

## 12 MAY 2020 PLANNING COMMITTEE

**6G**

**PLAN/2019/1230**

**WARD: PY**

**LOCATION:** 59 The Oaks, West Byfleet, Surrey, KT14 6RW

**PROPOSAL:** Erection of two storey detached house following partial demolition of existing house and outbuildings.

**APPLICANT:** Mr T Gaudelli

**OFFICER:** Claire Bater

---

### **REASON FOR REFERRAL TO COMMITTEE**

The proposal is for a replacement dwelling which falls outside the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegation.

### **PLANNING STATUS**

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

### **RECOMMENDATION**

**GRANT** planning permission subject to conditions.

### **SITE DESCRIPTION**

The application site is a two storey detached house with integral garage and detached outbuildings to the side. The street scene is characterised by a mixture of properties of differing styles, many having been altered over the years.

### **PLANNING HISTORY**

11432 - The execution of site works and the erection of a detached house and garage on Plot 6, Oaks Estate, West Byfleet as shown on a plan attached to the application and numbered 536/58 and its use as a private single family dwelling and garage ancillary thereto - Permitted 27.11.1958

11726 - The execution of site works and the erection of additions to the existing house on Plot 6 The Oaks, West Byfleet as shown on a plan attached to the application and numbered 536/58/A and their use for purposes ancillary to the use of the said house as a private single family dwelling - Permitted 10.03.1959

### **PROPOSED DEVELOPMENT**

This is a full planning application for the erection of a two storey detached house (five bedroom) following partial demolition of the existing house (four bedroom) and outbuildings. It was originally submitted as a Householder application for extensions to the existing dwelling. Following concerns raised by Officers that the amount of development involved in the proposal would constitute a replacement dwelling, this application was amended as currently submitted.

### **CONSULTATIONS**

**West Byfleet Neighbourhood Forum:** No comments received

## **REPRESENTATIONS**

No neighbour representations have been received.

## **RELEVANT PLANNING POLICIES**

National Planning Policy Framework (NPPF) (2019)  
Section 12 - Achieving well-designed places

Woking Core Strategy (2012)  
CS8 - Thames Basin Heaths Special Protection Areas  
CS18 – Transport and accessibility  
CS21 – Design  
CS22 – Sustainable construction  
CS24 – Woking's landscape and townscape  
CS25 – Presumption in favour of sustainable development

South East Plan (2009) (Saved Policy) NRM6 – Thames Basin Heaths Special Protection Area

West Byfleet Neighbourhood Plan (2017)

BE1 - Development Character  
BE2 - New Housing Quality  
BE6 - Residential Parking Provision

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

## **Other Material Considerations**

Planning Practice Guidance (PPG)  
Community Infrastructure Levy (CIL) Charging Schedule (2015)  
Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015

## **PLANNING ISSUES**

### **Impact on Character of the Area**

1. The proposal is for the erection of a two storey house following partial demolition of the existing house and outbuildings. The Oaks is characterised by large detached houses of different styles.
2. The partial demolition and replacement of the existing dwelling is considered acceptable in principle providing the resulting property is visually acceptable and respects the character of the surrounding area. The proposed dwelling would have two storeys with a hipped roof, a single storey front and rear projection with hipped roof and a two storey rear gable projection.

## 12 MAY 2020 PLANNING COMMITTEE

3. The elevations of the dwelling would be brick to match that of the existing property at ground floor and rendered and painted white at first floor level. Matching tiles would be used for the roof. Surrounding properties in the area are white/cream rendered at ground or first floor level 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 7.75m matching that of 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 2m to the side boundary with No.61 and a 0.95m separation distance to the side boundary with the public highway. 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.15 and 61 The Oaks.
8. The proposed dwelling would be positioned approximately 3m from the side elevation of the neighbouring property at No.61 The Oaks and would not project to the rear of this property. The proposal would pass the 45° test in respect of this neighbour.
9. No.15 The Oaks is set across the road junction from the proposed dwelling would have a separation distance of approximately 18.75m 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.61 has four ground floor roof lights and one first floor window in the side elevation facing the proposed dwelling. The proposal would pass the 25° test in respect of this neighbour.
11. No.15 The Oaks has a number of side facing windows. However, due to the positioning of this building within its plot and the separation distance between the two properties 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 its location in relation to the main private amenity space of its neighbouring properties.

