

25 FEBRUARY 2020 PLANNING COMMITTEE

7B PLAN/2019/1028

WARD: KNA

LOCATION: Land South Of Ivydene, Knaphill, Woking, Surrey, GU21 2TA

PROPOSAL: Erection of a 1 ½ storey detached dwelling (4x bed) on land south of Ivydene and associated vehicular access, parking and landscaping.

APPLICANT: Mr Hedges

OFFICER: Barry Curran

REASON FOR REFERRAL TO COMMITTEE

The proposal is for the erection of a new dwellinghouse which falls outside of the scheme of delegated powers.

SUMMARY OF PROPOSED DEVELOPMENT

The application seeks permission to erect a detached 1 ½ storey 4 bedroom dwelling on rear garden land of Burley which fronts onto Bagshot Road with access point over amenity land at Garvan and associated landscaping to the West of the cul-de-sac within Ivydene.

PLANNING STATUS

- Urban Area
- Surface Water Flood Risk Area
- Thames Basin Heaths SPA Zone B (400m-5km)

RECOMMENDATION

GRANT planning permission subject to conditions and S.106 Legal Agreement.

SITE DESCRIPTION

The application site relates to an open piece of land at the terminus of Ivydene and is formed of rear garden space to the south of the double cul-de-sac Ivydene and to the rear of the houses which front the converging Bagshot and Chobham Roads, which meet a short distance to the south. Ivydene is a residential cul-de-sac characterised by detached two storey dwellings dating from the 1990s in a typical estate layout. Open frontages and areas of grassed and landscaped public amenity areas give a spacious, open-plan character to the area.

PLANNING HISTORY

As per the previous application there is a complex planning history in the immediate area relating to the erection of dwellings on land on Ivydene and to the rear of properties at Starlings, Lukla and Wendover on Bagshot Road. The most recent refusal and appeal dismissal contributes to this complex history but is the most relevant to the current proposal.

25 FEBRUARY 2020 PLANNING COMMITTEE

PLAN/2018/0736 - Erection of a two storey detached dwelling with accommodation in the roof space (5x bed) on land south of Iydene and associated vehicular access and parking – Refused 27.09.18 for the following reasons:

- 1. The proposed development, by reason of the proposed plot sub-division, the bulk, massing siting and design of the dwelling and the proximity to boundaries, would result in an incongruous development and an irregularly shaped plot which fails to respect the prevailing character, scale, pattern and grain of development in the area and results in a unduly cramped and contrived overdevelopment of the site. The proposal would consequently result in a significantly harmful impact on the character of the surrounding area, contrary to Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Supplementary Planning Document 'Woking Design' (2015) and Section 12 of the NPPF (2018).*
- 2. The proposed development, by reason of the height, bulk and massing of the proposed dwelling, the placement of window openings and the close proximity to residential neighbours, would result in a significant and unacceptable overbearing and overlooking impact on surrounding neighbours, specifically those at Burley and Thetford to the west and Chesley to the east, to the detriment of their residential amenity. The proposal is therefore contrary to Core Strategy (2012) policy CS21 'Design', Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' (2008) and 'Woking Design' (2015) and the NPPF (2018).*
- 3. The proposed development would result in the loss of open space with public amenity value which contributes to the visual amenities and character of the street scene. The proposal is therefore contrary to Core Strategy (2012) policy CS17 'Open space, green infrastructure, sport and recreation' and CS21 'Design' and the NPPF (2018).*
- 4. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation 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").*

This application was subsequently dismissed at appeal under Appeal Ref: APP/A3655/W/19/3225036 on the sole reason of impact on neighbours as per 'Reason 2' above – dated 09.10.19.

PLAN/2013/0778 - Land Rear of Wendover & Luka - Erection of a two storey five bedroom detached house together with car parking, landscaping and access – Refused 26.11.13 for the following reasons:

- 1. The proposed development would result in the loss of open space which contributes to the visual character of the street scene and would not provide alternative and equivalent green infrastructure elsewhere. As such the proposed development in contrary to Policy CS17 and CS21 of the Woking Core Strategy 2012 and Section 8 of the National Planning Policy Framework.*

25 FEBRUARY 2020 PLANNING COMMITTEE

2. *The proposed development fails to pay due regard to the scale, height, proportions and characteristics of adjoining buildings and would fail to respond to the attractive qualities of the character of the cul-de-sac. As such the proposed development is contrary to Policy CS21 of the Woking Core Strategy 2012, Saved Policy HSG22 of the Woking Local Plan 1999, Plot sub-division: 'Infilling' and 'Backland' Development SPG and Section 7 of the National Planning Policy Framework.*
3. *In the absence of an appropriate legal agreement the proposed development fails to contribute towards the Borough's affordable housing requirement contrary to Policy CS12 of the Woking Core Strategy 2012 and Section 6 of the National Planning Policy Framework.*
4. *In the absence of justification as to why achieving Code for Sustainable Homes Level 5 is not possible the proposed development is contrary to Policy CS22 of the Woking Core Strategy 2012.*
5. *In the absence of an appropriate legal agreement to secure a contribution towards the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010- 2015 the proposed development is contrary to Policy CS8 of the Woking Core Strategy 2012.*

