Management Policies DPD (2012) and Policy CS11 of the Woking Core Strategy (2012). Planning permission reference PLAN/2016/0516 granted planning permission to extend the existing single dwellinghouse to provide x4 bedrooms and approximately 151 sq.m floorspace. Whilst x2 one bedroom flats are proposed to be provided across first and second floor levels a two bedroom flat would be provided at ground floor level. The proposed two bedroom flat would measure 82.0 sq.m in floorspace and therefore constitute 'family accommodation' for the purposes of Policy DM11 of the Development Management Policies DPD (2012) and Policy CS11 of the Woking Core Strategy (2012). The proposal would therefore not result in the loss of a family home.
07. Policy CS10 of the Woking Core Strategy (2012) sets out an indicative density range of between 30 - 40 dph (dwellings per hectare) for infill development within the rest of the Urban Area (ie. those areas outside of Woking Town Centre, West Byfleet District Centre and Local Centres), as in this instance, stating that density will not be justified at less than 30 dph unless higher densities cannot be integrated into the existing urban form.
08. The existing density of the application site is 28 dph. The resulting density would be 84 dph. Whilst it is acknowledged that the resulting density would exceed the indicative upper limit of 40 dph this factor alone is not determinative of planning harm. It is also a significant material consideration in this instance that the opposing end property of the subject terrace (No.142 Robin Hood Road) has benefitted from a relatively recent, and subsequently implemented, grant of planning permission for extension and sub-division into x3 dwellings (PP Ref: PLAN/2014/1195) which results in a density of 94 dph at this property. Furthermore the existing density of the x3 mid-terraced dwellings is 82 dph. Taking these combined factors into account it is considered that the resulting density of 84 dph would reflect, and integrate into, the existing density of the immediate area.
09. Overall therefore the principle of development is considered to be acceptable subject to meeting the relevant criteria of Policy DM11 of the Development Management Policies DPD (2016), and other relevant Development Plan policies, compliance with which will be assessed in further detail within the paragraphs below.

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Design and impact upon the character of the area

10. One of the core principles of the NPPF (2012) is to seek to secure high quality design. Furthermore Policy CS21 of the Woking Core Strategy (2012) states that buildings should respect and make a positive contribution to the street scene and the character of the area paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
11. The two storey side extension and single storey rear extension largely follow the parameters of the development (as a householder extension) permitted under planning permission reference PLAN/2016/0516, which forms a very significant material consideration in determination of the current application, in terms of design and the impact upon the character of the area, of the extensions. The two storey side extension is identical to that permitted under PLAN/2016/0516 bar the exception that it measures approximately 300mm greater in width. The increase in width of 300mm is not considered to result in material planning harm. The combination of the 2.0m set back from the front elevation and the set-down of the maximum height from that of the host dwelling is considered to result in a sufficiently subordinate appearance. The resulting side gable profile of the two storey side extension is also contained wholly within the previous side gable profile of the host property.
12. The single storey rear extension also largely follows the parameters of the development permitted under PLAN/2016/0516 although terminates in a monopitched roof to the western elevation as opposed to the small gable formation permitted under PLAN/2016/0516. Whilst the design, proportions and location of fenestration differs to that permitted under PLAN/2016/0516 these are considered, on balance, to be acceptable.
13. A rear dormer roof extension is proposed to serve the two bedroom flat which would be split across the first and second floors. Whilst no rear dormer roof extension was permitted under PLAN/2016/0516 the proposed rear dormer would be relatively modest, set down from the maximum height of the host property and would not extend sideways beyond the rear roof slope of the 'original' host property. Furthermore a similar scale and form of rear dormer was permitted at the opposing end property of the terrace (No.142 Robin Hood Road) under planning permission reference PLAN/2014/1195. Rear dormers of the scale and form proposed are also relatively common within established residential areas such as Robin Hood Road and are commonly undertaken as 'permitted development'. Whilst the rear dormer is somewhat undesirable in design and character terms, and it is acknowledged that the rear dormer at the application property would be more apparent in views obtainable from the public realm than that at No.142 Robin Hood Road, it is not considered that this element would be capable of substantiating a single defensible reason for refusal.
14. Two front rooflights and a single side rooflight would be inserted into roof slopes. These rooflights are very modest in size with the two front rooflights located towards the ridge whereby they would be less apparent from street level views. The addition of rooflights as proposed would represent a minor alteration and is not considered to appear harmful.
15. A reconfigured parking area would be formed to the north-west section of the application site to accommodate x3 parking spaces and associated manoeuvring area. The majority of the space on which this reconfigured parking area is proposed is utilised for parking provision as existing and laid to gravel. The resulting parking area would appear adjacent to the frontage of No.150A Robin Hood Road (to the north)

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which is partly laid to gravel for the provision of off street car parking. Soft landscaping is proposed to the south and south-west of the host property, alongside soft landscaped 'buffer zones' outside of the living room windows serving proposed flat 2 and communal amenity space provided to the rear.

16. A refuse/cycle store is proposed adjacent to the northern application site boundary and would measure a maximum of 2.35m in height, therefore below the maximum height (2.50m) of ancillary structures, such as sheds, which can be constructed within residential curtilages as 'permitted development' under the provisions of Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This structure would be located approximately 11.0m from the western site boundary with Robin Hood Road and would therefore not appear prominently within this street scene having regard to its relatively modest 2.35m height. Furthermore this structure would be timber clad; a factor which would reinforce its appearance as a typical ancillary outbuilding and assimilate it into the resulting plot.
17. Overall, taking all of the above factors into account, the proposal is not considered to harm the character of the area, is considered to result in no detrimental impact on the visual appearance of the area or of the host property itself; the alterations, extensions and additional areas of hard surfacing required to enable the conversion of the host property are considered to be appropriate in scale, form and extent to the site and its surroundings. No tree cover would be lost or material mature planting and screening removed.
18. Overall the development is considered to respect and make a positive contribution to the street scene of Robin Hood Road and the character of the area more generally, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM11 of the Development Management Policies Development Plan Document (DMP DPD) (2016), SPD Design (2015) and the provisions of the National Planning Policy Framework (NPPF) (2012).

Impact upon neighbouring amenity

19. 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 loss of outlook. Policy CS21 also advises that new developments should be designed to avoid significant harm to the environment and general amenity resulting from noise. Policy DM7 of the Development Management Policies DPD (2016) also relates to noise implications. More detailed guidance, in terms of neighbouring amenity, is provided by SPD Outlook, Amenity, Privacy and Daylight (2008).
20. The key neighbouring amenity considerations in this instance are those of No.150A Robin Hood Road, No.148 Robin Hood Road and Nos.85 and 87 Robin Hood Road. Having regard to the scale, form and relationship of the development to properties other than those stated it is not considered that material neighbouring amenity impacts occur to properties other than those stated.

No.150A Robin Hood Road:

21. No.150A Robin Hood Road is located to the rear (north) and set on slightly higher

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ground in comparison to the application property, and the wider subject terrace. No.150A is orientated at an approximate 90° angle in comparison to the application property, which results in its front elevation facing west, its rear elevation facing east and a rear-to-side relationship with the application property. The area to the frontage (west) is largely laid to gravel and utilised for on-site car parking, with views of this frontage appreciable from the public realm of Robin Hood Road.

22. Between the rear (north) boundary of the application site and the southern boundary of the curtilage of No.150A is a pedestrian walkway which provides access to the rear gardens of the subject terrace, and demarcated on both sides by close-boarded fencing. The area between the southern boundary of the curtilage of No.150A and the side (south) elevation of this dwelling is laid to gravel and does not appear to function as the primary outdoor amenity space of this dwelling, which is located to the rear (east). The side (south) elevation of No.150A contains a small single first floor level window, which is obscure-glazed and shown to serve a bathroom within the approved plans for this dwelling. The side (south) elevation of No.150A contains only a door at ground floor level, which is largely solid, although appears to accommodate a vertical strip of obscure-glazing.
23. The rear dormer would be located approximately 11.4m from the northern application site boundary, although, due to the intervening pedestrian walkway, the resulting separation distance to the southern boundary of the curtilage of No.150A is increased to approximately 12.4m. It is acknowledged that the rear dormer would be sited directly opposite the side (south) elevation of No.150A however, taking these resulting separation distances into account, together with the slight rise in ground level which occurs between the application property and No.150A, the absence of habitable room fenestration within the side (south) elevation of No.150A and the absence of primary amenity space to the side of No.150A, it is not considered that the rear dormer would result in significantly harmful impact, by reason of potential loss of daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook, to No.150A.
24. Whilst it is acknowledged that the rear dormer would demonstrate a clear-glazed window serving as single aspect to a habitable room (flat 3 bedroom), taking the resulting separation distances into account, together with the slight rise in ground level which occurs between the application property and No.150A, the absence of habitable room fenestration within the side (south) elevation of No.150A and the absence of primary amenity space to the side of No.150A, it is not considered that the rear dormer would result in significantly harmful loss of privacy to No.150A. Whilst it is acknowledged that views from the rear dormer towards the rear amenity space of No.150A are likely to be achievable, such views would occur at a somewhat oblique angle, and at approximately 17.0m distance, such that any loss of privacy is not considered to be significantly harmful to No.150A, particularly taking into account the existing relationship between No.150A and the subject terrace.
25. The two storey side extension and single storey rear extension largely follow the parameters of the development (as a householder extension) permitted under planning permission reference PLAN/2016/0516, which forms a very significant material consideration in determination of the current application, in terms of impact upon neighbouring amenity. Having regard to the scale, form and resulting separation distances between these elements and No.150A it is not considered that these elements give rise to significantly harmful impact, by reason of potential loss of privacy, daylight or sunlight, or overbearing effect due to bulk, proximity or loss of outlook, to No.150A.

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26. Whilst a parking area for x3 cars would be provided within close proximity of No.150A this area would be separated from the curtilage of No.150A by the intervening pedestrian walkway and existing close-boarded fencing, and would occur opposite the area of the frontage of No.150A which, as existing, is laid to gravel and utilised for the provision of on-site car parking for this dwelling. Furthermore this north-western section of the application site is already utilised for vehicle parking, providing approximately x3 spaces, and is therefore subject to some level of noise and disturbance associated with vehicle movement. Whilst this existing north-western car parking area would be reconfigured it is not considered that any material increase in the level of noise and disturbance associated with vehicular movement would arise in comparison to the existing situation such that significantly harmful impact would arise to No.150A.
27. A refuse/cycle store is proposed adjacent to the northern application site boundary and would be separated from the curtilage of No.150A by the intervening pedestrian walkway and existing close-boarded fencing. This refuse/cycle store structure would measure a maximum of 2.35m in height and is therefore below the maximum height (2.50m) of ancillary structures, such as sheds, which can be constructed within residential curtilages as 'permitted development' under the provisions of Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The projection above the height of the intervening fencing (approximately 1.8m) would be limited, in measuring approximately 0.5m. For these combined reasons the proposed refuse/cycle store is not considered to give rise to significantly harmful impact, by reason of potential loss of privacy, daylight or sunlight, or overbearing effect due to bulk, proximity or loss outlook. Overall the impact upon the neighbouring amenity of No.150A Robin Hood Road is considered to be acceptable.

No.148 Robin Hood Road:

28. No.148 Robin Hood Road is the adjoined terraced dwelling to the east. The extensions do not project, at either ground floor or first floor level, beyond the pre-existing ground and first floor rear building lines adjacent to the common boundary with No.148. Therefore no harmful impact, by reason of potential loss of privacy, daylight or sunlight, or overbearing effect due to bulk, proximity or loss outlook, is considered to occur to No.148 as a result of the two storey side extension and single storey rear extension. Due to the scale and siting of the rear dormer within the roof slope this element is not considered to give rise to significantly harmful impact, by reason of potential loss of privacy, daylight or sunlight, or overbearing effect due to bulk, proximity or loss of outlook.
29. The proposed refuse/cycle store would be situated in excess of 7.0m from the common boundary with No.148. Taking into account the maximum 2.35m height this structure is not considered to give rise to harmful impact upon No.148.
30. The reconfigured parking area to the north-west of the site would be located approximately 10.0m from the common boundary with No.148, and partially screened from the common boundary by the intervening refuse/cycle store. Furthermore this north-western section of the application site is already utilised for vehicle parking, providing approximately x3 spaces, and is therefore subject to some level of noise and disturbance associated with vehicle movement. Whilst this existing north-western car parking area would be reconfigured it is not considered that any material increase in the level of noise and disturbance associated with vehicular movement would arise in comparison to the existing situation such that significantly harmful impact would arise

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to No.148.

Nos.85 and 87 Robin Hood Road:

31. Nos.85 and 87 Robin Hood Road is a semi-detached pair set on the opposing western side of Robin Hood Road and orientated with front elevations facing predominantly north-east towards the application site. Having regard to the scale, form and retained approximate 21.0m separation distance (at the closest point) between the side (western) elevation of the two storey side extension and the front elevations of Nos.85 and 87, together with the obliquely angled relationship between the application property and Nos.85 and 87, it is not considered that significantly harmful impact, by reason of potential loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook, would occur to Nos.85 and 87 Robin Hood Road.
32. Overall, for the reasons set out previously, the development is considered to achieve satisfactory relationships to adjoining properties, avoiding significant harmful impact, by reason of potential loss of privacy, daylight or sunlight, or overbearing effect due to bulk, proximity or loss of outlook, and to avoid significant harm to the environment and general amenity resulting from noise, and therefore to accord with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the Development Management Policies DPD (2016), SPD Outlook, Amenity, Privacy and Daylight (2008) and the provisions of the National Planning Policy Framework 2012 (NPPF).

