

3 JUNE 2020 PLANNING COMMITTEE

6e PLAN/2020/0024

WARD: PY

LOCATION: 16 Lovelace Drive, Pyrford, Woking, Surrey, GU22 8QU

PROPOSAL: Erection of a two storey replacement dwelling (3-bedroom) following demolition of existing dwelling (Amended Plans).

APPLICANT: Mr Terry O'Connor **OFFICER:** Barry Curran

REASON FOR REFERRAL TO COMMITTEE

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

SUMMARY OF PROPOSED DEVELOPMENT

The application seeks permission to erect a replacement detached 3-bedroom two storey dwelling following removal of the existing bungalow on Lovelace Drive.

PLANNING STATUS

- Urban 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 dwelling is located on the northern side of Lovelace Drive with the immediate area characterised by a mixture of single storey and chalet-style bungalows and two storey dwellings of similar ages. The proposal site forms part of the Pyrford Woods Estate which is characterised by detached dwellings of similar ages built in a traditional style.

PLANNING HISTORY

PLAN/2019/0675 - Erection of a two storey replacement dwelling (5x bed), incorporating a two bedroom annex following demolition of existing dwelling – Refused 11.09.2019

Reason 1: The proposed annex, by reason of its scale, nature of internal accommodation and the size of the accommodation in relation to the main dwelling, is not considered to constitute genuinely ancillary accommodation and it has not been designed in such a way which would render it incapable of being occupied separately from the main dwelling. The provision of an additional dwelling in this location would result in unduly narrow plots and an incongruous form of development which fails to respect the prevailing character, scale, pattern and grain of development in the area. The proposal would consequently result in a significantly harmful

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impact on the character of the surrounding area. The proposal is therefore contrary to Woking Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking Development Management Policies DPD (2016) policies DM9 'Flats above shops and ancillary accommodation' and DM10 'Development on Garden Land', Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2019).

Reason 2: The proposed development, by reason of the height, bulk, position and massing of the proposed replacement dwelling, would result in a significant and unacceptable overbearing impact on the neighbour at No.18 Lovelace Drive, to the detriment of their residential amenity. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS21 'Design', Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' (2008) and 'Woking Design' (2015) and the NPPF (2019).

8063 – Detached bungalow and garage – Permitted 01/04/1955

PROPOSED DEVELOPMENT

Planning consent is sought for the erection of a two storey dwelling following demolition of the existing bungalow.

CONSULTATIONS

County Highway Authority: No highway requirements (09.03.20)

Arboricultural Officer: No arboricultural requirements (02.03.20)

Drainage Officer: No objection subject to condition for submission of a scheme for disposing surface water by means of sustainable drainage system (05.03.20)

Pyrford Neighbourhood Forum: Objects to the scheme (Please see 'Neighbour Representations' below)

REPRESENTATIONS

There has been 3 third party letters of objection received in relation to the proposed development. 2no of these letters are from the same household and the other letter is from a representative of the Pyrford Residents Association. The issues raised in these letters are summarised as follows:

- The replacement dwelling is overdevelopment of the site given its scale and mass compared to the existing dwelling
- Significant impact on the amenities of No.18 Lovelace Drive with regards to overbearing impact, loss of light and loss of privacy
- Concern that the scheme is very similar to that of the previous refusal and that the issue in relation to its ancillary use has not been addressed.

RELEVANT PLANNING POLICIES

National Planning Policy Framework 2019

Section 2 - Achieving sustainable development

Section 11 – Making effective use of land

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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

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

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. The planning issues that need to be addressed in the determination of this application are; principal of development and proposed use of the dwelling, impact on character of the area, whether the replacement dwelling would have an acceptable impact on the amenity of neighbours, highway safety and parking, impact on trees, impact on drainage, sustainability, impact on the Thames basins heath Special Protection Area and local finance considerations having regard to the relevant policies of the Development Plan.

Principle of Development

2. One of the reasons for refusal on the previous application related to the use of the proposed integral annex considering the internal layout. The reason was as follows:

The proposed annex, by reason of its scale, nature of internal accommodation and the size of the accommodation in relation to the main dwelling, is not considered to constitute genuinely ancillary accommodation and it has not been designed in such a way which would render it incapable of being occupied separately from the main dwelling. The provision of an additional dwelling in this location would result in unduly narrow plots and an incongruous form of development which fails to respect the prevailing character, scale, pattern and grain of development in the area. The proposal would consequently result in a significantly harmful impact on the character of the surrounding area. The proposal is therefore contrary to Woking Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking Development Management Policies DPD (2016) policies DM9 'Flats above shops and ancillary accommodation' and DM10 'Development on Garden

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Land', Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2019).