PLAN/2010/0504 - Land Fronting 8, 9 and 10 Ivydene - Erection of two detached houses to the rear of Wendover and Starlings - Refused 29.07.10 for the following reasons and dismissed at appeal (APP/A365/A/11/2144051):

1. *The proposed development, by reason of the way the proposed houses sit within their plots and relate to each other as well as existing neighbouring properties would result in a cramped and contrived form of development which would be out of character with the existing street scene in Ivydene. The proposal is therefore contrary to policies BE1, HSG18, HSG19, HSG21 and HSG22 of the Woking Borough Local Plan 1999 and Planning Policy Statement 3*
2. *The proposal fails to provide avoidance measures against its impact on the Thames Basin Heaths Special Protection Area contrary to policies NE1 of the Woking Borough Local Plan 1999 and the Thames Basin Heaths Special Protection Area Interim Strategy Report for Woking 2006*

PLAN/2008/0308 - Land Rear of Wendover and Starlings - Erection of three detached houses and associated garages - Refused 08.09.08 for the following reasons:

1. *The proposed development by reason of the way the proposed houses sit within their plots and relate to each other as well as existing neighbouring properties would result in a cramped and contrived form of development which would be out of character with the existing street scene in Ivydene. The proposal is therefore contrary to policies BE1, HSG18, HSG19, HSG21 and HSG22 of the Woking Borough Local Plan 1999.*
2. *The application fails to demonstrate that the proposed development would not worsen the documented surface water flooding problems that currently occur within Ivydene. This is contrary to Policy NE11 of the Woking Borough Local Plan 1999, Planning Policy Statement 25: Development and Flood Risk and Planning Policy Statement 25: Development and Flood Risk-Practice Guide.*

25 FEBRUARY 2020 PLANNING COMMITTEE

3. *In the absence of a completed S.106 agreement, it has not been demonstrated that the proposal addresses the requirements of Policy NE1 of the Woking Borough Local Plan 1999 nor the Habitat Regulations in respect of its impact on the Thames Basin Heaths Special Protection Area.*

The original planning permission for the development of Ivydene is as follows:

- PLAN/1996/0341 - Full application for the erection of 14 houses and garages. (AMENDED PLANS amending siting of dwellings to retain trees and meet engineering requirements) – Permitted 27.09.96

In addition to the above, a planning application for the formation of parking spaces elsewhere on Ivydene has been recently refused:

- PLAN/2018/0647 - Partial change of use of land and provision of 7 no car parking spaces and associated structured landscaping after removal of 2 no existing parking spaces – Refused 14.09.18 for the following reason:

1. *The proposed development would result in the loss of an attractive parcel of informal landscaped green space, considered to constitute open space, and which currently enhances the character of the Ivydene street scene and performs a beneficial public value function as visual amenity and green infrastructure. The proposed development would result in the loss of this open space and would fail to provide alternative and equivalent or better provision in the locality, or be directly related to the enhancement of open space. Furthermore, due to the removal of the current landscaped green space and formation of a large extent of hardstanding and use for car parking purposes, the proposal would also fail to respect and make a positive contribution to the street scene and character of the area in which it would be situated. The proposal is therefore contrary to Policies CS17 and CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents Outlook, Amenity, Privacy and Daylight (2008) and Design (2015) and the provisions of the National Planning Policy Framework (NPPF) (2018).*

PROPOSED DEVELOPMENT

Planning consent is sought for the erection of a 4-bedroom 1 ½ storey dwelling with accommodation in the roof-space on the space South of Ivydene and on current garden land serving Garvan and Burley. Associated vehicular access and landscaping is also proposed on current open and enclosed amenity land along the western side of Ivydene.

CONSULTATIONS

County Highway Authority: Recommend a number of conditions in the event of an approval (13.12.19)

Drainage Officer: No objection subject to condition (04.12.19)

Arboricultural Officer: No objections raised (21.11.19)

Waste Services: No comments raised

25 FEBRUARY 2020 PLANNING COMMITTEE

REPRESENTATIONS

There has been 74 third party letters of objection received in relation to the proposed development. All but 8 of these letters adopt a template layout with the concerns almost identical. The majority of these concerns echo the concerns raised in the previous application (PLAN/2018/0736). These are summarised as follows;