Amenities of future occupiers

33. It is considered that a good standard of outlook and daylight would be achieved to all habitable rooms within the x3 proposed flats and a good level of sunlight achieved to the amenity area to the rear, which would serve the 2 bedroom flat proposed at ground floor level. Furthermore the living rooms of flat 1 (2 bedroom) and flat 3 (1 bedroom) would benefit from dual aspect which would enhance the amenity value of these main living areas.
34. The proposed flats would vary in gross floorspace between and 82.0 sq.m (flat 1) and 38.2 sq.m (flat 3). Although not locally adopted the gross floorspace of flat 1 and flat 3 would both exceed the relevant requirements of the Technical housing standards - nationally described space standard (March 2015) for both 2 bedroom 1 storey dwellings (61.0 sq.m) and 1 bedroom 1 storey dwellings (37.0 sq.m) and are therefore considered to provide a good standard of amenity. Flat 2 (1 bedroom) would be split across first and second floor levels with a staircase internally within the flat as a consequence. The gross floorspace of this flat would measure 43.8 sq.m. Whilst flat 2 would therefore not accord with the relevant requirement of the Technical housing standards - nationally described space standard (March 2015) for 1 bedroom 2 storey dwellings (58.0 sq.m) the internal layout of this flat is such that the main living area (including kitchen) would occur at first floor level with the bedroom (with en-suite shower room) at second floor level. This internal layout is considered, on balance, to achieve a good standard of amenity notwithstanding the shortfall in gross floorspace. It must also be noted that the Technical housing standards - nationally described space standard (March 2015) are not locally adopted and that this matter has to be balanced with the requirement to make efficient use of land within the Urban Area and with the standards of residential amenity which would be provided to both flat 1 and flat 3 in this instance.
35. The proposed flats generally stack vertically such that no harmful noise disturbance would occur between the proposed flats. Whilst the living room to flat 3 (at first floor

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level) would stack above bedroom 2 to flat 1 (at ground floor level) condition 08 is recommended to secure further details of acoustic insulation within the relevant section of party floor/ceiling to ensure that the potential for noise and disturbance conflict between these room uses is mitigated.

36. SPD Outlook, Amenity, Privacy and Daylight (2008) states that “*dwelling specifically designed not to be used for family accommodation do not require any specific area to be set aside for each as private amenity space. This would apply to one and two bedroom flats and any other forms of dwelling less than 65sq.m. floorspace*”. Both of the x2 proposed flats (flats 2 and 3) across first and second floor levels would be one bedroom and less than 65 sq.m floorspace and therefore do not require any specific area to be set aside as private amenity space. The two bedroom flat, at ground floor level, would exceed 65 sq.m floorspace although would benefit from direct access to, and exclusive use of, the area of amenity space proposed to the rear which would measure approximately 37 sq.m in area. This two bedroom flat would also benefit from amenity areas to the front and side although these areas are considered to be secondary to the primary amenity space which would be provided to the rear and would serve as outlook more than recreational space. Condition 03 is recommended to secure further details of soft landscaping. Overall, taken as a whole, the development is considered to provide a good standard of amenity to future occupiers.

Highways and parking implications

37. A reconfigured parking area is proposed within the north-west section of the application site to accommodate x3 parking spaces and associated manoeuvring area. The majority of the space on which this reconfigured parking area is proposed is utilised for parking provision as existing and laid to gravel. It is noted that the existing parking area requires vehicles to reverse onto Robin Hood Road as turning within the site is not currently possible to enable vehicles to leave the site in a forwards gear. The reconfigured parking area would enable vehicles to turn and leave the site in forwards gear and therefore represent betterment, in highway safety terms, in comparison to the existing situation.
38. SPD Parking Standards (2018) sets a minimum on-site residential parking standard of 0.5 spaces for each 1 bedroom flat, apartment or maisonette and 1 space for each 2 bedroom flat, apartment or maisonette. The proposed development would therefore result in a minimum on-site parking standard of 2 spaces (ie. 0.5 spaces x 2 + 1 space). The proposed reconfigured parking area to the north-west section of the application site would be capable of accommodating the on site parking of 3 cars and would therefore exceed the relevant minimum parking standard.
39. The County Highway Authority (CHA) (SCC) initially commented that the fence on the northern boundary of the site partially restricts visibility for vehicles exiting the site and requested whether it would be possible that this fence could be lowered in height or moved back to improve visibility.
40. To address this initial CHA comment the applicant has submitted a revised proposed site plan which annotates the heights and extents of the fencing on the western section of the northern boundary. This revised proposed site plan also shows an existing 1.2m high fence (which occurs at an angle in the most north-westerly section of the site) to be removed to improve visibility when exiting the site. The CHA have commented that they are now satisfied that visibility can be improved to an acceptable level and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. Conditions 05 and 06 are

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recommended to secure the reconfigured parking layout, and improved visibility through the fence removal, prior to first occupation.

41. A refuse/cycle store is proposed to accommodate x3 cycles (x1 cycle space for each dwelling). Condition 07 is recommended to secure the provision of this cycle store prior to first occupation.
42. Overall the proposal is considered to result in an acceptable impact upon highway safety and car parking provision and accords with policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the National Planning Policy Framework (NPPF) (2012).

Thames Basin Heaths Special Protection Area (TBH SPA)

43. The Special Protection Areas (SPAs) in this area are internationally-important and designated for their interest as habitats for ground-nesting and other birds. Policy CS8 of the 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).
44. The Suitable Alternative Natural Greenspace (SANG) and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL) however the Strategic Access Management and Monitoring (SAMM) element of the SPA tariff is required to be addressed outside of CIL. The applicant has agreed to make a SAMM contribution of £1006 (ie. £503 x 2) in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy (April 2018 update) as a result of the uplift of x2 studio/one bedroom dwellings which would arise from the proposal.
45. In view of the above, the Local Planning Authority is able to determine that the development would have no significant effect upon the TBH SPA and therefore accords with Policy CS8 of the Woking Core Strategy (2012) and the 'Thames Basin Heaths Special Protection Area Avoidance Strategy'.

Affordable housing

46. 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.
47. However, following the Court of Appeal's judgment of 11 May 2016 (*Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441*), it is acknowledged that the policies within the Written Ministerial Statement of 28 November 2014, as to the specific circumstances where contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and self build development, must be treated as a material consideration in development management decisions.
48. Additionally the Planning Practice Guidance (PPG) (Paragraph 031 - Revision date: 19.05.2016) sets out that affordable housing contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. Whilst it is considered that weight should still be

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afforded to Policy CS12 of the Woking Core Strategy (2012) it is considered that greater weight should be afforded to the policies within the Written Ministerial Statement of 28 November 2014 and the Planning Practice Guidance (Paragraph 031 - Revision date: 19.05.2016). The proposal represents a development of 10-units or less, and has a maximum combined gross floorspace of no more than 1000sqm, and therefore no affordable housing contribution is sought.

Other matters:

49. Policy CS22 of the Woking Core Strategy (2012), relating to energy and water consumption, does not explicitly state that it relates to conversions of existing buildings. Therefore it is not considered reasonable or necessary to recommend any planning conditions relating to energy and water consumption.
50. The application site is located within Flood Zone 1 (low risk) and no issues relating to fluvial flood risk are raised. As the application site is not within a surface water flood risk area, there are no surface water drainage requirements. The development is considered to comply with Policy CS9 of the Woking Core Strategy (2012) and the provisions of the National Planning Policy Framework (NPPF) (2012).
51. Because the development has already commenced, and the application is part retrospective in nature, it is not considered necessary to recommend the standard three year time limit condition for commencement of development.

LOCAL FINANCE CONSIDERATIONS

52. The development would be liable for Community Infrastructure Levy (CIL) to the sum of **£14,352** (93 sq.m net floorspace) (including the April 2018 Indexation).

CONCLUSION

53. Overall the development is considered to be acceptable in principle, to respect and make a positive contribution to the street scene of Robin Hood Road and the character of the area more generally, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings. The proposal is also considered to result in an acceptable impact upon neighbouring amenity, to provide a good standard of amenity to future occupiers and to result in acceptable highways and car parking implications having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance. Thames Basin Heaths Special Protection Area (TBH SPA) mitigation will be addressed by way of Legal Agreement.
54. The proposal is therefore considered to be an acceptable form of development which complies with Policies CS1, CS8, CS9, CS10, CS11, CS12, CS18, CS21, CS22, CS24 and CS25 of the Woking Core Strategy (2012), Policies DM7 and DM11 of the Development Management Policies Development Plan Document (DMP DPD) (2016), Sections 4, 6, 7, 10 and 11 of the National Planning Policy Framework 2012 (NPPF), Supplementary Planning Documents Design (2015), Outlook, Amenity, Privacy and Daylight (2008), Parking Standards (2018), Climate Change (2013) and Affordable Housing Delivery (2014), South East Plan (2009) (Saved policy) NRM6, the Thames Basin Heaths Special Protection Area Avoidance Strategy and the Planning Practice Guidance (PPG). It is therefore recommended that planning permission is granted subject to conditions and legal agreement as set out below.

BACKGROUND PAPERS

1. Site visit photographs
2. x2 Consultation responses from County Highway Authority (CHA) (SCC)
3. Letters of representation

PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	£1006 SAMM (TBH SPA) contribution.	To accord with the Habitat Regulations, Policy CS8 of the Woking Core Strategy (2012) and The Thames Basin Heaths Special Protection Area (TBH SPA) Avoidance Strategy.

RECOMMENDATION

Grant planning permission subject to the following conditions and SAMM (TBH SPA) contribution secured by way of Legal Agreement:

01. The development hereby permitted shall be carried out in accordance with the following approved plans:

18.645 L.01 (Location Plan), dated 10.02.18 and received by the Local Planning Authority on 03.04.2018.

18.645 B.01 (Block Plan), dated 10.02.18 and received by the Local Planning Authority on 03.04.2018.

14.490 P.02 (Existing Plans), dated 14.09.15 and received by the Local Planning Authority on 08.05.2018.

14.490 P.03 (Existing Elevations), dated 14.09.15 and received by the Local Planning Authority on 08.05.2018.

18.645 P.21 Rev E (Site Plan), dated 10.02.18 and received by the Local Planning Authority on 11.06.2018.

18.645 P.24 Rev C (Proposed Plans), dated 10.02.18 and received by the Local Planning Authority on 11.06.2018.

18.645 P.25 Rev C (Proposed Plans), dated 10.02.18 and received by the Local Planning Authority on 11.06.2018.

18.645 P.26 Rev D (Proposed Elevations), dated 10.02.18 and received by the Local Planning Authority on 11.06.2018.

18.645 P.27 (Proposed Refuse & Cycle Store), dated 10.02.18 and received by the Local Planning Authority on 08.05.2018.

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

02. 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 Robin Hood Road and the visual amenities of the area in accordance with Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document Design (2015) and the provisions of the National planning Policy Framework (NPPF) (2012).

03. ++ Notwithstanding any details shown on the approved plan numbered/titled 18.645 P.21 Rev E (Site Plan), prior to the first occupation of the development hereby permitted a detailed soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies species, planting sizes, spaces and numbers of trees/shrubs and hedges to be planted and any existing soft planting to be retained. All new soft landscaping shall be carried out in accordance with the approved soft landscaping scheme within the first planting season (November-March) following the first occupation of the development or the completion of the development, whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of Robin Hood Road and the visual amenities of the area and to ensure a good quality of amenity space to serve flat 1 at ground floor level in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies DPD (2016), Supplementary Planning Document Design (2015) and the provisions of the National Planning Policy Framework (NPPF) (2012).

04. ++ Notwithstanding any details shown on the approved plan numbered/titled 18.645 P.21 Rev E (Site Plan), prior to the formation of any 'hard' landscape works full details and/or samples of the materials to be used for the 'hard' landscape works shall be submitted to and approved in writing by the Local Planning Authority. The 'hard' landscape works shall be carried out in accordance with the approved details and completed before the first occupation of the development hereby permitted and permanently retained thereafter.

Reason: To protect the character and appearance of Robin Hood Road and the visual amenities of the area in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies DPD (2016), Supplementary Planning Document Design (2015) and the provisions of the National Planning Policy Framework (NPPF) (2012).

05. The development hereby permitted shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plan numbered/titled 18.645 P.21 Rev E (Site Plan) for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be permanently retained and maintained for their designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking

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Core Strategy (2012), Supplementary Planning Document Parking Standards (2018) and the provisions of the National Planning Policy Framework (NPPF) (2012).

06. The development hereby permitted shall not be first occupied unless and until the existing fencing has been removed in accordance with the approved plan numbered/titled 18.645 P.21 Rev E (Site Plan). Thereafter, and notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no fencing shall be reinstated in this position without planning permission being first obtained from the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the provisions of the National Planning Policy Framework (NPPF) (2012).

