

## 16 January 2018 PLANNING COMMITTEE

5b 17/0452 Reg'd: 04.05.17 Expires: 29.06.17 Ward: HV  
Nei. 24.05.17 BVPI 13 (Dwellings) Number On  
Con. Target Target? N  
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Day:

**LOCATION:** Baywood, Kingfield Road, Kingfield, Woking, GU22 9EG

**PROPOSAL:** Subdivision of land at Baywood, retention, extension and subdivison of existing dwelling to create a new and attached dwelling.

**TYPE:** Full Application

**APPLICANT:** Mrs J Hope

**OFFICER:** Komal  
Gorasia

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

The application is for the subdivision of an existing dwelling to create two dwellings and is therefore outside the Scheme of Delegation.

### **SUMMARY OF PROPOSED DEVELOPMENT**

Two storey side and rear extension to Baywood to facilitate the creation of 1no (3no bedroom) additional dwelling, including subdivision of land to accommodate amenity space, parking and refuse/recycling storage.

### **PLANNING STATUS**

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

### **RECOMMENDATION**

**GRANT** planning permission subject to the recommended conditions.

### **SITE DESCRIPTION**

The application site comprises of a two storey semi-detached single family dwelling on Kingfield Road. Kingfield Road is predominantly residential with a mixture of detached, semi-detached and terraced housing laid out on varying plot sizes. There is no clear consistent architectural character to the buildings and thus there is no uniformity to the road.

The application site shares its north-west boundary with 'Ashington', a two storey semi-detached dwelling which benefits from a two storey side and rear extension. The south-east boundary of the application site is shared with No. 1 Kingfield Villas, a two storey semi-detached dwelling. To the front of the site lies a hardstanding area for off-street car parking and the rear garden is laid to lawn.

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

**RELEVANT PLANNING HISTORY**

PLAN/1988/0834 - Erection of a single storey side extension to existing dwelling. Permitted. 07.10.1988

**PROPOSED DEVELOPMENT**

This is a full planning application for the formation of an additional residential unit within the application site.

The existing property at Baywood has 2no bedrooms on the first floor and in total. The two storey side and rear extension would include roof extensions to the existing building and thus would result in the existing building being extended to provide 3no bedrooms in total with the remaining area of proposed extension being used to form a separate residential dwelling with 3no bedrooms.

Baywood and the proposed dwelling would each have a separate entrance. The proposal includes the subdivision of the land to provide 2no off-street parking for each dwelling to the front of the properties and separate private amenity space to the rear of both. Bike storage and refuse/recycling storage space is also proposed for both dwellings.

**CONSULTATIONS**

**County Highway Authority** – Having assessed the application on safety, capacity and policy grounds, recommends conditions be imposed on any permission granted

**REPRESENTATIONS**

2 letters of objection have been received in respect of the application. A summary of the main comments made is given below:

- Overlooking into neighbouring gardens by proposed top bedroom windows to the rear/lack of privacy
- Road traffic accidents caused by development being sited on a bend
- Concerns relating to parking
- Comments made in regards to road/pavement obstruction during construction works.
- Trees have been removed on site, will there be any replacements?
- Noise pollution caused by an additional family

**RELEVANT PLANNING POLICIES**

National Planning Policy Framework 2012 (NPPF)

South East Plan 2009

Saved Policy NRM6 – Thames Basin Heaths Special Protection Area

Woking Core Strategy 2012

CS1 - A spatial strategy for Woking Borough  
CS7 – Biodiversity and nature conservation

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CS8 - Thames Basin Heaths Special Protection Areas  
CS9 – Flooding and water management  
CS10 - Housing provision and distribution  
CS11 - Housing mix  
CS12 - Affordable housing  
CS18 - Transport and accessibility  
CS21 - Design  
CS22 - Sustainable construction  
CS24 - Woking's landscape and townscape  
CS25 - Presumption in favour of sustainable development

### Development Management (DM) Policies DPD 2016

DM2 - Trees and Landscaping  
DM5 – Environmental Pollution  
DM8 – Land contamination and hazards  
DM11 – Sub-divisions, specialist housing, conversions and loss of housing

### Supplementary Planning Documents (SPD)

Parking Standards July 2006  
Outlook, Amenity, Privacy and Daylight 2008  
Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015  
Climate Change December 2013  
Affordable Housing Delivery 2014  
Design February 2015  
Waste and recycling provisions for new residential developments

### Other Material Considerations

National Planning Practice Guidance (NPPG)

### **PLANNING ISSUES**

1. The main planning issues to consider in the determination of this application are, the principle of development, visual impact of the proposed development on the locality including impact on neighbouring amenity, highways and parking, Thames Basin Heaths Special Protection Area (TBHSPA), affordable housing and local finance considerations.