- Proposal would result in the loss of open amenity space
- Proposal is contrived and out of character with the area
- Proposal is contrary to the Woking Core Strategy, the Supplementary Planning Documents and the National Planning Policy Framework
- Proposal would be a cramped overdevelopment of the site
- Proposal site is backland gardens and therefore greenfield land
- Proposed dwelling would be an odd, isolated dwelling not relating to Ivydene, Chobham Road or Bagshot Road
- Proposed design and materials is out of character with Ivydene
- Proposal would breach existing planning conditions and Section 38 Agreement
- Proposal is unnecessary; Woking has a surplus of new homes
- Proposal would not be sustainable
- Proposal would provide insufficient parking and turning space and would not allow large vehicles to turn on-site
- Proposed dwelling would not meet building regulations with no fire escapes from first floor causing significant fire risk
- Proposal would result in the loss of on-street parking
- There is a sufficient supply of dwelling in working and therefore this type of development is not required
- Proposed access is too narrow and is a risk to highway safety
- Proposal would require the removal of a streetlight. Should the application be approved it is requested that this streetlight is repositioned
- Applicant has already removed trees and vegetation
- Proposal would impact on local wildlife
- Applicant has fenced off public amenity land
- Proposal does not meet minimum separation distances
- Proposal would be overbearing and cause loss of light and overlooking
- Access road is too close to neighbouring dwellings causing undue noise and disturbance
- The proposed garden size would be inadequate to serve the proposed dwelling
- Ivydene has a flooding issue and the proposal may lead to significant impact on surrounding properties due to this
- Concerned that the local water supply and drainage infrastructure is inadequate
- No Design and Access Statement which leaves the proposal difficult to understand
- No community involvement prior to the submission of the application
- The application form has not been filled in correctly as there is a number of inaccuracies relating to tree and hedging removal
- Seem assurance that any landscaping would be protected from future development if application is approved

25 FEBRUARY 2020 PLANNING COMMITTEE

RELEVANT PLANNING POLICIES

National Planning Policy Framework 2019

- Section 2 - Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change

Core Strategy Document 2012

- CS1 - A Spatial Strategy for Woking
- CS8 - Thames Basin Heaths Special Protection Area
- CS10 – Housing provisions and distribution
- CS11 – Housing Mix
- CS17 – Open space, green infrastructure, sport and recreation
- CS18 - Transport and accessibility
- CS21 - Design
- CS22 - Sustainable Design and Construction
- CS24 - Woking's Landscape and Townscape
- CS25 - Presumption in Favour of Sustainable Development

Development Management Policies DPD 2016

- DM2 – Trees and Landscaping
- DM10 – Development on Garden Land
- DM12 - Self Build and Custom Build Houses

Supplementary Planning Guidance

- Supplementary Planning Document 'Parking Standards' 2018
- Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008
- Supplementary Planning Document 'Design' 2015

Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015

PLANNING ISSUES

1. It is considered prudent to explore the background to the application site given its extensive history. This matter along with issues that need to be addressed in the determination of this application are; impact on open amenity land, design considerations and the impact of the proposal on the streetscene and character of the area, impact on residential amenity, layout and creation of acceptable residential development for proposed occupiers, highways and parking implications, impact on trees, impact on drainage, sustainability, Local Finance Considerations and the impact on the Thames Basin Heaths Special Protection Area having regard to the relevant policies of the Development Plan.

Background

2. As evident from the 'Planning History' section above, there is a complex history to the immediate area including Ivydene, Starlings, Lukla and Wendover along Bagshot. Each application related to different proposals on slightly different pieces of land and the nature of refusal reasons vary between applications due to their relative differences and also due to changes

25 FEBRUARY 2020 PLANNING COMMITTEE

in the Development Plan over time. The most prudent planning application is, however, the most recent refusal (PLAN/2018/0736) and its subsequent dismissal at appeal (APP/A3655/W/19/3225036). Whilst all the previous applications are a material consideration in the determination of this application, the most weight will be afforded to the dismissed appeal as this is the most recent and relevant decision considering the current proposal.

Impact on Open Amenity Land

3. Ivydene is a cul-de-sac of detached and semi-detached dwellings dating from the 1990s in a typical estate layout. Open frontages and areas of grassed and landscaped public amenity areas give a spacious, open-plan character to the area. At the southern terminus of Ivydene is a turning head bordered by areas of grass and landscaping to the West and South of the road and houses at No.8-10 Ivydene front onto the turning head.
4. As was the case for PLAN/2018/0736, part of the grassed amenity land towards the western side of the terminus of the cul-de-sac has been enclosed by 2 metre high close timber board fencing, which appears to be unauthorised. This enclosed parcel of land was addressed as part of the previous application and even formed a reason for its refusal (Reason No.3). The Inspector, as part of the planning appeal, however, does not address this issue in his decision as it fell outside of the application site's red line and therefore not determinative in his assessment. Nevertheless, it has been included as part of the red line in this current application and therefore needs to be addressed.
5. Prior to the erection of this fencing, it appears as though the boundaries of properties flanking this parcel of land included dense vegetation with little usable open land. It is proposed, as part of this application to reinstate this currently enclosed amenity space, which would appear to be accessible to users of Ivydene, by removing the existing 2 metre high timber fencing. It is noted that as part of the proposed development a parcel of amenity land to the immediate South of the terminus of Ivydene will be lost to facilitate the access road to serve the proposed dwelling. Alternative provision, however, is proposed to be provided towards the western side of this cul-de-sac and although currently enclosed by 2 metre high fencing, was previously enclosed by dense vegetation. As such, the loss of the open amenity land could be offset by the inclusion of a larger section of amenity land and which could be conditioned to remain as open amenity space within Ivydene (Condition 7).