07. The development hereby permitted shall not be first occupied unless and until the refuse and cycle store as shown on the approved plans numbered/titled 18.645 P.21 Rev E (Site Plan) and 18.645 P.27 (Proposed Refuse & Cycle Store) has been completed and made available for the use of occupiers. This structure shall thereafter be permanently retained and maintained for use at all times.

Reason: To protect the character and appearance of Robin Hood Road and the visual amenities of the area in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies DPD (2016), Supplementary Planning Document Design (2015) and the provisions of the National Planning Policy Framework (NPPF) (2012).

08. ++ The development hereby permitted shall not be first occupied until details of measures to upgrade the acoustic performance of the party ceiling/floor between bedroom 2 at ground floor level (serving flat 1) and the living room at first floor level (serving flat 3) have been submitted to and approved in writing by the Local Planning Authority. Works to upgrade the acoustic performance of the party ceiling/floor shall be completed in accordance with the approved details prior to the first occupation of the development and thereafter be permanently maintained.

Reason: To protect the residential amenities of future occupiers of flat 1 and flat 3 from noise and disturbance between dwellings in accordance with Policy CS21 of the Woking Core Strategy (2012), Policies DM7 and DM11 of the Development Management Policies Development Plan Document (DMP DPD) (2016) and the provisions of the National Planning Policy Framework (NPPF) (2012).

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 paragraph 186-187 of the National Planning Policy Framework (NPPF) (2012). The applicant sought pre-application advice from the Local Planning Authority prior to submission of the application. The application was submitted in line with the pre-application advice and was therefore considered to be acceptable.
02. The applicants attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE RELEVANT TRIGGER POINT. Failure to

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observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance. You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.

03. 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.

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 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 as commencement for the purpose of 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 on the Council's website at:

<https://www.woking.gov.uk/planning/service/contributions>

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).

04. 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.
05. The applicant's attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and the associated British Standard Code of Practice BS 5228 : 1984 "Noise Control on Construction and Open Sites" (with respect to the statutory provision relating to the control of noise on construction and demolition sites). If work is to be carried out outside normal working hours, (i.e. 8 am to 6 p.m. Monday to Friday, 8 am to 1 p.m. Saturday and not at all on Sundays or Bank Holidays) prior consent should

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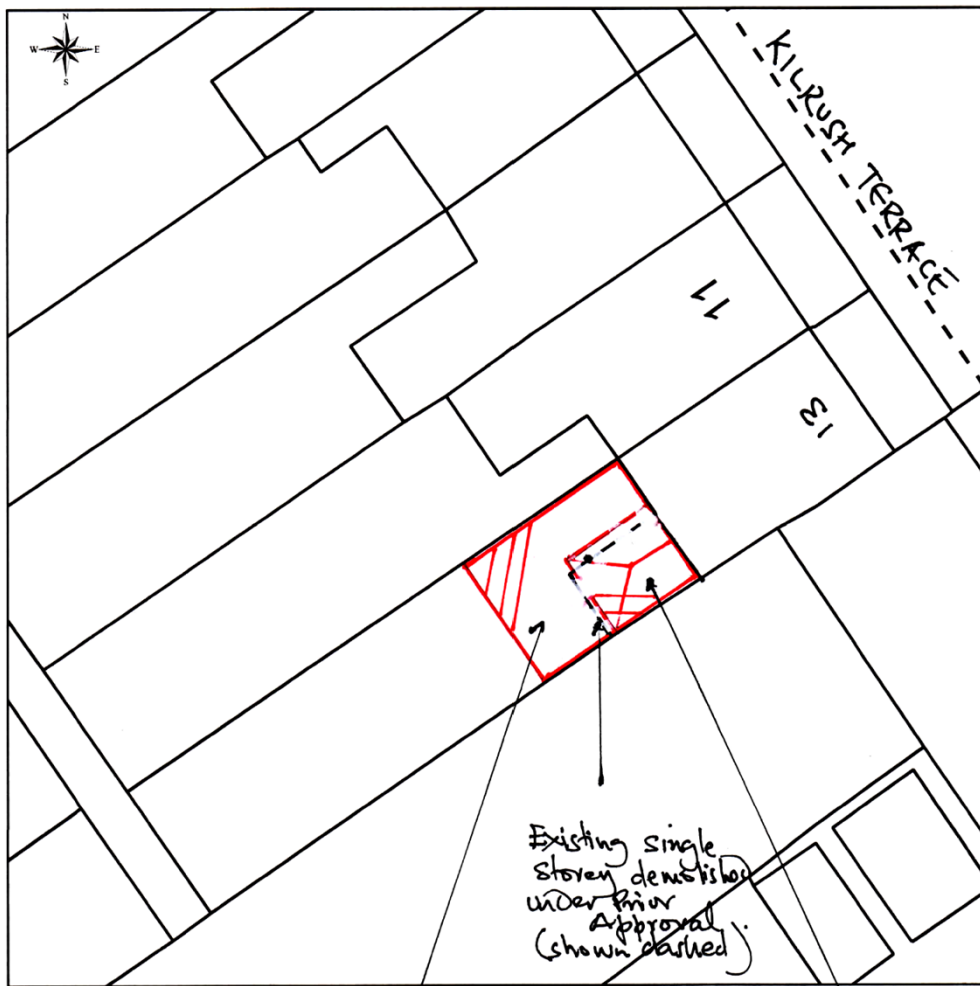
be obtained from the Council's Environmental Health Service prior to commencement of works.

06. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. Please see:
www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs
07. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
08. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
09. This decision notice should be read in conjunction with the related Legal Agreement.
10. The applicant is reminded that flats do not benefit from 'permitted development' rights and therefore that any potential future alterations and/or extensions will require planning permission.

13 Kilrush Terrace, Woking

PLAN/2018/0229

Subdivision of existing dwelling into 2x self-contained two bedroom flats and erection of a part two storey, part single storey rear extension, associated external alterations and bin store.



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0m 2m 4m 6m 8m 10m 12m 14m 16m

Scale: 1:200, paper size: A4

6m Single storey extension
under prior approval PD

Second storey
extension
(part)

PLAN/2018/0229



83 93

Walton Court

Play Area

Walton Court

Walton Court

Shelter

WALTON ROAD

Free Church Courtenay

KERRY TERRACE

KILRUSH TERRACE

KINGSMEAD

KINGS ROAD

MAYBURY ROAD

The Clock Tower

El Sub Sta

Maybury Mews

ESS

ESS

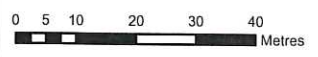
MP 0.75

Comments

13 Kilrush Terrace



SCALE 1:1,250



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

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5b 18/0229 Reg'd: 23.03.18 Expires: 18.05.18 Ward: C
Nei. 18.04.18 BVPI Minor Number 14/8 On No
Con. 18.04.18 Target dwellings -13 of Weeks On No
Exp: on Cttee' Target?
Day:

LOCATION: 13 Kilrush Terrace, Woking, GU21 5EG

PROPOSAL: Subdivision of existing dwelling into 2x self-contained two bedroom flats and erection of a part two storey, part single storey rear extension, associated external alterations and bin store.

TYPE: Full Planning Application

APPLICANT: Mrs N. Naqvi

OFFICER: David Raper

REASON FOR REFERRAL TO COMMITTEE:

The application has been referred to Planning Committee by Councillor Chrystie. Councillor Chrystie considers the Officer's views on the application as subjective and the Committee may take a different view.

SUMMARY OF PROPOSED DEVELOPMENT

The proposal is for the subdivision of the existing three bedroom dwelling into 2x self-contained two bedroom flats. This would be facilitated by the erection of a part two storey, part single storey rear extension and re-positioning of the front door.

Site Area: 0.0143 ha (143sq.m)
Existing units: 1
Proposed units: 2
Existing density: 69.9 dph (dwellings per hectare)
Proposed density: 139.8 dph

PLANNING STATUS

- Urban Area
- Priority Place
- High Density Residential Area
- Thames Basin Heaths SPA ZoneB (400m-5km)

RECOMMENDATION

REFUSE planning permission.

SITE DESCRIPTION

The proposal relates to a two storey end-of-terrace dwelling dating from the early C20. Kilrush Terrace is a residential no-through road characterised by terraced housing of similar ages and styles. Parking is provided on-street and is arranged in both a parallel and diagonal arrangement. The surrounding area is generally characterised by terraced two storey family dwellings of similar ages and styles and is relatively high density in nature.

PLANNING HISTORY

- PLAN/2018/0027 - Prior notification for a single storey rear extension to extend a maximum depth of 6.0m, maximum height of 3.0m and a maximum height of eaves of 2.8m – Prior Approval Not Required 31/01/2018
- PLAN/2011/0012 - Retrospective application for the retention of a wall at the end of Kilrush Terrace between nos. 13 and 14 – Permitted 23/06/2011

CONSULTATIONS

County Highway Authority: No objection subject to conditions.

REPRESENTATIONS

One representation has been received objecting to the proposal raising the following concerns:

- There is already considerable pressure on parking
- Proposal would worsen the parking situation and provide insufficient parking
- Although residents are supplied with 4x permits, 2x of these are intended for visitors
- There are only enough parking spaces for each household to have 2x permits

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2012):

Core Planning Principles

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 10 - Meeting the challenge of climate change, flooding and coastal change

Section 11 - Conserving and enhancing the natural environment

Woking Core Strategy (2012):

CS1 - A Spatial strategy for Woking Borough

CS5 - Priority Places

CS7 - Biodiversity and nature conservation

CS8 - Thames Basin Heaths Special Protection Areas

CS10 - Housing provision and distribution

CS11 - Housing Mix

CS12 - Affordable housing

CS18 - Transport and accessibility

CS21 - Design

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

Development Management Policies DPD (2016):

DM11 - Sub-divisions, Specialist Housing, Conversions and Loss of Housing

Supplementary Planning Documents (SPDs):

Parking Standards (2018)

Woking Design (2015)

Affordable Housing Delivery (2014)

Outlook, Amenity, Privacy and Daylight (2008)

Other Material Considerations:

South East Plan (2009) (Saved policy) NRM6 - Thames Basin Heaths Special Protection Area

Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015

BACKGROUND

Amended plans were received on 30/05/2018 which altered the layout of the first floor flat and identified a larger rooflight serving the ground floor bedroom. The proposal has been assessed based on these plans.

PLANNING ISSUES

Impact on Neighbours:

1. One of the core planning principles of the NPPF (2012) is to ensure a good standard of amenity for all existing and future occupants of land and buildings and Core Strategy (2012) policy CS21 'Design' 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*'. The neighbour potentially most affected by the proposed development is the attached neighbour at No.11 Kilrush Terrace.
2. The proposal includes a part single storey, part two storey rear extension. The single storey element would measure 6m in depth and is flat-roofed but includes a pitched roof element where the extension meets the original dwelling. The single storey element would be positioned on the boundary with the attached neighbour which features a habitable room window at ground floor level, the centre of which is approximately 1.5m from the boundary. This neighbour would be presented with a 6m deep flank wall positioned on the boundary measuring from 3.5m at its highest point to 2.4m at the flat-roofed element. This is considered to represent in an unacceptably overbearing relationship with the attached neighbour. This effect would be compounded by the presence of an existing single storey projecting element at No.11 which would add to the overbearing impact and sense of enclosure arising from the proposed extensions when viewed from the ground floor rear-facing window of this neighbour. The two storey element would be set-in 1.8m from the boundary and is not considered to result in an acceptably overbearing impact itself.
3. The single storey element of the extension fails the '45° test' as set out in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) in plan form but just passes in elevation form and the two storey element fails the test in elevation form but passes in plan form. On balance the proposal is not therefore considered to result in an unacceptable loss of light impact. However the proposal is considered to result in an unacceptable overbearing impact as outlined above.
4. It is acknowledged that that the applicant has obtained Prior Approval under the Prior Notification scheme for larger home extensions for a 6m deep single storey rear extension (see Planning History). However the extension has not been built and the Prior Approval process relates to domestic extensions to a single dwellings; it would only therefore be lawful to erect a 6m deep extension in relation to a single dwelling. Furthermore, the extension was only granted Prior Approval on the basis that no neighbour representations were received and so the potential impact on neighbours was not assessed by Officers. It is not therefore considered a sufficient fall-back position as the extension has not been erected and any extensions erected in

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association with a proposed subdivision into separate dwellings would require planning permission in their own right.

5. The proposed development, by reason of the size, bulk, mass and scale of the proposed rear extension would result in a significant and unacceptable overbearing impact on the attached neighbour at No.11 Kilrush Terrace, contrary to Core Strategy (2012) policy CS21 'Design', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the NPPF (2012).

