

14th JANUARY 2019 PLANNING COMMITTEE

back by a half, a limb above road and crown lift to height of 5m one Red Oak. Crown thin by 25% one Beech. (Works subject to TPO 626/085) NOTE : Permission is not required for the removal of dead wood - Permitted 03.08.2006.

TREE/2003/8127: Fell one Plane tree. (Works subject to TPO 626/085) - Withdrawn 13.05.2003.

74/0740: DETACHED GARAGE - Permitted 01.10.1974.

11574: CON TO 4FS ERECTION 3 GS - Permitted 01.01.1959.

13075: USE AS OFFICE - Refused 01.05.1960.

13323: U 2RMS AS ART STUDIO - Refused 01.09.1960.

PROPOSED DEVELOPMENT

The application proposes to erect a single-storey pitched roof rear extension onto the existing single-storey side element, following demolition of part of the existing single-storey element. This extension is proposed to contain a new two-bedroom flat. There would be patio doors in the proposed extension's rear elevation which would lead onto an area of private amenity space which would be created by enclosing off part of the existing rear garden area. Two roof lights are also proposed in the extension. A new opening is proposed in the existing single-storey side element's front elevation in order to provide access to the new flat and the two existing flats within the application site's section of the building. It is also proposed to have an existing front elevation opening blocked up and two front windows inserted into it to serve the two proposed bedrooms.

SUMMARY INFORMATION

Site area (delineated by red line on location plan)	0.105ha
Existing units	2 units
Proposed units	3 units
Existing site density	19.0 dwellings/hectare
Proposed site density	28.5 dwellings/hectare

CONSULTATIONS

Council Conservation Consultant: The bulk of the changes sought here are to a late single storey addition to the right hand section of the main house. This single storey front elevation will have certain changes such as a new access and an altered window, but none of the additions will be significant from the front. Viewed from the rear there will be a large additional pitched roof and other changes but all to the late addition to the main house. I do not consider this scheme would significantly harm the character of his locally listed building.

Council Senior Arboricultural Officer: No objection subject to condition.

County Highway Authority (SCC): No response received at time of writing. The Committee will be updated verbally on any response received.

Joint Waste Solutions: No objection.

NEIGHBOUR REPRESENTATIONS

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At the time of writing, one letter of representation was received. The letter only made statements about ownership of the site which is not a planning consideration.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2019):

Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Woking Core Strategy (2012):

CS1 - A Spatial Strategy for Woking
CS8 - Thames Basin Heaths Special Protection Area
CS10 - Housing provision and distribution
CS11 - Housing mix
CS12 - Affordable housing
CS18 - Transport and accessibility
CS20 - Heritage and conservation
CS21 - Design
CS22 - Sustainable construction

Development Management Policies DPD (2016):

DM2 - Trees and Landscaping
DM20 - Heritage Assets and their Settings

Supplementary Planning Documents

Woking Design SPD (2015)
Outlook, Amenity, Privacy and Daylight (2008)
Parking Standards (2018)
Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015
Climate Change (2013)
Affordable Housing Delivery (2014)

PLANNING ISSUES

The main issues to consider in determining this application are impact on the locally listed building and character, trees, neighbouring amenity, quality of accommodation, amenity space, car parking provision and highway safety, waste and recycling, sustainability, affordable housing and the Thames Basin Heaths Special Protection Area having regard to the relevant policies of the Development Plan.

Impact on the locally listed building and character

1. Paragraph 197 of the NPPF (2019) states that “*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*”. Policy CS21 of

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the *Woking Core Strategy* (2012) states that new development should create buildings “with their own distinct identity, they should respect and make a positive contribution to the street scene and character of the area in which they are situated, paying regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land”.

2. The proposed extension would be single-storey, pitched roof in nature and entirely to the rear. Furthermore, its footprint and overall mass is not considered to be disproportionate to the scale of the host building. It is therefore considered to be subservient and in keeping with the host building’s character. The proposed fenestration alterations to the existing single-storey side element are considered to be relatively minor in their nature.
3. For these reasons it is considered that the proposal would not result in unacceptable harm or loss to the significance of the heritage asset and that it would not have an unacceptable impact on the character of the wider area either.