Impact on Character

6. The National Planning Policy Framework attaches great importance to the design of the built environment throughout Section 12 with emphasis being placed on planning positively for the achievement of high quality and inclusive design for all development. Policy CS21 of the Woking Core Strategy 2012 is generally consistent with this in so far as they expect development proposals to have regard to the general character and quality of the surrounding area. Policy DM10 of the Woking Development Management Policies DPD 2016 permits sub-division of plots providing the proposed development "*...does not involve the inappropriate sub-division of existing curtilages to a size substantially below that prevailing in the area*", "*the means of access is appropriate in size and design to accommodate vehicles and pedestrians safely and prevent harm to the amenities of adjoining residents and is in*

25 FEBRUARY 2020 PLANNING COMMITTEE

keeping with the character of the area” and “suitable soft landscape is provided for the amenity of each dwelling appropriate in size to both the type of accommodation and the characteristic of the locality”.

7. Ivydene has an open plan layout and spacious character with the sense of space particularly apparent towards the southern end of the cul-de-sac with its terminus characterised by a parcel of open amenity land and a turning head. This spaciousness is noted by both Planning Inspector's on the previously dismissed appeals (APP/A365/A/11/2144051 and APP/A3655/W/19/3225036). Properties within Ivydene and along Chobham Road and Bagshot Road are predominantly two storey detached dwelling set on rectangular plots which are consistently laid out to address the adjacent highway.
8. The proposed dwelling would be accessed from Ivydene but would be positioned in the terminus of the rear garden of Burley on Bagshot Road which has a relatively large plot. The resulting plot, however, would be irregular in shape and the proposed dwelling would have an unconventional position in the plot in being located within 2 metres of both the southern and eastern boundaries of the site. The access arrangements would also be relatively unusual as the proposed dwelling would be reached by a 20 metre long driveway which is uncharacteristic of the area. Under PLAN/2018/0736, the Planning Officer found that *“The resulting plot however would be irregular in shape and the proposed dwelling would have an unconventional position in the plot in being located within 1m of both the southern and eastern boundaries of the site and 3.2m from the northern boundary”*. The Report went on to state that *“The access arrangements would also be relatively unusual as the proposed dwelling would be reached by a 20m long driveway which is uncharacteristic of the area and is considered contrived and incongruous in nature*. This formed the basis of Reason 1 on the refused scheme.
9. However, in his assessment, the Planning Inspector noted that properties within Ivydene and surrounding highways were consistently laid out in rows fronting the highway. The appeal decision expanded on this and it was found that *“The proposed plot shape and layout and the ratio of garden to house space would not correspond to this pattern of development.”* Within the same paragraph, however, the Inspector acknowledged that the main part of the application site was divorced from Ivydene and occupied a discreet location which would not have a direct impact on the character of Ivydene. The Inspector found that he did *“not consider it essential for the layout or garden size of the proposal to imitate neighbouring sites, and the dwelling would not appear cramped within Ivydene or erode its spacious quality”*.
10. As previously alluded to, the properties in and around the application site demonstrate a spacious quality and are predominantly characterised as two storey detached dwellings sited on rectangular plots. The current proposal which adopts a 1 ½ storey style dwelling with a design that pays little adherence to those of the prevailing dwellings within Ivydene. The adoption of a two storey front projecting gable with 1 ½ storey dual pitched gables on both side elevations and rear elevation is uncharacteristic to the area with prevailing dwellings within Ivydene and indeed dwellings along Bagshot and Chobham Road, which adopt a much more conventional two storey pitched roof design. It is noted that the proposed dwelling is significantly smaller than that of the previous refusal but includes a similar footprint with a significantly

25 FEBRUARY 2020 PLANNING COMMITTEE

lower height at 6.4 metres compared to the 8.6 metres height of the refused scheme. The scale of the proposed dwelling is further reduced with the majority of the first floor space located within the roof space which significantly reduces the level of bulk and mass which was readily apparent on the previous refusal. Notwithstanding this, it is considered that the design of the proposed dwelling is defined by the constraints of the application site.