Impact on Character:

6. Core Strategy (2012) policy CS21 'Design' 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"*. Section 7 of the National Planning Policy Framework (2012) states that *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"* and requires proposals to *"respond to local character and history, and reflect the identity of local surroundings and materials..."*. Furthermore, Woking DMP DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing' states that the subdivision of existing dwellings to flats should only be considered acceptable where, among other criteria, *"The proposal does not harm the residential amenity or character of the area"*.
7. The proposal includes the erection of a part single storey, part two storey rear extension and alterations to the front elevation. The two storey element of the proposed extension would be 3m in depth with a hipped roof design and the single storey element would be 6m in depth and predominately flat-roofed. A rear dormer window has recently been erected under 'Permitted Development' rights. Although sited to the rear, the proposed extensions would nonetheless be visible from Kingsmead and Kings Road to the south-west.
8. The proposed two storey element would include a hipped roof which would integrate with the existing dormer window which is relatively large and box-like; this is considered to result in an awkward and contrived appearance and the combination of the two extensions is considered to overwhelm and dominate the character of the host building. The rear facing window on the two storey extension would have a horizontal emphasis whereas the host building is characterised by fenestration with a strong vertical emphasis; the proposal is considered to result in a discordant arrangement of window openings on the rear elevation which fails to respect the character of the host building. Furthermore, the proposed internal layout would necessitate the removal of the existing front door and its relocation closer to the bay window. This is considered to result in a contrived appearance and an incongruous alteration which would fail to respect the character of Kilrush Terrace which is characterised by terraced dwellings of consistently designed front elevations.
9. The combination of the above factors is considered to result in extensions and alterations which unduly harm the character and appearance of the host building and surrounding area and this is considered indicative of a contrived overdevelopment of the site. The proposal is therefore contrary to Core Strategy (2012) policy CS21 'Design', Woking DMP DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing', Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2012).

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Standard of Accommodation:

10. One of the core planning principles of the NPPF (2012) is to ensure a good standard of amenity for all future occupants of land and buildings. The Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) seeks to ensure satisfactory levels of outlook and natural daylight for all residential development. Furthermore, Woking DMP DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing' states that the subdivision of existing dwellings to flats should only be considered acceptable where, among other criteria, *'a good quality of accommodation is provided by meeting any relevant housing standards'*.
11. Whilst the Council has no minimum dwelling size policy requirement, the National Technical Housing Standards (2015) provide a useful guide to reasonable minimum internal floor areas for different types of accommodation; for example a minimum of 61m² for two bedroom flats housing three people. The first floor flat would have two bedrooms and would be split-level with an internal floor area of 66m² and habitable rooms would face to the front and rear with relatively open outlooks; this flat can be considered acceptable in terms of the size and quality of accommodation.
12. The proposed ground floor unit however would have two bedrooms with a total internal floor area of only 56m² which falls short of the recommended minimum. Furthermore, the second bedroom in the ground floor flat would be positioned in the middle of the floor plan and would be served only by a rooflight in the roof of the proposed extension. This is considered to offer a very poor quality of outlook to this bedroom, to the detriment of future occupants of the ground floor flat. In terms of amenity space, the applicant has identified the division of the rear amenity space into two separate areas to serve the two flats. The rear area of amenity space however could only be accessed by a shared footpath leading behind Kilrush Terrace which is approximately 88m from the front door of the development; this is considered an unsuitable arrangement which severely limits the usability and quality of the amenity space. These factors are also considered indicative of a contrived overdevelopment of the site.
13. The combination of the above factors is considered to result in an unacceptably poor standard of accommodation for future residents of the ground floor flat, contrary to Core Strategy (2012) policy CS21 'Design', Woking DMP DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and the NPPF (2012).

Transportation Impact:

14. The Council's current Parking Standards SPD (2018) sets minimum parking standards for new developments. The minimum parking standard for the existing dwelling (3x bed) is two spaces and the minimum standard for two bedroom flats is one space per unit. Kilrush Terrace is a private road where on-street parking is controlled and managed by a private company. Frontages of dwellings on the road are not sufficient in depth to accommodate off-street parking and parking bays are arranged in diagonal bays on the east side of the road and parallel bays on the west side of the road. Parking along Kilrush Terrace and surrounding roads is relatively constrained with high demand for spaces, however bearing in mind that the minimum parking standard for the proposed flats would be the same as the existing dwelling (two spaces) and the parking controls on the road and on surrounding roads, the proposal is not considered to result in an unacceptable impact on parking. The County Highway Authority has been consulted and raises no objection subject to conditions.

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Overall the proposal is therefore considered to have an acceptable transportation impact.

Housing Mix:

15. Core Strategy (2012) policy CS11 states that residential proposals are expected to provide a mix of dwelling types and sizes to address the nature of local needs as evidenced in the Strategic Housing Market Assessment (SHMA). The overall need set out in the policy is 19% one bed, 28% two bed, 39% three bed and 14% four+ bed. There is therefore an identified need for family accommodation; in particular three bed units followed by two bedroom units. Furthermore the proposal site is within a 'Priority Place' as identified by Core Strategy (2012) policy CS5, in which planning decisions are expected to seek to redress identified issues, including housing, in the Maybury and Sheerwater areas. This policy seeks to redress the tenure imbalance in the area by providing more family accommodation (two bed and above).
16. As the proposal would deliver 2x two bedroom flats, the proposal would not technically result in the loss of a family dwelling, although as discussed above, the quality of accommodation is poor. Notwithstanding this, the proposal is considered acceptable in terms of the proposed housing mix.

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

17. The SPAs in this area are internationally-important and designated for their interest as habitats for ground-nesting and other birds. Core Strategy (2012) policy CS8 requires new residential development beyond a 400m threshold, but within 5km of the SPA boundary, to make an appropriate contribution towards the provisions of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM).
18. 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 required SAMM contribution in this case would be £682 in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 as a result of the net gain of a two bedroom dwelling which would arise from the proposal.
19. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards avoidance measures, it cannot be determined that the additional dwelling would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Core Strategy (2012) policy CS8, the Thames Basin Heaths Avoidance Strategy (2010 - 2015), saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations").

Affordable Housing:

20. Following the Court of Appeal's judgment of 11th May 2016, wherein the Secretary of State for Communities and Local Government successfully appealed against the judgment of the High Court of 31st July 2015 (West Berkshire and Reading Borough Council v Secretary of State for Communities and Local Government), officers accept that, subsequent to the Court of Appeal's judgment, the policies in the Written Ministerial Statement of 28th November 2014 by the Minister of State for Housing and Planning which sets out specific circumstances where contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and

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self build development, must once again be treated as a material consideration in development management decisions.

21. Additionally the Planning Practice Guidance (Paragraph 031 – Revision date: 19.05.2016) sets out that there are specific circumstances where contributions for affordable housing planning obligations should not be sought from small scale and self-build development. This follows the order of the Court of Appeal judgment dated 13th May 2016, which again gave legal effect to the policy set out in the Written Ministerial Statement of 28th November 2014 and should be taken into account. These circumstances include that contributions should not be sought from developments of 10 units or fewer, and which have a maximum combined gross floorspace of no more than 1000sqm.
22. Whilst weight should still be afforded to Policy CS12 'Affordable housing' of the Woking Core Strategy (2012) it is considered that greater weight should be afforded to the policies within the Written Ministerial Statement of 28th November 2014 and the Planning Practice Guidance (Paragraph 031 – Revision date: 19.05.2016). No affordable housing contribution is therefore sought under this application.

Community Infrastructure Levy:

23. The proposed increase in residential floor area does not exceed 100m² however as the proposal results in the creation of new dwellings, the proposal would be liable on the net increase in floor area of 57.5m² created by the proposal. This equates to a total of £5,324.28 including indexation.

CONCLUSION

24. The proposed development, by reason of the size, bulk, mass and scale of the proposed rear extension would result in a significant and unacceptable overbearing impact on the attached neighbour at No.11 Kilrush Terrace, contrary to Core Strategy (2012) policy CS21 'Design', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the NPPF (2012).
25. The proposed development, by reason of the unduly small and cramped size of residential units, the absence of a window serving Bedroom 2 of the proposed ground floor flat and the proposed amenity space arrangements, is considered to create an unacceptably poor residential environment for future occupants and a cramped and contrived overdevelopment of the site, to the detriment of the amenities of future occupants of the development. The proposal is therefore contrary to Core Strategy (2012) policy CS21 'Design', Woking DMP DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and the NPPF (2012).
26. The proposed development, by reason of the bulk, scale and design of the proposed extensions and alterations and the proposed amenity space arrangements, results in an unacceptably cramped and contrived overdevelopment of the site, to the detriment of character of the host building and the surrounding area. The proposal is therefore contrary to Core Strategy (2012) policy CS21 'Design', Woking DMP DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing', Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2012).
27. Furthermore, in the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards avoidance measures, it cannot be determined that the additional dwelling would not have a significant impact on the Thames Basin Heaths

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Special Protection Area, contrary to Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Avoidance Strategy (2010 - 2015) and saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations").

28. The application is therefore recommended for refusal.

BACKGROUND PAPERS

1. Site visit photographs
2. Consultation responses
3. Representations

RECOMMENDATION

REFUSE planning permission for the following reasons:

1. The proposed development, by reason of the size, bulk, mass and scale of the proposed rear extension would result in a significant and unacceptable overbearing impact on the attached neighbour at No.11 Kilrush Terrace, contrary to Core Strategy (2012) policy CS21 'Design', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the NPPF (2012).
2. The proposed development, by reason of the unduly small and cramped size of residential units, the absence of a window serving Bedroom 2 of the proposed ground floor flat and the proposed amenity space arrangements, is considered to create an unacceptably poor residential environment for future occupants and a cramped and contrived overdevelopment of the site, to the detriment of the amenities of future occupants of the development. The proposal is therefore contrary to Core Strategy (2012) policy CS21 'Design', Woking DMP DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and the NPPF (2012).
3. The proposed development, by reason of the bulk, scale and design of the proposed extensions and alterations and the proposed amenity space arrangements, results in an unacceptably cramped and contrived overdevelopment of the site, to the detriment of character of the host building and the surrounding area. The proposal is therefore contrary to Core Strategy (2012) policy CS21 'Design', Woking DMP DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing', Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2012).
4. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards avoidance measures, it cannot be determined that the additional dwelling would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Avoidance Strategy (2010 - 2015) and saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations").

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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 paragraph 186-187 of the National Planning Policy Framework 2012.
2. The plans relating to the development hereby refused are listed below:
 - KT-04 (Site Plan) received by the LPA on 01/03/2018
 - KT-02 (Existing Plans) received by the LPA on 01/03/2018
 - KT-01 Rev.C (Proposed Plans and Elevations) received by the LPA on 30/05/2018
 - Unnumbered plan showing a Block Plan received by the LPA on 22/03/2018
 - Unnumbered plan showing a Location Plan received by the LPA on 01/03/2018
3. The applicant is advised that the existing rear elevation on the submitted plans is drawn incorrectly as the existing single storey projecting element to the rear is positioned on the southern boundary of the plot rather than the northern boundary as indicated.

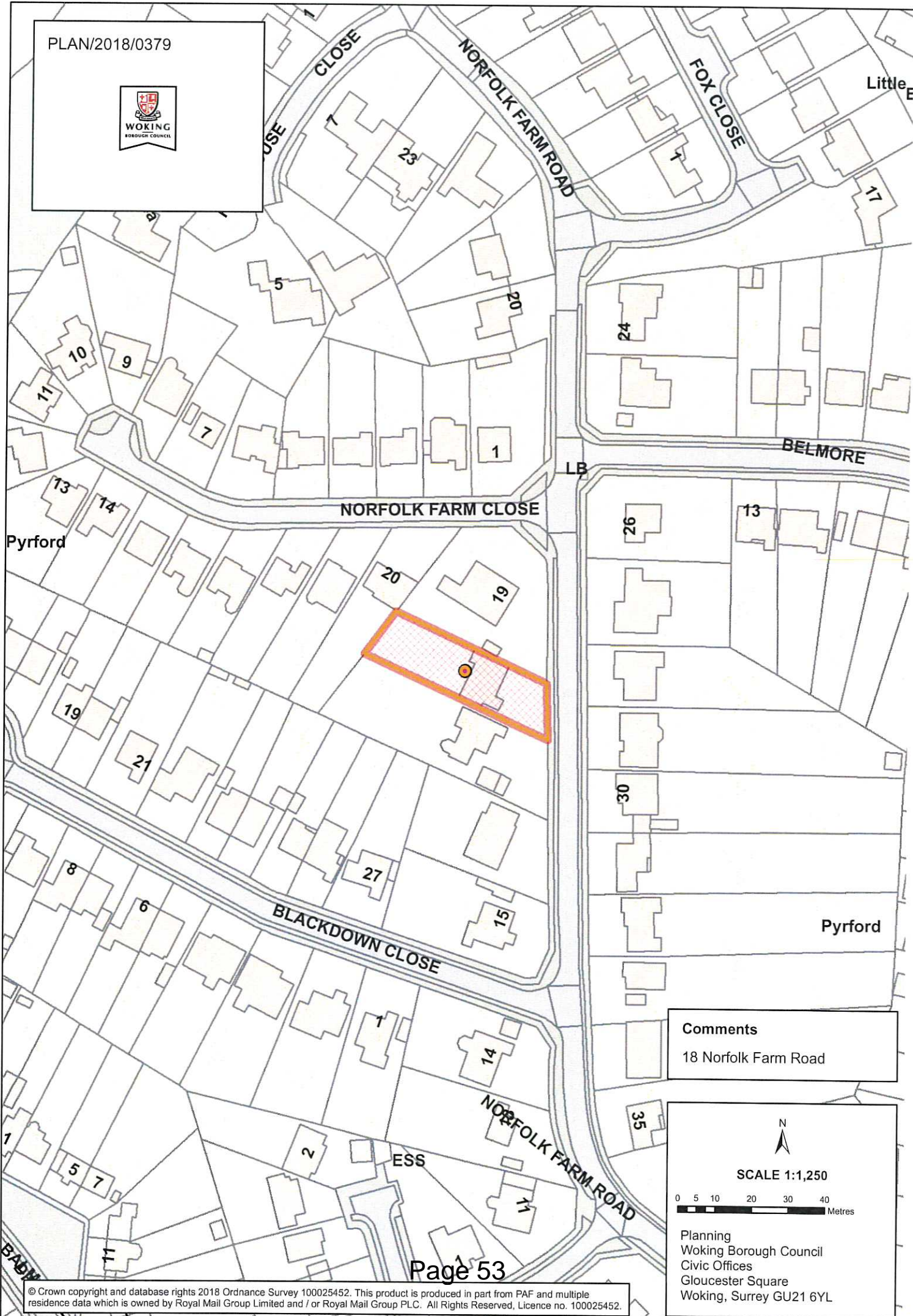
18 Norfolk Farm Road, Pyrford

PLAN/2018/0379

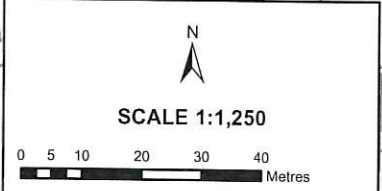
Erection of two storey detached dwelling following substantial demolition of existing house, garage and utility.