3. Policy DM9 states that *“Ancillary residential extensions...will be permitted provided they share a common access with the main dwelling and are physically incorporated within it and are designed in such a way that renders them incapable of being occupied separately from the main dwelling”*. The initial proposal submitted as part of this current scheme went some way in addressing this reason for refusal but it was considered given the revised internal layout which includes a separate entrance point and an internal layout which could have been easily segregated off from the main dwelling, that the development fails to comply with Policy DM9 of the Development Management Policies DPD 2016.
4. Amended plans have been submitted following concern being raised early on in the application process. The proposed development now includes an internal layout which lends itself more to use as a single dwellinghouse with typical front and rear entrances as well as a single utility access point on the south-western side elevation. It is considered that with the removal of the additional 'utility' entrance on the north-eastern elevation as well as the removal of the internal stairwell and revised layout, that the current scheme has addressed the previous reason for refusal. A condition can be attached to ensure that no additional openings shall be formed prior to written consent from the Local Planning Authority (Condition 5).

Impact on Character

5. The proposal is for the demolition of the existing bungalow and the erection of a two storey replacement dwelling. The immediate area is characterised by a mixture of chalet bungalows and two storey dwellings; for example, the immediate neighbour to the south-west at No.18 Lovelace Drive is a chalet bungalow and the neighbour opposite at No.5 is a two storey dwelling. The proposed dwelling would be two storeys but would adopt a relatively low eaves height of 4.5 metres and a partial front dormer which is considered an appropriate response to the context of the proposal site. The ridge height of the proposed dwelling would match that of No.18 and the overall scale and proportions of the proposed dwelling are considered to respect the character of the street scene. The proposed dwelling would be positioned 0.9 metres from the boundary with the adjoining neighbour; whilst this falls marginally short of the minimum 1 metre separation distance required by the Council's Woking Design SPD 2015, considering that this neighbour is set-in 1.5 metres from the boundary, the proposal is considered to achieve sufficient visual separation between dwellings.
6. The dwelling would adopt a simple traditional design with a front gable feature and the use of render and clay roof tiles is considered to respect the character of the area. Part of the dwelling would be set-back from the front gable feature and part of the dwelling to the rear would be single storey, thereby appearing as extensions to the main part of the dwelling which is considered an acceptable design approach. The proposal would result in an area of crown roof however this is not considered unduly prominent in the street scene and there are examples of crown roofs in the local area.

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7. Overall the proposed dwelling in terms of its appearance, design, bulk and massing is considered visually acceptable and is considered to result in an acceptable impact on the character of the surrounding area.

Impact on Neighbour Amenities

8. Under PLAN/2019/0675 one of the reasons for refusal related to the impact on the amenities of the neighbouring property, No.18 Lovelace Drive. This formed reason 2 for the refusal and stated that *“The proposed development, by reason of the height, bulk, position and massing of the proposed replacement dwelling, would result in a significant and unacceptable overbearing impact on the neighbour at No.18 Lovelace Drive, to the detriment of their residential amenity. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS21 'Design', Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' (2008) and 'Woking Design' (2015) and the NPPF (2019).”*
9. It was noted in the Officer's delegated report that whilst No.18 had received permission for a two storey rear extension under PLAN/2017/1401 there was no clear indication that this extension would be carried out. It was, therefore, not guaranteed that the extension would be built and so the impact on this neighbour in both scenarios has been assessed. It was also noted that if implemented, the extension on No.18 would alter the relationship between this neighbour and the proposal site.
10. The consent scheme on No.18 Lovelace Drive has now been substantially complete and, therefore, as indicated above, the relationship between both properties has been altered.
11. The side-facing ground floor window and the window on the original rear elevation would serve a utility room within No.18. The rear extension includes side-facing windows which would serve a triple aspect open-plan kitchen/living area served by windows on both side elevations and French doors on the rear elevation. Whilst the two storey element of the proposed dwelling would fail the '25° test' as set out in the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008 with one of the ground floor side-facing windows, as the room it serves is well served by other window openings, the proposal is considered to form an acceptable relationship with this neighbour should the extension be implemented. The proposal would also pass the '45° test' with this neighbour indicating that there would be no significant loss of light to habitable room windows.
12. The proposal site has a side-to-rear relationship with neighbours to the north-east. The proposed dwelling would be positioned at least 1 metre from the rear boundaries of these neighbours however these neighbours are positioned at least 22 metres away which is considered sufficient to avoid an undue loss of light or overbearing impact on these neighbours and their rear gardens. First floor side-facing windows are proposed however as these serve an en-suite, these could be required to obscurely gaze with restricted opening if the proposal were considered otherwise acceptable. Any views from first floor front and rear facing windows would be typical of a residential area.