11. At paragraph 14 of the Appeal decision, the Inspector reiterated his views relating to the detached nature of the application site from Ivydene and the surrounding area, emphasising the singularity of the site and isolated nature. Considering this 'detachment', the Inspector stated that "*it is not necessary for the proposal to prescriptively adhere to every design feature*". The dwelling has been significantly reduced in scale, in terms of height and bulk, and has sought to echo some design features of surrounding dwellings including dual pitched gables with a mix of materials typical of the surrounding area. Although this is a highly constrained site, it is acknowledged that the appeal decision is a material consideration in the determination of this application and given the changes incorporated as part of this current application, it is not considered that a refusal could be substantiated on these grounds.
12. The Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008 at Section 4 sets out recommended minimum standards for private amenity space and recommends that the rear gardens of large family dwellings (i.e. over 150m²) are at least the same size as the internal floor area of the dwelling. As per the above paragraphs, the Appeal decision had made it clear that the site is "*detached*" from Ivydene and would constitute an isolated site with little impact on its character. It is important to consider the Inspector's decision in determining this current application and, as such, it is paramount that his findings are borne in mind. Section 4.6 of the SPD 'Outlook, Amenity, Privacy and Daylight' 2008 states that the area of private garden should be appropriate to the character of the area and surrounding context. Paragraph 4.6 also states that the area of private garden "*...should always be as large as the building footprint of the dwelling house*". As per the above paragraphs, the Appeal decision had made it clear that the site should be viewed in isolation and would constitute an isolated site with little impact on its character. The main useable garden area of the proposed dwelling would be approximately 125 sq.m in area whereas the footprint of the building would be approximately 120 sq.m and sited to the East of the main amenity space. The proposal would, therefore, meet this recommendation considering its atypical character.
13. Concern remains over the proposal's impact on the character of the area, as well as the subdivision of the plot and erection of a dwelling. However, under APP/A3655/W/19/3225036, the Inspector came to the conclusion that the inclusion of a dwelling of a much larger scale and of significantly different design to those of prevailing and surrounding dwellings, would not have a harmful effect on the character of the area. It is of note that there has been no changes to current policies or design guidance nor has any additional policies been introduced since the date of this appeal decision (09.08.19). As a result, this outcome is a material consideration in the determination of this application and has been taken into account.

25 FEBRUARY 2020 PLANNING COMMITTEE

Impact on Neighbour Amenities

14. One of the objectives of the National Planning Policy Framework (NPPF) is to ensure good standard of amenity for all existing and future occupants of land and buildings. Policy CS21 of the Woking Core Strategy 2012 echoes this provision with detailed guidance set out within the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.
15. The proposed dwelling would be accessed from Ivydene and sited on existing garden land of Burley over land belonging to Garvan and would effectively be shoehorned between these dwellings fronting Bagshot Road as well as dwellings which back onto the site and front Cobham Road. The proposed dwelling would occupy the eastern side of the plot adjacent to the rear boundary of Chesley. The proposal has been significantly reduced in scale due to the previous reasons for refusal and subsequent dismissal at appeal and now proposes a 1 ½ storey dwelling with the first floor accommodation located within the roof-space served only by high level rooflights, with the exception of the first floor front windows serving an en-suite. The height has also been reduced from approximately 8.6 metres to 6.4 metres replacing the three levels of accommodation with two and first floor accommodation located within the roof-space.
16. In the previous application, the 2 storey dwelling was found to have a significant impact on the amenities of Burley and Thetford to the South and West in terms of overlooking and overbearing impact both of which front onto Bagshot Road. In the Appeal decision, the Inspector found that *"taking into account the single storey extension of Burley, overlooking from the three storeys of living accommodation within the principal elevation of the proposed dwelling would be closer to Burley and Thetford than the recommended minimum separation distance contained within the Council's Outlook, Amenity Privacy and Daylight Supplementary Planning Document (2008)"*. As previously stated, the proposed dwelling has been significantly reduced in size and would be set off the rear southern boundary by at least 1.8 metres. Further to this, the first floor accommodation would be served by high level rooflights and does not permit views out over the private amenity space of Thetford. The distance between the western boundary with Burley and the proposed dwelling would be between 8-10 metres and, similar to the southern elevation, and the western elevation would not include any first floor windows with this space served by high-level rooflights (Condition 4). Considering the revised scale and design of the dwelling as well as its positioning towards the terminus of the rear amenity space of Thetford, the amenities of this property as well as Burley are not considered to be significantly affected.
17. The proposed vehicular access would border the rear boundary of Garvan, however, this would be positioned at least 32 metres from this neighbour itself and the proposed dwelling would be positioned approximately 30 metres from this neighbour. The separation distances involved are considered to result in an acceptable relationship with this neighbour.
18. With regards to No.10 Ivydene, the proposed access point would extend along the western elevation of this property and would as a result of access extension bring with it an increased level of traffic, both pedestrian and vehicular. The Appeal Inspector acknowledged this fact but also found that *"such movements would be by their nature intermittent, and the resultant relationship would be consistent with other houses, such as Nos 8 and 9,*

25 FEBRUARY 2020 PLANNING COMMITTEE

which also sit very close to the adjacent carriageway". The proposed relationship would be similar to that assessed under this appeal and therefore considering the similarities and fact that the proposal results in just one additional dwelling, the amenities of the occupiers of this property are not considered to be significantly impacted upon.