PLAN/2018/0379



Comments
18 Norfolk Farm Road



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

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5c 18/0379 Reg'd: 25.04.18 Expires: 20.06.18 Ward: PY
Nei. 16.05.18 BVPI Minor Number >8 On No
Con. Target dwellings - 13 of Weeks Target?
Exp: on Cttee'
Day:

LOCATION: 18 Norfolk Farm Road, Pyrford, Woking, Surrey, GU22 8LH

PROPOSAL: Erection of two storey detached dwelling following substantial demolition of existing house, garage and utility

TYPE: Full Application

APPLICANT: Mrs Heidi Madden

OFFICER: Claire Simpson

REASON FOR REFERRAL TO COMMITTEE

The proposal is of a development type which falls outside the Management Arrangements and Scheme of Delegations.

PLANNING STATUS

- Urban Area
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)
- Tree Preservation Order
- Surface Water Flood Risk (1 in 1000 year) (to rear)

RECOMMENDATION

GRANT planning permission subject to conditions.

SITE DESCRIPTION

The application site is a detached chalet bungalow with an attached garage. The street scene is characterised by a mixture of properties of differing styles, many having been altered over the years.

PLANNING HISTORY

PLAN/2018/0279 – Proposed two storey front, side and rear extensions. Raising of roof following demolition of existing garage and utility - withdrawn

81/442 - The execution of site works and the carrying out of alterations to existing garage to form a habitable room and the erection of a new garage at 18 Norfolk Farm Road, Pyrford, Woking, as shown on a plan attached to the application and numbered 81/442 and their use ancillary to the use of 18 Norfolk Farm Road, Pyrford, Woking, as a private single family dwelling - Permitted 07.07.1981

12895 - The erection of 2 detached chalet bungalows and garages on land forming part of the garden of Norfolk Farm Cottage, Norfolk Farm Road, Pyrford, Woking, as shown on a

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plan attached to the application and numbered WOK/12895, and the use of each bungalow as a private single family dwelling and garage ancillary thereto - Permitted 05.05.1960

PROPOSED DEVELOPMENT

This is a full planning application for the erection of a two storey detached house (five bedroom) following substantial demolition of the existing house (two bedroom), garage and utility. It was previously submitted as a Householder application for extensions to the existing dwelling. Following concerns raised by Officers that the level of demolition involved in the proposal would constitute a replacement dwelling, this application was withdrawn (PLAN/2018/0279).

CONSULTATIONS

County Highway Authority: The County Highway Authority has undertaken an assessment in terms of the likely net 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. The County Highway Authority therefore has no highway requirements.

Arboricultural Officer: The Arboricultural information provided by Challice Consulting ref: CC/23 AR3660 is considered acceptable and should be complied with in full, this includes the pre-commencement meeting as indicated. (Condition 6 refer)

Pyrford Neighbourhood Forum: No comments received

REPRESENTATIONS

One letter of support has been received.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2012)

Section 7 – Requiring good design

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 – Conserving and enhancing the natural environment

Woking Core Strategy (2012)

CS9 – Flooding and water management

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 (DMP DPD) (2016)

DM2 – Trees and Landscaping

Pyrford Neighbourhood Plan (2016)

BE1 – Maintaining the Character of the Village

BE2 – Parking Provision

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BE3 – Spatial Character
OS5 - Trees

Supplementary Planning Documents (SPD's)
Outlook, Amenity, Privacy and Daylight (2008)
Design (2015)
Parking Standards (2018)

PLANNING ISSUES

Impact on Character of the Area

1. The proposal is for the substantial demolition of the existing chalet bungalow and replacement with a two storey dwelling. Norfolk Farm Road is characterised by a mixture of two storey houses, chalet bungalows and bungalows, mostly constructed from traditional bricks and tiles although one nearby property is rendered/timber clad with concrete tiles.
2. The substantial demolition and replacement of the existing dwelling is considered acceptable in principle providing the replacement is visually acceptable and respects the character of the surrounding area. The proposed dwelling would have two storeys with a hipped roof and a single storey side/rear projection with a mono pitched/crown roof.
3. The elevations of the dwelling would be rendered and painted white and concrete tiles used for the roof; dark grey metal would be used for the windows and doors. The adjacent bungalow at No.19 Norfolk Farm Road is white rendered and the elevational treatment is considered to have an acceptable impact on the street scene.
4. The proposed replacement dwelling would have a maximum ridge height of 7m which is 0.75m higher than the existing dwelling. The resulting height and scale of the dwelling is considered to be broadly consistent with building heights in the area and is therefore considered acceptable. The proposed dwelling would retain a separation distance of approximately 1.5m to the side boundary with No.17 and a 1.1m separation distance to the side boundary with No.19. The proposed separation distances are considered to retain sufficient visual separation between dwellings which is considered to be in keeping with the character of the surrounding area.
5. For the reasons set out above, it is considered that the proposed replacement dwelling would be a visually acceptable form of development which would respect the character and appearance of the surrounding area.

Impact on Neighbouring Amenity:

6. 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.
7. Woking Council's SPD *Outlook, Amenity, Privacy and Daylight* (2008) contains a 45° test to determine whether a proposal would have an acceptable impact on the sunlight/daylight levels received by the windows of adjoining and adjacent properties, in this instance Nos.17 and 19 Norfolk Farm Road.

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8. The proposed dwelling would be positioned approximately 3m from the side elevation of the neighbouring property at No.17 Norfolk Farm Road with the two storey element of the proposal set back at 4.6m from the side elevation of No.17. The proposal would pass the 45° test in respect of this neighbour.
9. No.19 Norfolk Farm Road is set back from the front elevation of the proposed dwelling by approximately 10m and would have a separation distance of approximately 9m from the side elevation. The proposal would pass the 45° test in respect of this neighbour.
10. The SPD also contains a 25° test to determine whether a proposal would have an acceptable impact on the sunlight/daylight levels received by the side windows of adjoining and adjacent properties. No.17 has two ground floor windows and one first floor window in the side elevation facing the proposed dwelling. The proposal would fail the 25° test in respect of the ground floor windows; however the two storey element would have a greater separation distance than exists currently and it is considered would have a beneficial impact upon this neighbouring property.
11. No.19 Norfolk Farm Road has a number of side facing windows. However, due to the positioning of this building within its plot and the separation distance to the shared boundary the proposal would pass the 25° test in respect of the sunlight/daylight levels received by these windows.
12. It is considered that the proposed replacement dwelling would not appear unacceptably overbearing towards neighbouring properties. This is due to the combination of the relatively limited height increase as well as its location in relation to the main private amenity space of its neighbouring properties.
13. Two first floor windows are proposed in the side elevation of the dwelling facing No.17 Norfolk Farm Road. These are shown to serve a bathroom and ensuite and accordingly could be conditioned to be obscurely glazed and non-openable under 1.7m in order to avoid overlooking of this neighbouring property. A first floor bedroom window is also proposed in the side elevation facing No.19 Norfolk Farm Road. This would overlook the front space of this neighbouring property, as does an existing window in this elevation, and is therefore not considered to create unacceptable overlooking issues towards neighbouring properties.
14. A separation distance of approximately 23.5m is proposed between the rear elevation of the proposed replacement dwelling and the side/rear elevation of the neighbouring property of No.20 Norfolk Farm Close to its rear. This exceeds the guideline for maintaining privacy contained in *Outlook, Amenity, Privacy and Daylight* (2008) and it is therefore considered that the proposal would not create unacceptable overlooking issues towards this neighbouring property.
15. For the reasons set out above, it is considered that the proposal would have an acceptable impact on neighbours in terms of loss of light, overbearing and overlooking impacts.

Transportation Impact:

16. The replacement dwelling would utilise the existing vehicular crossover onto the site and includes space to the frontage sufficient for the parking of three vehicles in accordance with the Council's Parking Standards. The County Highway Authority has been consulted and raises no objections. Sufficient room exists within the site for waste and recycling bins to be stored and presented for collection. The proposed development is therefore considered to have an acceptable transportation impact.

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Standard of Accommodation:

17. The proposed dwelling is considered to achieve an acceptable size and standard of accommodation with good quality outlooks to habitable rooms and a private rear garden. The size of the garden (approx. 376sqm) exceeds the floor area of the proposed dwelling (228.28sqm) and so is considered to achieve an appropriate size of amenity space for a large family dwelling in accordance with the Council's SPD *Outlook, Amenity, Privacy and Daylight* (2008). The gross internal floor area of 228.28sqm would exceed the minimum 128sqm for a dwelling of this type, as set out in the Technical Housing Standards – Nationally Described Space Standard (March 2015) (as amended). The proposal is therefore considered to provide an acceptable standard of accommodation for future occupants.

Sustainability:

18. Following a Ministerial Written Statement to Parliament on 25 March 2015, the Code for Sustainable Homes (aside from the management of legacy cases) has now been withdrawn. For the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans that require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of Zero Carbon Homes policy in late 2016. The Government has stated that the energy performance requirements in Building Regulations will be set at a level equivalent to the outgoing Code for Sustainable Homes Level 4.
19. Until the amendment is commenced, Local Planning Authorities are expected to take this statement of the Government's intention into account in applying existing policies and setting planning conditions. The Council has therefore amended its approach and an alternative condition will now be applied to all new residential permissions which seeks the equivalent water and energy improvements of the former Code Level 4 (Condition 5).

Local Finance Considerations:

20. The proposed development would be CIL liable as it creates a replacement dwelling. The existing building is off-set against the proposed floor space and is calculated to result in a net additional increase of 86sqm over the existing dwelling. The CIL charge in this case would therefore equate to £13,272.12.
21. Whilst the application site is located within Zone B of the Thames Basin Heaths Special Protection Area (SPA), given that this is a proposed replacement dwelling, it would not result in additional pressure, or any consequent significant effect, upon the SPA and as such no mitigation is required in the form of the SPA monetary contribution.

Trees:

22. The development site is covered by an Area Tree Preservation Order. The application is supported by an Arboricultural Report on which the Council's Arboricultural Officer has been consulted and considers acceptable. Condition 8 is therefore required in order to ensure compliance with the submitted details.

Flood Risk:

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23. The rear of the application site falls within a Medium Surface Water Flood Risk Area. The proposed rear single storey element would encroach within this area and it is therefore considered appropriate to impose a pre-commencement condition requiring the submission of a scheme for disposing of surface water by means of a sustainable drainage system to be submitted to the Local Planning Authority for approval in writing.

CONCLUSION

24. For the reasons set out above, it is considered that the proposed replacement dwelling would be acceptable in terms of character and design, impact on the amenities of neighbouring properties and impact on the public highway. The proposal therefore accords with policies CS18, CS21, CS22 and CS24 of the *Woking Core Strategy* (2012), policy DM2 of the *Development Management Policies Development Plan Document* (2016), policies BE1, BE2, BE3 and OS5 of the *Pyrford Neighbourhood Plan* (2016), Supplementary Planning Documents *Woking Design* (2015), *Outlook, Amenity, Privacy and Daylight* (2008), *Parking Standards* (2018) and the National Planning Policy Framework (2012). The application is therefore recommended for approval.

BACKGROUND PAPERS

Site visit photographs (dated 11.05.2018)
Consultation responses

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 Nos: HA/1943/01, HA/1943/02, HA/1943/04 and TPP-CC/23 AR3660 received 05.04.2018

Drawing No: HA/1943/03 received 24.04.2018

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

3. ++ Prior to the commencement of the development hereby permitted, details, including samples, of all external materials to be used in the construction of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in accordance with policy CS21 of the Woking Core Strategy 2012.