## 12 MAY 2020 PLANNING COMMITTEE

13. No windows are proposed at first floor level in the side facing elevations and the separation distances between the proposed rear windows and the ground floor side windows exceed the guidelines for maintaining privacy contained in *Outlook, Amenity, Privacy and Daylight* (2008). For these reasons it is considered that the proposal would not create unacceptable overlooking issues towards neighbouring properties.
14. 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:

15. 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. 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.

### Standard of Accommodation:

16. 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. 516.25sqm) exceeds the floor area of the proposed dwelling (377sqm) 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 339.83sqm 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

17. Following a Ministerial Written Statement to Parliament on 25<sup>th</sup> 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.
18. The Council has therefore amended its approach and an alternative condition will now be applied to all new residential development which seeks the equivalent water and energy improvements of the former Code Level 4.

### Impact on the Thames Basin Heaths Special Protection Area

19. The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection. Policy CS8 of the Woking Core Strategy (2012) 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

## 12 MAY 2020 PLANNING COMMITTEE

purposes the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the “Habitat Regulations 2017”)).

20. The proposed development would not give rise to a net increase in dwellings on the site over and above the existing lawful situation. The Thames Basin Heaths Special Protection Area Avoidance Strategy states that “*replacement dwellings will not generally lead to increased recreational pressure, therefore, will have no likely significant effect on the SPA and will not be required to make a contribution to the provision of avoidance measures*”. It is therefore considered that the proposed development accords with Policy CS8 of Woking Core Strategy (2012), the measures set out in the Thames Basin Heaths SPA Avoidance Strategy, and the requirements of the Habitat Regulations 2017.

### Local Finance Considerations:

21. 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 160.77sqm over the existing dwelling. The CIL charge in this case would therefore equate to £25,815.95.
22. 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.

### 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 CS8, CS18, CS21, CS22, CS24 and CS25 of the *Woking Core Strategy* (2012), policies BE1, BE2 and BE6 of the *West Byfleet Neighbourhood Plan* (2017), Supplementary Planning Documents *Woking Design* (2015), *Outlook, Amenity, Privacy and Daylight* (2008), *Parking Standards* (2018) and the National Planning Policy Framework (2019). The application is therefore recommended for approval.

### BACKGROUND PAPERS

Site visit photographs (dated 13.03.2020)

### 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: 832\_01\_001, 832\_03\_001, 832\_03\_002, 832\_05\_001, 832\_03\_101C, 832\_03\_102C and 832\_05\_101C received 18.12.2019

## 12 MAY 2020 PLANNING COMMITTEE

Drawing Nos: 832\_02\_001A, 832\_02\_101A and 832\_02\_102 received 22.01.2020

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

3. The external finishes of the development hereby permitted shall be as set out on Section 9 of the application form and on the approved drawings. The render shall be painted white.

Reason: To protect the visual amenities of the area.

4. ++ Prior to the commencement of any above ground works (excluding demolition) of the development hereby permitted written evidence shall 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 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 in accordance within Policy CS22 of the Woking Core Strategy (2012) and SPD Climate Change (2013).

5. ++ 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, proving 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 in accordance within Policy CS22 of the Woking Core Strategy (2012) and SPD Climate Change (2013).

**Informatives**

1. The applicant is advised that the development hereby permitted is subject to a Community Infrastructure Levy (CIL) liability of £25,815.95. 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](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).

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:

## **12 MAY 2020 PLANNING COMMITTEE**

8.00am – 6.00pm Monday to Friday

8.00am – 1.00pm Saturday

and not at all on Sundays and Bank Holidays.