19. The north-facing elevation of the proposed dwelling includes a first floor window on the two storey projecting gable to serve an en-suite. This window would be orientated northwards and any potential views would be out over the terminus of No.56 Chobham Road and Garvan. Notwithstanding this, in the event of an approval a condition could be attached to ensure that this window is obscurely glazed and non-opening below 1.7 metres of floor level to prohibit any potential oblique views into the private amenity space of these properties (Condition 5).
20. Chesley is a two storey detached dwelling which fronts onto Chobham Road and is set further back into its site than its neighbours demonstrating a much shallower rear amenity space. Under PLAN/2018/0736, it was found that due to the significant height of the proposed dwelling at 8.6 metres with an eaves height of between 4.3-5.3 metres along with its proximity and spread across the entire width of the rear boundary of Chesley, the proposal would represent an unduly and overtly dominant building which would cause an unacceptably overbearing impact on this neighbour. In the Appeal decision, the Inspector agreed with this assessment and stated that *"the relationship between the two houses, coupled with the scale of the proposed dwelling, would create a degree of enclosure which would significantly diminish the outlook from Chesley"*.
21. The current proposal has been reduced significantly in terms of height and bulk and has sought to address the concerns raised in the previous refusal and subsequent appeal. The height has been reduced to a ridge height of 6.4 metres and eaves height of 2.6 metres with a large portion of the roof sloping away from the boundary with Chesley. A 1 ½ storey dual pitched gable would be set between 1.3 and 3.7 metres off the boundary and similar to the previous refusal and dismissal would almost cover the width of this shared rear boundary. It is acknowledged that the relationship between the proposed dwelling and surrounding dwellings is not a usual relationship considering the orientation of the property as well as the atypical plot layout. The proposal would result in a building with its flank gable within 1.5 metres of the boundary with Chesley and approximately 12 metres from its rear elevation. Whilst this would result in an outlook of a residential dwelling rather than of garden land or typical garden paraphernalia such as garden sheds, the reduction in height and bulk is deemed to have addressed the concerns of the previous refusal with a dual pitched gable which reduces down to an eaves height of 2.6 metres set closest to the boundary. Further to this, just as in the previous scheme there are no first floor windows which could lead to overlooking issues with the first floor accommodation served by high level roof lights.

Layout and Creation of Acceptable Residential Development for Proposed Occupiers

22. One of the objectives of the NPPF is to ensure good standard of amenity for all existing and future occupants of land and buildings. Policy CS21 of the Woking Core Strategy 2012 echoes this provision with detailed guidance set

25 FEBRUARY 2020 PLANNING COMMITTEE

out within the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.

23. In terms of private amenity space, the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008 at Section 4 sets out recommended minimum standards for private amenity space and recommends that the rear gardens of large family dwellings (i.e. over 150m²) are at least the same size as the internal floor area of the dwelling. This has been addressed in detail in Paragraph 12 above where it was found that the proposal would meet the minimum standard for private amenity space as per the SPD.
24. A chalet style dwelling is proposed with first floor accommodation located within the roof space. This floor space, however, is served by high level rooflights which is unconventional and a deliberate design which seeks to address the concerns and reasons for refusal and subsequent dismissal at appeal. Due to this deliberate design mechanism, further concern has been raised with regards to the standard of amenity and outlook of potential occupiers of the property.
25. Two out of the proposed four bedrooms are proposed to be located within the first floor space with the en-suite serving one of these bedrooms the sole first floor room served by a conventional window. The high level rooflights serving the first floor accommodation would not provide a conventional outlook although the planning system exists to protect the amenities of land and buildings in the public interest rather than to safeguard individual interests. Whilst the creation of good standard internal accommodation is a consideration to the planning process for the benefit of existing or future occupiers, the consideration should seek to ensure this but only if it is judged that some problem would concern possible future applications. The current application is quite unique given the context of the site and indeed its history including the Planning Inspector's decision in 2019 (APP/A3655/W/19/3225036) and is not considered to be easily emulated elsewhere.
26. As previously discussed, the appeal decision is afforded significant material weight in the determination of this application where the Inspector found the impact of a 2 ½ storey dwelling to be acceptable with regards to character. The characteristics of the proposed dwelling, character of the surrounding area and material considerations all have to be considered in this instance and are deemed to result in a unique situation which is not considered possible to be emulated elsewhere. Therefore, while, the first floor bedrooms would not receive much outlook due to the high level fenestration, it is not felt that this development could act as justification to other potential future schemes.
27. Further to this, it has to be noted that the rooms within the first floor are bedrooms with a large percentage of the floor space relating to dressing rooms and en-suites serving the bedrooms. It is not unreasonable to assume that the majority of time spent in the dwelling (aside from sleeping) would be within the living room and kitchen areas which, as demonstrated by submitted plans, will be afforded adequate outlook and sources of daylight/sunlight at ground floor level. Notwithstanding this, considering the fact that there would be very few obstructions to high level roof lights, the first floor habitable space would receive an appropriate amount of sunlight and daylight.