Impact on trees

4. There are a number of trees on site and the site is covered by an area TPO.
5. The Council’s Senior Arboricultural Officer has been consulted on the application and raises no objection subject to a condition requiring arboricultural information.
6. It is therefore considered that the proposal would have an acceptable impact on trees subject to condition.

Impact on neighbouring amenity

7. 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”.
8. The application site is on lower ground than the neighbouring block of flats to the east Glen Court. The proposed extension would not be in line with any of the windows in Glen Court’s west elevation and would not project beyond its rear elevation either. For these reasons it is considered that the proposal would not create unacceptable overlooking issues, it would unacceptably impact daylight levels and it would not appear unacceptably overbearing towards Glen Court.
9. *Outlook, Amenity, Privacy and Daylight* (2008) contains a ‘45° test’ in plan and elevation to assess whether a proposed rear extension would have an acceptable impact on the daylight levels received by sole windows serving habitable rooms at adjoining properties. The proposed extension would fail the test in plan but pass it in elevation towards the rear bedroom window at the existing ground floor ‘Flat 3’. It is therefore considered that the proposed extension would not unacceptably impact daylight levels towards ‘Flat 3’.
10. The proposed extension would be 2m from the rear bedroom window at ‘Flat 3’, it would project 4.5m beyond the window and would have an eaves height of 2.4m. On balance, it is considered that this would not appear unacceptably overbearing towards this window.

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11. For these reasons it is considered that the proposal would have an acceptable impact on neighbouring amenity.

Quality of accommodation

12. The proposed flat is considered to achieve an acceptable size and layout for a two-bedroom flat.
13. It is noted that the two proposed bedrooms would face directly towards a retaining wall and the side (north) elevation of the existing garages. This is not considered to be a particularly ideal outlook but is not considered to be unacceptably poor enough to constitute grounds for refusal.
14. It is noted that the windows in Glen Court's west elevation would provide views towards the roof light in the proposed extension's east elevation which would serve a bathroom. This is considered to create some degree of overlooking down towards the bathroom which again is not considered to be ideal. However, as this would not be habitable room this overlooking is on balance not considered to be sufficient to constitute grounds for refusal either.
15. The proposed development is therefore considered to be acceptable in terms of quality of accommodation.

Impact on amenity space

16. The proposal is considered to give the proposed flat an acceptable level of private amenity space and leave the two existing flats within the application site with an acceptable level of communal amenity space.

Impact on parking provision & highway safety

17. Woking Council's SPD *Parking Standards* (2018) recommends 2-bedroom flats should have minimum parking provision of 1 car parking space and 1-bedroom flats should have minimum parking provision of 0.5 car parking space. It adds that where garages contribute to this provision they should be a least 6m x 3m.
18. The proposal would result in the application site's part of St John's Hill House having two 2-bedroom flats and one 1-bedroom flat. This would require 2.5 spaces to accord with the SPD. The three spaces within the existing garage structure each have dimensions of 5.15m x 2.3m and are not therefore considered to contribute to parking provision. However, it is considered that there is still space to park five cars within the application site, along its southern boundary.
19. It is therefore considered that the proposal would have an acceptable impact on parking provision and highway safety.

Impact on waste and recycling

20. It is considered that the proposed layout would enable the provision of acceptable waste and recycling storage and collection.

Sustainability

21. Planning policies relating to sustainable construction have been updated following the Government's withdrawal of the Code for Sustainable Homes. Therefore, in applying

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Policy CS22 of the *Woking Core Strategy* (2012), the approach has been amended and at present all new residential development shall be constructed to achieve a water consumption standard of no more than 105 litres per person per day indoor water consumption and not less than a 19% CO2 improvement over the 2013 Building Regulations TER Baseline (Domestic).

22. It is considered that details of compliance with these requirements can be secured via condition.

Impact on the Thames Basin Heaths Special Protection Area

23. The 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 SPA boundary to make an appropriate contribution towards the provisions of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM).
24. 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. A SAMM contribution of **£698** in line with the *Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015* (April 2019 update) as a result of an additional two 2-bedroom dwelling.
25. Policy CS8 of the Core Strategy states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.
26. Policy CS8 of the Core Strategy requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The SAMM contribution of **£698** in line with the Thames Basin Heaths SPA Avoidance Strategy would need to be secured through a S106 Legal Agreement. For the avoidance of doubt, sufficient SANG at **Heather Farm** has been identified to mitigate the impacts of the development proposal.