4. ++ No development shall commence until details of a scheme for disposing of surface water by means of a sustainable drainage system have been submitted to and

26 JUNE 2018 PLANNING COMMITTEE

approved in writing by the Local Planning Authority. The development shall be implemented in full in accordance with the approved details prior to the first occupation of the development and thereafter retained as approved.

Reason: To ensure that the development achieves a high standard of sustainability and does not increase surface water flood risk in accordance with policy CS9 of the Woking Core Strategy 2012.

5. ++ Prior to the commencement of the development hereby approved, written evidence shall be submitted to and approved in writing by the Local Planning Authority (LPA) demonstrating that the development will:
 - a. Achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of a Design State Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and,
 - b. Achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence shall be in the form of a Design State water efficiency calculator.

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policy CS22 of the Woking Core Strategy 2012.

6. ++ Prior to the first occupation of the dwelling hereby approved, a hard and soft landscaping scheme showing details of hard and soft landscaping to the frontage, details of materials for areas of hardstanding (including any drainage arrangements) and boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development (in that phase) whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve and enhance the character and appearance of the locality in accordance with policies CS21 and CS24 of the Woking Core Strategy 2012.

7. ++ Prior to the occupation of the development hereby approved, the first floor windows on the south facing side elevation of the dwelling hereby permitted shall be glazed entirely with obscure glass and be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the finished floor level of the rooms in which the windows are installed. Once installed the windows 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 in accordance with policy CS21 of the Woking Core Strategy 2012.

8. Protective measures shall be carried out in strict accordance with the arboricultural Information provided by Challice Consulting Ltd Ref: CC/23 AR3660 received on 05.04.2018 including the convening of a pre-commencement meeting and arboricultural supervision as indicated. No works or demolition shall take place until the tree protective measures have been implemented. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

Reason: To ensure reasonable measures are taken to safeguard trees in the interest of local amenity and the enhancement of the development itself to comply with Policy CS21 of the Woking Core Strategy 2012.

Informatives

1. Your attention is specifically drawn to the conditions above marked ++. These conditions require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance.

You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.

2. The applicant is advised that the development hereby permitted is subject to a Community Infrastructure Levy (CIL) liability of £13,272.12. The Local Planning Authority will issue a Liability Notice as soon as practical after the granting of this permission.

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 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 as commencement for the purpose of 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 on the Council's website at: <https://www.woking.gov.uk/planning/service/contributions>

26 JUNE 2018 PLANNING COMMITTEE

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).

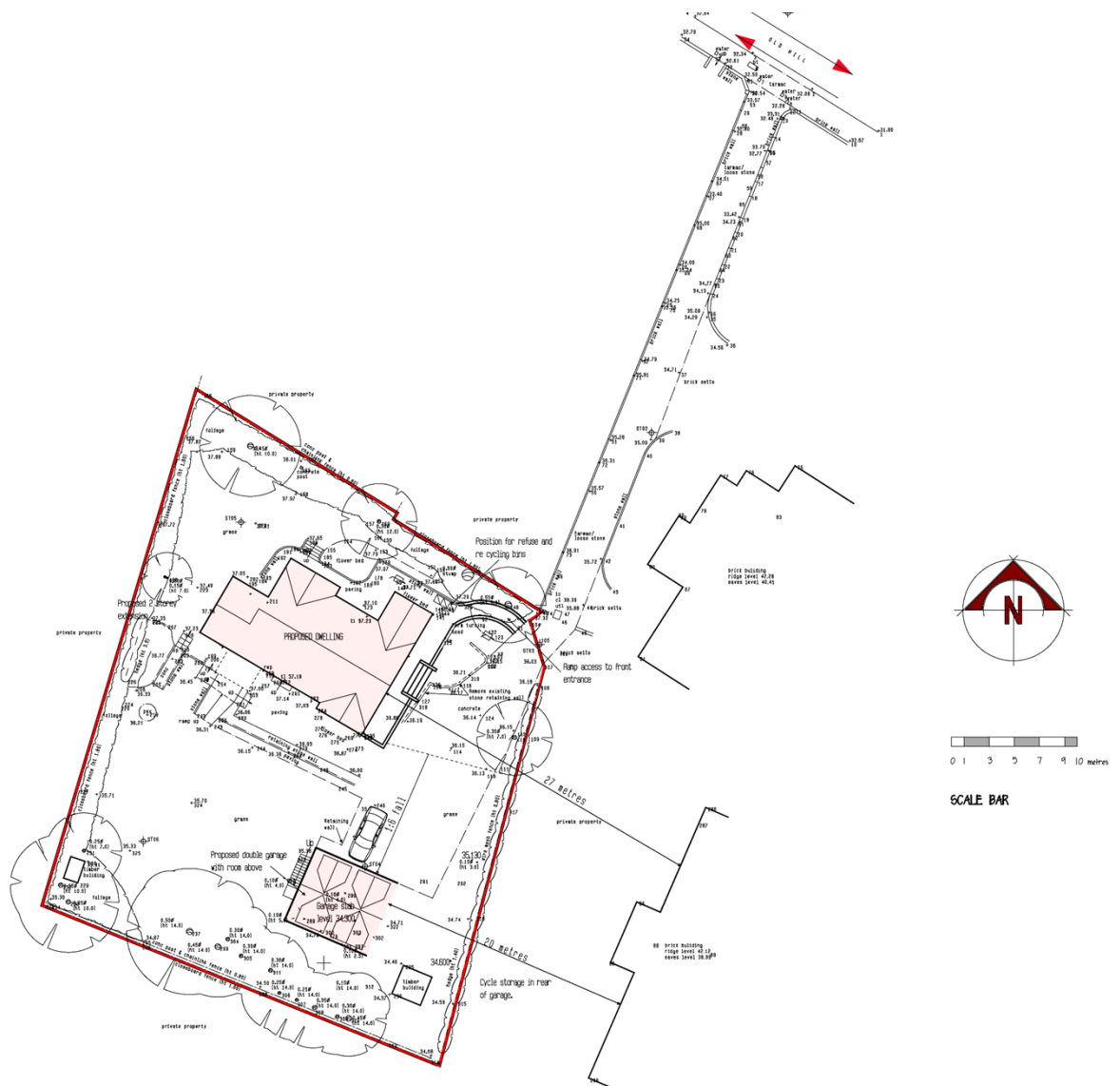
3. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
4. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
5. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
6. The applicant is advised that under the Control of Pollution Act 1974, works which will be audible at the site boundary will be restricted to the following hours:

8.00am – 6.00pm Monday to Friday
8.00am – 1.00pm Saturday
and not at all on Sundays and Bank Holidays.
7. 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 setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk.

8 Old Hill, Woking

PLAN/2017/1426

Erection of a new two storey detached dwelling and detached garage with room over following demolition of the existing bungalow.





Maly Domek

Nutkins

Brantford

Penshurst

Sunbeams

Englefield

Trevena

Glenlea

Lowlands

Beechlawn

OLD HILL

EGLEY ROAD

BLACKBRIDGE ROAD

The Parade

29.5m

30.3m



Old Hill Estate

Hartley

Dunmar

El Sub Sta

Farway

HILLSIDE

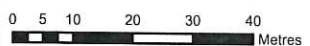
VENUE

Comments

8 Old Hill



SCALE 1:1,250



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

26th June 2018 PLANNING COMMITTEE

5d 17/1426 Reg'd: 20.12.17 Expires: 14.02.18 Ward: HE
Nei. 29.05.18 BVPI Minor Number On No
Con. Target dwellings - 13 of Weeks Target? No
Exp: on Cttee'
Day:

LOCATION: 8 Old Hill, Woking, Surrey, GU22 0DF

PROPOSAL: Erection of a new two storey detached dwelling and detached garage with room over following demolition of the existing bungalow

TYPE: Full Planning Application

APPLICANT: Mr Dennis Harrison

OFFICER: Komal Gorasia

REASON FOR REFERRAL TO COMMITTEE

The proposal includes the creation of a new dwelling which falls outside the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegation.

PROPOSED DEVELOPMENT

Demolition of existing two storey 3no bedroom bungalow and erection of 4no bedroom two storey dwelling with detached double garage.

Existing units: 1
Proposed units: 1

Existing dwelling GIA 125 m2
Proposed dwelling GIA 352.9 m2 (incl. 42.5 m2 double garage)

Proposed dwelling:

Footprint: 108.5 m2
Total Width: 15.03 m
Total Depth: 10.68 m
Maximum height: 8.06 m

PLANNING STATUS

- Urban Area
- Thames Basin Heaths SPA ZoneB (400m-5km)

RECOMMENDATION

Grant planning permission subject to conditions.

SITE DESCRIPTION

The application site comprises of a single family chalet bungalow, set back from the established building line of the street. Extensive screening is provided around the dwelling making the location appear secluded. There are 4 and 5 metre high mature trees at the rear boundary, whilst the western side boundary is defined by thick hedgerows measuring approximately 2.5 metres in height, the eastern side boundary with No. 6 Old Hill (also known as 'Hartley') appears to have recently been cleared of most of the mature vegetation that previously offered screening and now the site is exposed to this neighbour.

Rear amenity space is substantial and measures approximately 13 metres in depth and 25 metres in width. The site levels rise east to west and south to north and the existing dwelling is thus on an elevated level compared to No. 6 Old Hill.

The host property is not listed and does not fall within a designated conservation area. There exist no outstanding conditions on the application site which might limit development.

PLANNING HISTORY

COND/2018/0039 - Discharge of conditions 2 (Materials) and 6 (Landscaping to eastern boundary) of planning permission PLAN/2017/1043 for the erection of part two storey, part first floor extensions with alterations to existing finishing materials and detached garage with accommodation in the roof. – Permitted – 24th April 2018

PLAN/2017/1043 - Proposed erection of part two storey, part first floor extensions with alterations to existing finishing materials and detached garage with accommodation in the roof. – Permitted – 25th October 2017

PLAN/2017/0489 - Erection of part two storey, part first floor extensions with alterations to existing finishing materials and detached garage with accommodation in the roof - Refused – 25th August 2017

PLAN/2006/0164 – Erection of a rear conservatory - Permitted - 17th March 2006

PLAN/2004/0989 - Demolition of existing three dwellings. Construct nine chalet style dwellings with garages and parking spaces. Access from Hillside with associated landscaping. - Refused – 30th September 2004

PLAN/1989/1112 – Erection of single storey side extension to provide kitchen extension - Permitted – 30th November 1989

CONSULTATIONS

None

REPRESENTATIONS

1 letter of objection received which can be summarised as follows:

- Concerns relating to positioning of windows
- Concerns relating to loss of privacy caused by potential removal of trees on site

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2012):

Section 4 - Promoting sustainable transport
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design
Section 10 - Meeting the challenge of climate change, flooding and coastal change
Section 11 - Conserving and enhancing the natural environment

Woking Core Strategy (2012):

CS1 - A Spatial strategy for Woking Borough
CS7 - Biodiversity and nature conservation
CS8 - Thames Basin Heaths Special Protection Areas
CS10 - Housing provision and distribution
CS11 - Housing Mix
CS12 - Affordable housing
CS18 - Transport and accessibility
CS21 - Design
CS22 - Sustainable construction
CS24 - Woking's landscape and townscape
CS25 - Presumption in favour of sustainable development

Woking Development Management Policies DPD (2016):

DM2 - Trees and Landscaping
DM10 - Development on Garden Land

Supplementary Planning Documents (SPDs):

Woking Design (2015)
Affordable Housing Delivery (2014)
Climate Change (2013)
Outlook, Amenity, Privacy and Daylight (2008)
Parking Standards (2018)

Supplementary Planning Guidance (SPG):

Plot Sub-Division: 'Infilling' and 'Backland' Development (2000)

PLANNING ISSUES

Background:

1. The current application is a resubmission following a previous refusal and subsequent approval at the site. The refusal (planning ref: PLAN/2017/0489) was for 'Erection of part two storey, part first floor extensions with alterations to existing finishing materials and detached garage with accommodation in the roof'. The application was refused for the following reasons:

The application was refused for the following three reasons.