25 FEBRUARY 2020 PLANNING COMMITTEE

Highways and Parking Implications

28. The Council's Supplementary Planning Document 'Parking Standards' 2018 recommends a minimum of 3 parking spaces per dwelling of 4 or more bedrooms. The proposed plans identify space within the site for 3x parking spaces and space for cars to reverse and leave the site in forward gear. Although the parking and access arrangements are considered visually contrived in nature the proposal is considered to deliver an acceptable level of parking provision. There is sufficient space within the site for adequate bin and cycle storage.
29. The access to the proposed development would be at the southern end of Iydyene and would replace part of an existing turning head and area of open amenity land. Concerns have been raised that the proposal would result in the loss of on-street parking spaces however as discussed above, the area in question is understood to form part of a turning head and does not relate to formally laid out parking spaces, notwithstanding the fact that the turning head may be used for parking. The area of highway in question was not identified as formal parking on the approved plans for the development of Iydyene (PLAN/1996/0341). The proposal would necessitate the re-location of a street lamp however this would be subject to a separate application process to the County Highway Authority.
30. The 'Parking Standards' SPD 2018 also sets out cycle parking standards of 2 cycle spaces per dwelling. There is considered to be sufficient space within the detached garage to provide secure cycle parking to serve the replacement dwelling. The County Highway Authority have been consulted on the application and recommend a number of conditions in the event of an approval (Conditions 8 and 9).
31. The proposal therefore accords with Policy CS18 of the Woking Core Strategy 2012, Supplementary Planning Document 'Parking Standards' 2018 and provisions set out in the National Planning Policy Framework.

Impact on Trees

32. There are no significant trees on the site and no Tree Preservation Orders but it is understood that trees and vegetation were removed in advance of the current planning application. The Council's Arboricultural Officer has confirmed that there are no arboricultural implications associated with the proposed development. Furthermore, it appears that no trees would be retained, however, it is considered necessary to secure a landscaping scheme via condition if the proposal were considered acceptable (Condition 10).

Impact on Drainage

33. The proposal site is not within a designated Flood Zone but part of the proposal site and the carriageway of Iydyene itself is identified as being at risk from surface water flooding. The Council's Drainage and Flood Risk Engineer has been consulted and raises no objection subject to conditions securing a sustainable drainage system. This condition could be secured if the proposal were considered otherwise acceptable (Condition 11).

25 FEBRUARY 2020 PLANNING COMMITTEE

Sustainability

34. The application site comprises previously developed land. Following a Ministerial Written Statement to Parliament on 25 March, 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.
35. 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 permission which seeks the equivalent water and energy improvements of the former Code Level 4 (Conditions 12 and 13).

Local Finance Considerations

36. CIL is a mechanism adopted by Woking Borough Council which came into force on 1st April 2015, as a primary means of securing developer contributions towards infrastructure provisions in the Borough. In this case, the proposed residential development will increase the floor space by 193.5sq. m and incur a cost of £125 per sq. m which equates to a contribution of £31,071.63 (2020 indexation). The applicants have confirmed that they wish to apply for the self-build exemption and on this being agreed, no CIL payment would be required. The LPA must assess the application for exemption separately and the applicant must submit a Commencement of Development Notice prior to any commencement of development.

Impact on the Thames Basin Heaths Special Protection Area

37. 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).
38. 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 **£1,066** in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 as a result of the net gain of a four bedroom dwelling which would arise from the proposal. The applicant is prepared to enter into a S106 Legal Agreement to secure this financial contribution. For the avoidance of doubt, sufficient SANG at Brookwood Country Park has been identified to mitigate the impacts of the development proposal.

25 FEBRUARY 2020 PLANNING COMMITTEE

39. Subject to securing the provision of the SAMM tariff (through a S106 Legal Agreement) and an appropriate CIL contribution, and in line with the conclusions of the Appropriate Assessment (as supported by Natural England), the Local Planning Authority would be able to determine that the development would not affect the integrity of the TBH SPA either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects.