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Impact on Highway Safety and Parking

13. It is proposed to retain the existing site entrance as per the existing layout with parking for three cars on the site frontage in accordance with the Council's Supplementary Planning Document 'Parking Standards' 2018 which require a minimum of three spaces per 3+ bedroom dwelling. The County Highway Authority raises no objection. Overall the proposal is therefore considered acceptable in transportation terms.

Impact on Trees

14. The proposal includes the removal of a fruit tree in the rear garden however this is not a protected tree. The Council's Tree Officer has been consulted and raises no objection from an arboricultural perspective.

Impact on Drainage

15. Lovelace Drive is classified as being at risk from surface water flooding. The Council's Drainage and Flood Risk Engineer raises no objection to the scheme subject to a condition securing details of a sustainable surface water drainage scheme (Condition 7).

Sustainability

16. 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.
17. 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 8 and 9).

Impact on the Thames Basin Heaths Special Protection Area

18. The proposed development lies beyond the 400m threshold but within 5 kilometres of the SPA boundary which provides a protected habitat for ground nesting birds with new residential developments capable of adversely affecting the SPA. As the proposal constitutes a replacement dwelling, however, it can be determined that it will have no significant impact on the SPA.

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Local Finance Considerations

19. 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 replacement dwelling development will include a floor area of 310.4 sq.m and incur a cost of £125 per sq. m. This results in an uplift in floor space over the existing dwelling of 211.4 sq.m which equates to a contribution of £33,945.96 (2020 indexation) which would be payable upon commencement.

Conclusion

20. Overall, the proposed application has addressed the concern raised in the previously refused application, with regards to the ancillary accommodation within the development. Removal of separate entrance points and a configuration which is more in line with the use of the building as a single dwellinghouse have been incorporated in the revised design.
21. The principle of a replacement dwelling is considered to be acceptable and the proposal will incorporate a satisfactory design and will not be detrimental to the character and appearance of the surrounding area. The proposal will not detrimentally affect the setting of the adjacent dwellings along Lovelace Drive given its location and relationship with existing dwellings. Furthermore, it is apparent that the impact on the neighbouring dwelling at No.18 Lovelace Drive would be significant considering the substantially completed extension on this dwelling as addressed in the main body of the report. The proposal will also have an acceptable impact on highway safety with additional information sought with regards to surface water drainage.
22. The proposal is considered to be an acceptable form of development that complies with Sections 2, 11, 12 and 14 of the National Planning Policy Framework, Policies CS1, CS8, CS18, CS21, CS22, CS24 and CS25 of the Woking Core Strategy 2012, Policies DM2 and DM12 of the Development Management Policies DPD 2016, Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008, 'Parking Standards' 2018 and 'Design' 2015, Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 and is accordingly recommended subject to the recommended conditions.

BACKGROUND PAPERS

1. Site visit photographs.
2. Response County Highway Authority(09.03.20)
3. Response from Drainage Officer (04.12.19)
4. Response from Arboricultural Officer (02.03.20)
5. Response from Drainage Officer (05.03.20)
6. Response from Pyrford Neighbourhood Forum
7. 3 third party letters of objection

RECOMMENDATION

It is recommended that planning permission be Granted subject to the following Conditions:

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

Reason:

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

2. ++ (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. 248.005
 - Drawing No. 248.004b (Amended Plan) (25.03.20)

Reason:

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

4. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Classes A and B 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) 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 character of the surrounding area and amenities of neighbouring properties and for this reason would wish to control any future development.

5. 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 door or other additional openings other than those expressly authorised by this permission should be formed without planning permission being first obtained from the Local Planning Authority.

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Reason:

To ensure the dwelling remains in single occupancy

6. The first floor window in the north-eastern 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.

7. ++ No development shall commence until details of a scheme for disposing of surface water by means of a sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full in accordance with the approved details prior to the first occupation of the development.

Reason:

To ensure that the development achieves a high standard of sustainability

8. ++ 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 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.

9. 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:

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- 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.

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

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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.