Affordable Housing

27. Policy CS12 of the *Woking Core Strategy* (2012) states that all new residential development will be expected to contribute towards the provision of affordable housing and that, on sites providing fewer than five new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 10% of the number of dwellings to be affordable on site. However, paragraph 63 of the NPPF

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(2019) sets out that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Whilst it is considered that weight should still be afforded to Policy CS12 it is considered that more significant weight should be afforded to the policies within the *National Planning Policy Framework* (2019). The proposal is not a major development and therefore no affordable housing contribution is sought.

Local finance consideration

28. The proposal would lead to a gross internal area of 62.8sqm outside of the designated town centre. As the existing store rooms which are proposed to be demolished have a gross internal area of 31.35sqm a contribution to the Community Infrastructure Levy (CIL) will be liable on the 31.45sqm net additional floorspace. It will therefore be liable to a contribution to the Community Infrastructure Levy (CIL) of **£4.898.94** according to the current financial year's price index.

CONCLUSION

Overall, the proposal would have an acceptable impact on the locally listed building and character, trees, neighbouring amenity, quality of accommodation, amenity space, car parking provision and highway safety, waste and recycling, sustainability and the impact on the Thames Basin Heaths Special Protection Area having regard to the relevant policies of the Development Plan. The proposal therefore accords with Sections 5, 9, 11, 12, 15 and 16 of the *National Planning Policy Framework* (2019), Policies CS1, CS8, CS10, CS12, CS18, CS20, CS21 and CS22 of the *Woking Core Strategy* (2012), Policies DM2 and DM20 of the *Development Management Policies DPD* (2016), *Woking Design SPD* (2015), *Outlook, Amenity, Privacy and Daylight* (2008), *Parking Standards* (2018), *Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015*, *Climate Change* (2013) and *Affordable Housing Delivery* (2014).

BACKGROUND PAPERS

Site visit photographs (11.12.2019)

PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	Provision of £698 contribution to provide SAMM.	To accord with the Habitat Regulations and associated Development Plan policies and the Council's Adopted Avoidance Strategy.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the above legal agreement and the following conditions:

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

Reason:

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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 must be carried out in accordance with the approved drawings listed below:

- 1:1250 location plan (received by the LPA on 22.11.2019)
- 1:200 proposed block plan Drwg no.2019/744/06. (received by the LPA on 05.12.2019)
- 1:100 proposed floor plans and elevations Drwg no.2019 /744/04. (received by the LPA on 22.11.2019)
- 1:100 proposed roof plan Drwg no.2019 /744/05. (received by the LPA on 22.11.2019)

Reason:

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

3. The external finishes of the development hereby permitted must match those used in the existing building in material, colour, style, bonding and texture unless otherwise indicated on the approved plans.

Reason:

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

4. Above ground development associated with the development hereby permitted must not commence until details have been submitted for the written approval of the Local Planning Authority demonstrating that the development will be constructed to achieve, as a minimum, the optional requirement set through the Building Regulations 2010 (as amended) for water efficiency that requires indoor wholesome water consumption of no more than 105 litres per person per day; and not less than a 19% improvement in the dwelling emission rate over the 2013 Building Regulations TER Baseline (Domestic). Such details as may be approved shall be installed prior to the first occupation of the development and maintained and operated in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the development achieves a high standard of sustainability and makes efficient use of resources.

5. No development-related works shall be undertaken on site (including clearance and demolition) until tree protection details have been submitted to and approved in writing by the Local Planning Authority. These details shall adhere to the principles embodied in BS 5837 (2012) and shall include a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement. The details shall make provision for the convening of a pre-commencement meeting and Arboricultural supervision by a suitably qualified and experienced Arboricultural Consultant for works within the RPAs of retained trees. Full details shall be provided to indicate exactly how and when the retained trees will be protected during the site works. The development shall be carried out strictly in accordance with the agreed details.

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Reason:

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

Informatives

01. Proactive Working:

The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the NPPF (2019). The application was considered acceptable upon receipt.

02. You are 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.