26th June 2018 PLANNING COMMITTEE

1. The resultant building due to the proposed full glazed first floor window/glazing in the east elevation would give an impression of being overlooked and loss of privacy to no.6 Old Hill (to the east) and this would be reinforced by inadequate separation distance and the change in site level and thus would have a harmful impact on the amenities of this neighbour by reasons of overlooking and loss of privacy contrary to policy CS21 of the Woking Core Strategy 2012 and the Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight (2008) and the policies in the NPPF.
 2. The window serving the proposed bedroom 4 would result in loss of privacy/overlooking to the rear garden of no.10 Old Hill (to the north) given the short separation distance of approx. 5m and thus would have a harmful impact on the amenities of this neighbour by reasons of overlooking and loss of privacy contrary to policy CS21 of the Woking Core Strategy 2012 and the Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight (2008) and the policies in the NPPF.
 3. The proposed detached garage, given the change in levels and the proximity to the common boundary and the partial screening the garage would create an overbearing and dominating structure as viewed from no.6 Old Hill (to the east) which is contrary to policy CS21 of the Woking Core Strategy 2012 and the Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight (2008) and the policies in the NPPF.
2. The subsequent application (planning ref: PLAN/2017/0489) was for 'Proposed erection of part two storey, part first floor extensions with alterations to existing finishing materials and detached garage with accommodation in the roof'. The application sought to address the previous reasons for refusal and for reasons highlighted in the officers report for the application, was granted planning permission. A further application to discharge conditions 2 (Materials) and 6 (Landscaping to eastern boundary) of this permission was also approved.
 3. The current application follows the approval at the site for extensions. It proposes a replacement dwelling where the resultant building would be identical to what was granted under the previous application. It should be noted that the previous approval remains extant till 25th October 2020 and the applicant could lawfully build the extensions based on this, this forms a major 'fall-back' position and thus major consideration under this application.
 4. The proposal would represent a substantial change from the existing bungalow and fails to take its architectural cues from the existing building, however, the existing property has minimal architectural merit and the area is characterised by large residential properties of varied scale, style and design. The proposal can be situated on the plot whilst maintaining the spatial characteristics of the area.

Principle of Development:

5. One of the core principles of planning as identified in the National Planning Policy Framework (NPPF) 2012 is securing high quality design. Paragraph 57 of the NPPF refers to the need to plan positively for the achievement of high quality and inclusive design for all development. Policy CS21 (Design) of the Woking Core Strategy 2012 states that "proposals for new development should...respect and make a positive contribution to the street scene and 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". The principle of a building

of identical scale and appearance has already been established under the previous consent where such matters were considered prior to approval being granted for the extensions.

Impact on Character:

6. The proposal is for the erection of a two storey replacement dwelling with a detached double garage including a games room above, following demolition of the existing dwelling. The current dwelling on site is not locally listed or in a conservation area. Although the principle of the development has been established as discussed in the 'Principle of Development' section above, the ultimate success of the building will be dependant on the visual impact the building would have within the streetscene and surrounding area and the quality of materials to be used.
7. In this instance, the location of the dwelling would remain as previously approved. It was noted in the officers report for the application that 'Given the varied streetscene and the screening of the site from the wider streetscene, the overall proposal although would be of different architectural design/character is not considered to have a harmful impact on the character nor the visual amenities of the area'. The building is identical to what was already approved and thus officers do not consider the proposal to detract from the character and appearance of the area.
8. In addition to this, it is important that the quality of materials reflects the architectural vernacular and contributes to its success and preserves the streetscene. The planning approval for the extensions included a condition requiring the submission of any proposed materials given that the resultant building would have differed significantly in appearance from the existing. The applicant has since submitted an application (planning ref COND/2018/0039) to discharge the condition with details of materials which was permitted; it included details of the proposed brickwork, roof slate, cladding, windows and paving to the footpaths and drive; the same materials are also proposed under the current application. Given that the materials do not vary from what has already been approved, it is considered that they are of an adequate and sufficient quality ensuring that the replacement building would harmonise with its context and neighbouring properties. A condition is recommended to ensure the materials to be used in the proposal are as those specified within this application.
9. For the reasons highlighted above, it is considered that the proposed development is consistent with the grain and pattern of development in the surrounding area, respecting the character and appearance of the surrounding area and resulting in a visually acceptable structure within its setting. The principle of the development and its impact on the character of the area is therefore deemed acceptable and in compliance with Core Strategy (2012) policies CS20, CS21, CS24 and CS25, Woking DPD (2016) policy DM2, Supplementary Planning Document 'Woking Design' (2015) and the National Planning Policy Framework (2012).

Impact on Neighbours:

10. Concerns have been raised by interested parties in the current and previous applications relating to overlooking, loss of privacy and the proximity of the detached garage to neighbouring properties.
11. The area of concern lies with the first floor windows in the east elevation of the proposed dwelling which would face onto No. 6 Old Hill. The site levels rise east to west and south to north and thus the proposal would be on an elevated level compared to No. 6 Old Hill. As previously approved, the current application proposes

to obscure glaze all first floor east-facing windows. It should be noted that the single window in this elevation would serve a bathroom and the 3no tall windows would serve a two level void within the building; officers are satisfied that the combination of the void and obscure glazed windows would not result in any direct overlooking into the neighbouring properties. Nonetheless, a condition is recommended requiring these windows to be maintained as such.

12. Concerns raised under previous applications related to the proximity of the proposed garage to neighbouring properties. Given the drastic level changes and the previous siting of the garage, it was considered that it would have resulted in an overbearing and dominating structure when viewed from No. 6 Old Hill. During the most recent application at the site, the applicant relocated the proposed garage. The revised scheme saw the garage located to the south eastern most point of the application site where the levels are lower and there is substantial natural screening; the same is proposed under this application. The natural screening however, in this instance, is not protected by any Tree Preservation Orders and can thus be removed. In order to ensure that adequate screening is maintained to the eastern boundary, a condition was attached to the previous consent, requesting boundary treatment details to the eastern boundary be submitted; this was consequently submitted (planning ref COND/2018/0039) indicating that the applicant proposes to install a Buxus Sempervirens (box hedge) to the full length of the eastern boundary; the application was deemed acceptable and approved. The applicant has submitted the same details under this application and thus a condition is recommended ensuring the use of the boundary treatment as specified within this application and as previously approved.
13. In any new development, it is important to maintain sufficient separation distances to boundaries and neighbouring buildings in order to ensure adequate outlook and daylight is achieved for both the future occupiers and existing neighbouring residents. Table 1 within Appendix 1 of the Woking SPD Outlook, Amenity, Privacy and Daylight (2008) shows the recommended minimum separation distances for achieving privacy. In this instance, the proposed dwelling would be two storey and would maintain a distance of 27m to No. 6 Old Hill, a minimum distance of 30.2m to the rear of No 10 and No 12 Old Hill to the north, a minimum distance of 27m to the rear of the properties to the west on Hillside, and a minimum distance of 41m to the property to the south at No. 31 Hillside. The proposed building would always maintain a distance of greater than 2m on all elevations to all respective boundaries. The distances highlighted above are in excess of the minimum distances recommended in Table 1 of the SPD.
14. Overall the proposed development is considered to have an acceptable impact on neighbours in terms of loss of privacy, overlooking and overbearing impacts.

Standard of Accommodation:

15. The proposed dwelling is considered to achieve an acceptable size and standard of accommodation with good quality outlook to habitable rooms. The National Technical Housing Standards (2015) requires a 4 bedroom dwelling across 2 floors to have a minimum Gross Internal Area (GIA) of between 97m²-124m²; the proposed development exceeds this with a proposed GIA of 295.5m². The amenity space is well in excess of double the footprint of the proposed dwelling. Overall the proposal is considered to offer an acceptable level of amenity for family dwellings and future occupiers.

Transportation Impacts:

16. The existing dwelling is accessed via Old Hill; the applicant proposes to retain this access as access for the new dwelling. The proposal is therefore not considered to impact the safety of the public highway.
17. Supplementary Planning Document 'Parking Standards' (2018) requires dwellings with 4 bedrooms to provide a total of 3no off street parking spaces. There is considered to be sufficient off-street parking proposed with the double garage being able to accommodate 2no large cars and the proposed hardstanding at the front of the garage being able to accommodate an additional 2no large cars. The applicant has proposed an area for refuse and recycling storage to the front of the site and cycle parking inside the double garage which is deemed acceptable.
18. Overall therefore the proposal is considered to result in an acceptable impact upon highway safety and car parking provision and accords with policy CS18 of the Woking Core Strategy 2012, Supplementary Planning Document 'Parking Standards' (2008) and the National Planning Policy Framework (2012).

Sustainability

19. Following a Ministerial Written Statement to Parliament on 25 March 2015, the Code for Sustainable Homes (aside from the management of legacy cases) has now been withdrawn. For the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans that require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015.
20. The Council has therefore amended its approach and an alternative condition will now be applied to all new residential permissions which seeks the equivalent water and energy improvements of the former Code Level 4.

Community Infrastructure Levy (CIL):

21. The proposal would be liable for Community Infrastructure Levy (CIL). The proposed additional floorspace would be 295.5m² and therefore the applicant is liable to pay a CIL Levy of approximately £45,603.61. As part of this application, the applicant has submitted a Self Build Exemption form. For relief to be granted, the LPA would require the applicant to submit a CIL Additional Information form, an Assumption of Liability form as well as a Commencement Notice prior to any works commencing.

CONCLUSION

22. Considering the points discussed above, the proposal is considered an acceptable form of development which would have an acceptable impact on the amenities of neighbours, on the character of the surrounding area and on protected trees. The proposal therefore accords with Core Strategy (2012) policies CS1, CS7, CS8, CS10, CS11, CS18, CS20, CS21, CS24 and CS25, Supplementary Planning Documents 'Parking Standards' (2006), 'Outlook, Amenity, Privacy and Daylight' (2008), 'Woking Design' (2015) and 'Plot Sub-Division: Infilling and Backland Development' (2000), DPD (2016) policies DM2 and DM10 and the NPPF (2012) and is recommended for approval subject to conditions.

BACKGROUND PAPERS

1. Site visit photographs
2. Planning application PLAN/2017/1043 dated 25th October 2017
3. Planning application COND/2018/0039 dated 24th April 2018

RECOMMENDATION

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

1. 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).

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

- Design And Access Statement
- Materials Schedule
- Landscaping Plan
- Drawing No 17-5
- Drawing No 17-5-4
- Drawing No 17-20 Rev A
- Drawing No 17-20-1
- Drawing No 17-20-2-2

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

3. The external materials to be used in the construction of the development hereby approved shall be as those specified on the 'Materials Schedule' hereby approved, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in accordance with Policy CS21 of the Woking Core Strategy 2012.

4. Prior to the first occupation of the dwelling hereby approved, the boundary treatment as shown on the 'Landscaping Plan' hereby approved shall be implemented in full. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development (in that phase) whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve and enhance the character and appearance of the locality in accordance with Policies CS21 and CS24 of the Woking Core Strategy 2012.

26th June 2018 PLANNING COMMITTEE

5. The windows in the first floor east-facing side elevation 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.

Reason: To safeguard the amenities of the adjoining properties in accordance with Policy CS21 of the Woking Core Strategy 2012.

6. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1, Classes A, B, C and D of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any orders amending or re-enacting that Order with or without modification) no extension or enlargement of the new dwelling hereby approved shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of nearby properties and the character of the area and for this reason would wish to control any future development in accordance with Policy CS21 of the Woking Core Strategy 2012.

7. 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 window, rooflight, door or other additional openings at first floor level or above, other than those expressly authorised by this permission, shall be formed in any elevation of the new dwelling hereby approved without planning permission being first obtained from the Local Planning Authority.

Reason: To protect the amenity and privacy of the occupiers of adjoining properties in accordance with Policy CS21 of the Woking Core Strategy 2012.

8. The development hereby permitted shall not be occupied until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the development has:
 - a. Achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
 - b. Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of the notice given under Regulation 37 of the Building Regulations.

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policy CS22 of the Woking Core Strategy 2012.

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 paragraph 186-187 of the National Planning Policy Framework 2012.
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, under the Control of Pollution Act 1974, site works which will be audible at the site boundaries are restricted to the following hours:-
08.00 – 18.00 Monday to Friday
08.00 – 13.00 Saturday
and not at all on Sundays and Bank/Public Holidays.
4. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
5. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
6. The applicant is advised that this application is liable to make a CIL contribution. The applicant must complete and submit a Commencement (of development) Notice to the Local Planning Authority, which the Local Planning Authority must receive prior to commencement of the development.

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)

AGENDA ITEM: 5e ENFORCEMENT REPORT

WARD: HE

Committee: PLANNING COMMITTEE

Date of meeting: 26 JUNE 2018

Subject: UNAUTHORISED DEVELOPMENT – CREATION OF A SEPARATE 2 BEDROOM DWELLING BY CONVERTING A DOUBLE GARAGE AT MEADOWBROOK, PREY HEATH ROAD, MAYFORD, WOKING, SURREY, GU22 0SL.

Case Officer: DAVE CALVERT

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1. RECOMMENDATION

Enforcement action be authorised to issue an Enforcement Notice in respect of the land requiring:

- I. Cessation of use of the double garage and other parts of the main house as an unauthorised dwelling within 3 months of the Notice taking effect.
- II. Reinstatement of the double garage, including its external appearance within 6 months of the Notice taking effect.
- III. Removal of all associated debris from the site within 6 months of the Notice taking effect.

2. SITE DESCRIPTION

The application site is located to the north of Prey Heath Road and immediately to the east of the mainline railway situated within the Green Belt. It is accessed by a track leading north from Prey Heath Road which traverses Prey Heath Common. Meadowbrook is a single-storey detached dwelling which has benefitted from extensions.

The immediate area is characterised by a sporadic pattern of development in a rural setting around the edge of the common.

3. PLANNING HISTORY

PLAN/2017/0935 – Proposed single storey extension. Withdrawn 21.09.2017

PLAN/2015/0301 – Proposed conversion of a double garage into a 2 bed flat. No Further Action 26.10.2017

PDENQ/2007/0164 – Permitted Development Enquiry – Conversion of integral garage and other internal alterations. Received 02.03.2007, no decision given.