Conclusion

40. In conclusion, having regard to the most recent appeal decision (APP/A3655/W/19/3225036) being a material consideration in the determination of this application which has to be afforded significant weight, no objection can be raised with regards to the character and appearance of the area. The previous objections raised by the Inspector in relation to neighbour's amenities have been overcome. Given the outcome of this appeal, it is considered that a refusal could not be substantiated and the proposal is recommended for approval subject to a Section. 106 legal agreement and the conditions as set out below.

BACKGROUND PAPERS

1. Site visit photographs.
2. Response County Highway Authority(13.12.19)
3. Response from Drainage Officer (04.12.19)
4. Response from Arboricultural Officer (21.11.19)
5. 74 third party letter of objection

PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	£1,066 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

It is recommended that planning permission be Granted subject to the following Conditions and SAMM (TBH SPA) contribution secured by way of S106 Legal Agreement:

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:

25 FEBRUARY 2020 PLANNING COMMITTEE

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. ++ (Notwithstanding the material details outlined on the approved plans), the development hereby permitted should not commence until details and/or samples and a written specification of the materials to be used in the external elevations, hard surfaced areas and boundary walls have been 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 agreed in writing by the local planning authority

Reason:

To protect the visual amenities of the area

3. The development hereby permitted should be carried out in accordance with approved plans;
 - Drawing No. A-001 (Amended Plan) (23.01.20)
 - Drawing No. A-004 (Amended Plan) (23.01.20)
 - Drawing No. B-002 (Amended Plan) (23.01.20)
 - Drawing No. B-001 (Amended Plan) (23.01.20)

Reason:

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

4. The high level rooflights in the northern, eastern, southern and western roof slopes should have a minimum internal cill height of 1.7 metres above finished floor level.

Reason:

To safeguard the amenities of the adjoining properties.

5. The window in the first floor northern elevation hereby permitted shall be glazed entirely with obscure glass and non-opening unless the parts of the window/s which can be opened are more than 1.7 metres above the floor 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.

6. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Classes A, B, C, E and F of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any orders amending or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) or the provision of any other

25 FEBRUARY 2020 PLANNING COMMITTEE

building or hardstanding within the curtilage other than as expressly authorised by this permission shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason:

The Local Planning Authority considers that further development of the site or dwelling could cause detriment to the provision of an appropriate amount, and quality, of private amenity space to serve the host dwelling or character of the surrounding area and for this reason would wish to control any future development.

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 means of enclosure or other alteration permitted by Class A of Part 2 of Schedule 2 of that Order shall be erected on the application site without the prior written approval of the Local Planning Authority of an application made for that purpose.

Reason:

To ensure the amenity space towards the front of the site remains as open amenity space.

8. No part of the development shall be first occupied unless and until the proposed vehicular access to Iydyne has been constructed and provided in accordance with the approved plans and thereafter shall be kept permanently maintained.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

9. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans 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 area shall be retained and maintained for its designated purpose.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

10. No above ground development associated with the development hereby permitted shall commence until a detailed landscaping scheme has been 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. 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

25 FEBRUARY 2020 PLANNING COMMITTEE

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:

In the interests of amenity and biodiversity and to preserve and enhance the character and appearance of the locality.

11. ++ Prior to the commencement of development a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme should demonstrate the surface water run-off generated up to and including the 1 in 100 plus climate change critical storm will not exceed the run-off from the existing site following the corresponding rainfall event.

The drainage scheme details to be submitted for approval shall also include:

- (i) Calculations demonstrating no increase in surface water runoff rates and volumes discharged from the site compared to the existing scenario up to the 1 in 100 plus climate change storm event.
- (ii) Calculations demonstrating no on site flooding up to the 1 in 30 storm event and any flooding between the 1 in 30 and 1 in 100 plus climate change storm event will be safely stored on site ensuring no overland flow routes.
- (iii) Detail drainage plans showing where surface water will be accommodated on site.
- (iv) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The surface water drainage scheme shall be implemented in accordance with the approved details prior to the first use of the development hereby permitted and thereafter it shall be managed and maintained in accordance with the approved details in perpetuity.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality and to ensure the future maintenance of these.

12. ++ Prior to the commencement of any above ground works to construct the development hereby permitted, written evidence should be submitted to, and approved in writing by, the Local Planning Authority 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

25 FEBRUARY 2020 PLANNING COMMITTEE

Dwellings (2013 edition). Such evidence shall be in the form of a Design Stage 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 Stage water efficiency calculator.

Such details shall be permanently maintained unless otherwise first 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.

13. The development hereby permitted shall not be first 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.

Such details shall be permanently maintained unless otherwise first 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.

Informatives:

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework 2019.

2. Your 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 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.

25 FEBRUARY 2020 PLANNING COMMITTEE

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.

3. 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.
4. 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>

5. 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.
6. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.