PLAN/2000/0874 – Single storey rear extensions. Granted 28.09.2000

PLAN/1995/0474 – Erection of a double garage to the side. Granted 28.07.1995

DC 84/0192 - Erection of a single storey bedroom extension. Permitted

DC 82/0644 - Erection of a detached bungalow on land Adjacent to Meadowbrook. Refused

DC82/0020 - Erection of a single storey extension to existing dwelling. Refused

DC 77/0908 - Erection of bungalow with garage on land at the White House. Details of bricks, in pursuant to Condition 4 on 77/0010. Permitted

DC 77/0010 – Demolition of existing derelict house and erection of bungalow with garage at the white house. Permitted

DC75/0914 - Demolition of remains of existing house destroyed by fire and erection of a detached house and double garage at the white house. Permitted

4. REPORT

A Planning Application was made for proposed conversion of double garage into a 2 bed flat on 25 March 2015 along with the fee, but no copy of the Planning Application, drawings, etc. were ever received.

In April 2015 the owners of the property sought to have part of the property which is now known to be the former double-garage area, registered as a separate address to be known as 'Meadowbrook Annex.'

In June 2016 a letter was sent out to the owner of the property seeking the relevant documentation to make the planning application valid. There was no response.

The matter was taken up by the Planning Enforcement Team. Upon writing to the owner it became clear that the situation was complicated; the owner confirmed that they had applied to the Council's Building Control Service, for a garage conversion, providing them with all the necessary paper work, to oversee the works being undertaken. This work were commenced on 6 October 2014 and completed on 28 November 2014.

Subsequently the Planning Enforcement Team continued to request the owner to provide the requested information to make their Planning Application valid. The owner's response was that they had provided the Planning Department with all the necessary paperwork.

The submissions remained invalid and in October 2016 the decision was taken to take no further action with the case and close the case on the Local Planning Authority's records given that insufficient information had been received to process an application.

In March 2018 a Planning Enforcement Officer received concerns from the Council's Council Tax Section that there was a separate dwelling at Meadowbrook being as the owner had applied for a tax banding for the separate dwelling.

Throughout April and May 2018, the Planning Enforcement Team has communicated by email with the owner to clarify a number of concerns raised by the owner in regards to receipt of his initial planning fee, what the next steps are to resolve the breach of planning control and how long the owner has to submit a new planning application.

It is understood that a fully completed retrospective Planning Application for the breach is to be submitted by 16 July 2018. The works, under Building Control Regulations, was completed on 28 November 2014 it would therefore appear that the unauthorised works will be immune from enforcement action on 28 November 2018.

6. EXPEDIENCY OF TAKING ACTION

Introduction:

Officers consider that it is expedient to take Enforcement Action for the following reasons:-

It appears that a breach of planning control has occurred as a matter of fact by the conversion of the double-garage element permitted under PLAN/1995/0474 and parts of the main house into a separate residential dwelling. This constitutes development that would have required Planning Permission. The serving of a Notice is required to prevent immunity from enforcement action under the four years rule conferred by S.171B of the Town and Country Planning Act 1990.

Furthermore, it is considered that it is expedient to take action because a consideration of the planning merits of the proposal as set out below would conclude that the breach can only be adequately remedied with appropriate planning conditions and a SAMM payment which can only be secured in association with a Planning Permission.

Ecology and Thames Basin Heaths

The site is immediately adjacent to a Site of Special Scientific Interest (Prey Heath) and is within 5km of the Thames Basin Heaths Special Protection Area.

In March 2005, the Government designated areas of heathland within the Thames Basin Heaths as Special Protection Area (SPA) under Habitats Regulations. The SPA has been identified as an internationally important habitat for three rare species of ground nesting birds. The designation provides increased protection to a variety of rare birds and habitats and is a vital part of global efforts to conserve the world's biodiversity. These internationally important sites of nature conservation value are to be given the highest degree of protection. The Habitats Regulations require Local Planning Authorities to satisfy themselves that, before granting planning permission, the proposed development will not adversely impact on the integrity of the SPA.

Natural England considers that the intensification of residential development up to a distance of 5 kilometres away from the SPA would result in a range of pressures with potentially adverse effects on the protected habitat. Between 400 metres to 5 kilometres from the SPA, mitigation is therefore required. Without mitigation, planning applications for new residential development within 5 kilometres of the SPA will be refused as it cannot be determined that they will not have a significant effect on the SPA.

The mitigation is provided in the form of a financial contribution towards Suitable Alternative Natural Greenspace (SANG). The purpose of SANG is to attract informal recreation users, such as walkers and dog walkers away from

the SPA. SANGs will provide alternative open spaces for use by future occupants of development and existing residents to avoid the potential harm caused by more visitors to the SPA. SANG land can be new open space, or the improvement of existing open space to increase its capacity for informal recreation. As part of the SPA mitigation, Natural England requested that all Local Authorities affected by the SPA designation collect a contribution per dwelling, in addition to the above SANG financial contribution, towards the Strategic Access Management and Monitoring (SAMM) of the SPA. This SAMM contribution will be used to implement an identified programme of works to mitigate the impacts of the proposed developments.

Generally, SANG contributions are secured through the Community Infrastructure Levy (CIL). This proposal would not be CIL liable because it involves the subdivision of a house by the conversion of existing floorspace. However, it would still require the SAMM contribution in order for the Local Planning Authority to be able to determine that the proposal does not have a significant effect on the SPA.

In this instance the SAMM requirement would be £682 for the 2 Bedrooms. In the absence of a planning application, and therefore a mechanism to secure this payment, the Local Planning Authority cannot meet the requirement of the Habitats Regulations that the development does not have a significant effect on the SPA and the breach of planning control is consequently contrary to the provisions of these Regulations as well as the NPPF and Policy CS8 of the Woking Core Strategy.

It is consequently expedient to take enforcement action on this basis.

Notwithstanding this, it is not considered there would be a materially harmful effect on the adjacent SSSI.

Green Belt:

The site is located within the Green Belt. Paragraph 90 of the National Planning Policy Framework (NPPF) states that the re-use of buildings (provided that the buildings are of permanent and substantial construction) in the Green Belt is NOT inappropriate “provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.” Local policy, including Policy DM11, is consistent with this.

Green Belt land serves five purposes:

1. to check the unrestricted sprawl of large built-up areas;
2. to prevent neighbouring towns merging into one another;
3. to assist in safeguarding the countryside from encroachment;
4. to preserve the setting and special character of historic towns; and
5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Given the nature of the works, it is not considered that they would conflict with any of these purposes.

In terms of the impact on openness, the proposal does not involve new extensions only involving the use of parts of the main house and the previously-approved garage accommodation and, although this displaces parking from inside the garage and results in a parking requirement for the new dwellings,

the additional amount of traffic to site would be negligible and parking would be contained within what is already hardstanding in the envelope of built form.

The curtilage of the existing property could be subdivided and therefore it would not be necessary for additional residential curtilage to be created beyond the existing envelope of built form and curtilage and there would be no encroachment of manicured gardens and the paraphernalia associated with them beyond what is already domestic curtilage.

Subject to conditions to control permitted development rights for further extensions, outbuildings and hardstanding, the unauthorised development need not necessarily be unacceptable in principle in Green Belt terms.

However, in the absence of a Planning Application and the opportunity to attach such conditions removing Permitted Development rights, the LPA cannot be assured that the conversion would not have any greater impact on the openness of the Green Belt contrary to the NPPF.

Therefore, it is expedient to take Enforcement Action on this basis also.

Impact on Character of the Area

The physical implications of the breach of planning control are limited. The conversion of the garage is not considered to be out of character and the implications of the displacement of the parking are minimal.

The subdivision of the plot to provide private curtilages for each property raises no issues as the land is already residential curtilage and the pattern of development around the northern edge of the common is sporadic with varying sizes of garden apparent. The proposal would consequently accord with Policy CS24 of the Core Strategy and Policy DM11 of the Development Management DPD in this respect.

However, the lack of harm identified in this respect does not outweigh the harm noted above.

Living Conditions & Other Matters

Similarly, it is considered that appropriate living conditions could be provided for both the original and new dwellings but compliance with this requirement does not override the harm identified above.

The proposal does not appear to result in the loss of a family dwelling and does not raise any significant parking or highways issues. Appropriate bin storage facilities could be made available for both properties.

Summary

It appears to the LPA that, as a matter of fact, a breach of planning control has occurred. The LPA will be barred from taking action against this breach if it is demonstrated that the breach has been continually in effect for 4 years.

It is expedient to take action against the breach caused by the creation of a separate dwelling because, in the absence of a planning permission with associated conditions and SAMM payment, the LPA cannot reasonably

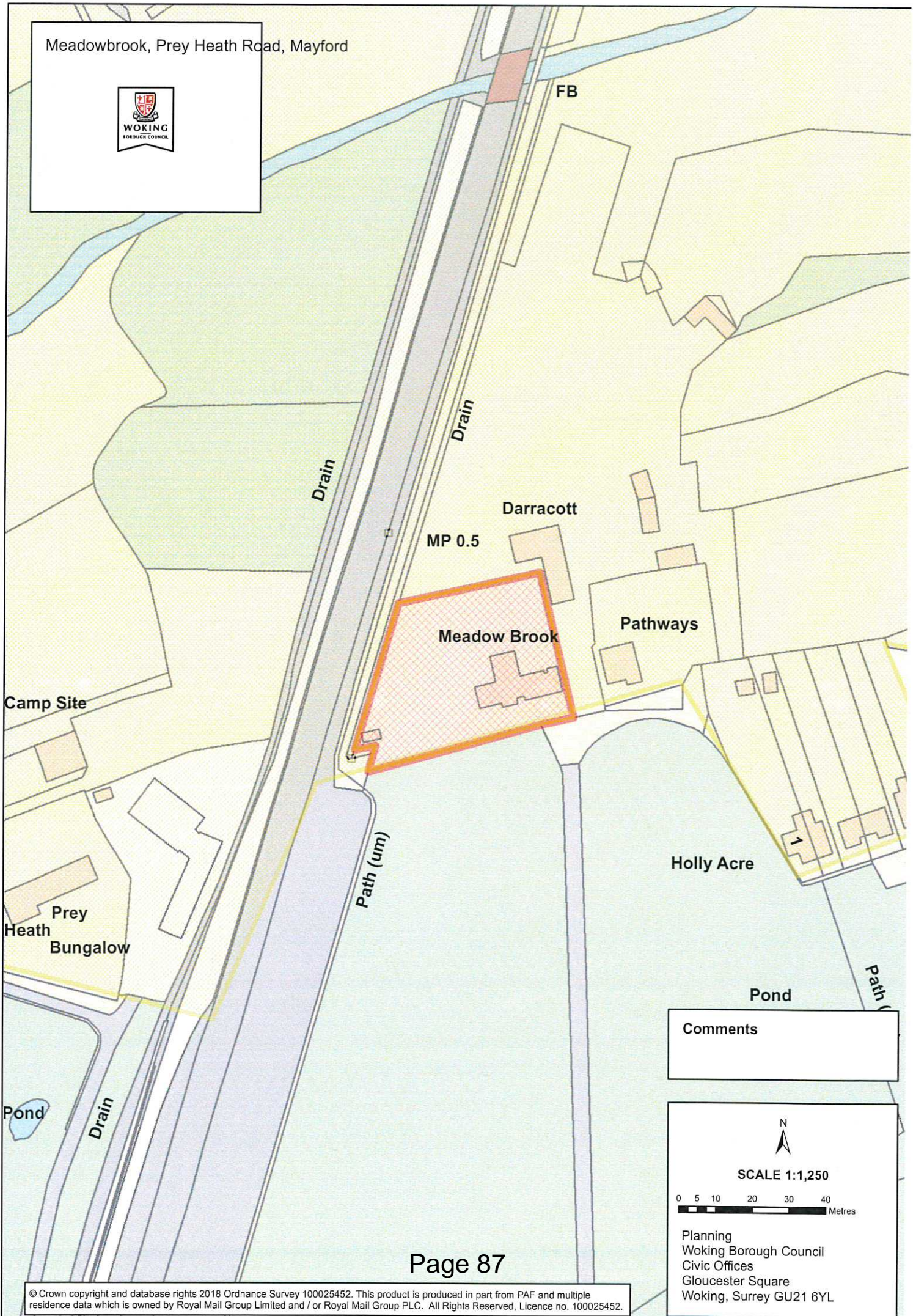
determine that the proposal does not have a significant impact on the SPA and does not cause harm to the openness of the Green Belt.

7. RECOMMENDATION

Enforcement action be authorised to issue an Enforcement Notice in respect of the land requiring:

1. Cessation of use of the double garage as an unauthorised dwelling within 3 months of the Notice taking effect.
2. Reinstatement of the double garage, including its external appearance within 6 months of the Notice taking effect.
3. Removal of all associated debris from the site within 6 months of the Notice taking effect.

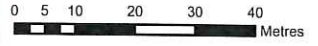
Meadowbrook, Prey Heath Road, Mayford



Comments



SCALE 1:1,250



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