#### Principle of development

2. Policy CS1 and Policy CS10 of the Woking Core Strategy 2012 identify that the Council will make provision for 4,964 net additional dwellings in the Borough between 2010 and 2027. The reasoned justification for Policy CS10 states that new residential development within the Urban Area will be provided through redevelopment, change of use, conversion and refurbishment of existing properties or through infilling. The application site is situated within the urban area where the principle of providing additional residential development through the conversion of existing properties is thus acceptable subject to detailed considerations.
3. The NPPF and Policy CS25 of the Core Strategy promote a presumption in favour of sustainable development. The site lies within the urban area. The development of previously developed land for additional dwellings can be acceptable provided that the

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proposal respects the overall grain and character of development in the area. The principle of the proposed subdivision to create an additional unit in this instance is therefore considered acceptable subject to further material planning considerations set out below.

### Visual impact of the proposed development

4. One of the core principles of the NPPF is to seek to secure high quality design. Policy CS21 of the Core Strategy states that buildings should respect and make a positive contribution to the street scene and the character of the area within which they are located. Policy CS24 requires all development proposals to provide a positive benefit in terms of landscape and townscape character. Policy DM11 also has a number of criteria which essentially relate to the visual impact of the proposed development and ensuring it is appropriate to the area.
5. The surrounding area is characterised by a mixture of detached, semi-detached and terraced housing. The creation of an additional unit to the side, in form of a two storey side and rear extension could be categorised as 'terraced' housing. In this instance, the applicant has applied good design principles to make the additional dwelling appear as a small subservient extension to the main building. The two storey addition would sit behind the front building line of Baywood and the attached property Ashington. Furthermore, it is important to note that the proposed dwelling has been designed and sited to largely mirror the existing extensions at Ashington, thus ensuring there is a balance composition of the semi-detached property as a whole.
6. Overall, the proposed alterations and extension to the building are considered appropriate and would reflect the wider character and appearance of the street scene. The proposal is therefore considered to comply with Policies CS21 and CS24 of the Core Strategy, Policy DM11 of the DM Policies DPD and SPD Design.

### Impact upon existing and proposed amenity

7. Policy CS21 of the Core Strategy 2012 advises that proposals for new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook.
8. The proposed dwelling is adequately sited away from neighbouring properties as to ensure there will be limited impact on neighbouring amenity in regards to overshadowing or loss of light. The neighbouring property at 1 Kingfield Road does have a side facing window that would face onto the side wall of the proposed dwelling; whilst the proposal fails to pass the test of a 25degree unobstructed vertical angle, it should be noted that this neighbouring window is a secondary window, with the primary window being on the rear elevation of the building and has direct sunlight from the south-west. For this reason, it is not considered that the proposal would cause significant enough harm to the outlook and sunlight into the neighbouring ground floor side facing window. In regards to loss of privacy, dormer windows themselves are considered to have the same impact as traditional bedroom windows and would result in some degree of overlooking into neighbouring gardens, as would ay first floor rear facing window. In this instance, it is not considered that the degree of overlooking would be significant to a point which would warrant a refusal of the proposal on this basis.
9. The proposed dwelling is considered to achieve an acceptable size and standard of

accommodation, good quality outlook to habitable rooms and good quality of private amenity space. With regard to garden amenity areas the SPD Outlook, Amenity, Privacy and Daylight states that for family dwellings with 2 bedrooms or more and over 65sqm, a “*suitable area of private garden amenity space in scale with the building but always greater than the building footprint*” should be provided. In this case the existing building (house 1) would maintain a footprint of approximately 43.02m<sup>2</sup>, with a proposed garden size of 54m<sup>2</sup> and the proposed dwelling (house 2) would have a footprint of 41.6m<sup>2</sup> with a garden size of 61m<sup>2</sup>; It is therefore considered that the areas of amenity space for the proposed dwellings would be suitable in size and shape for the outdoor recreational and domestic needs of the occupiers of the dwellings. Furthermore they would reflect the size of gardens in the wider local area. In this regard the proposal is considered to comply with the guidance relating to private amenity space in the Council’s SPD Outlook, Amenity, Privacy and Daylight (2008).

10. Overall, it is considered that the proposed dwellings would achieve a satisfactory relationship to each other and adjoining properties, avoiding significant harmful impact in terms of potential loss of privacy, daylight or sunlight, or overbearing effect due to bulk, proximity or outlook. However it is considered reasonable and necessary to remove ‘permitted development rights’ in relation to extensions and outbuildings in order to safeguard the amenities of any neighbouring occupiers and given the garden sizes (condition 5). The proposed development is considered to comply Policy CS21 of the Core Strategy, Policy DM11 of the DM Policies DPD, SPD Outlook, Amenity, Privacy and Daylight and the policies in the NPPF.

#### Affordable Housing

11. Policy CS12 of the Core Strategy states that all new residential development will be expected to contribute towards the provision of affordable housing and that, on sites providing fewer than five new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 10% of the number of dwellings to be affordable on site.
12. However, following the Court of Appeal’s judgment of 11<sup>th</sup> May 2016 (*Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441*), wherein the Secretary of State for Communities and Local Government successfully appealed against the judgment of the High Court of 31<sup>st</sup> July 2015 (*West Berkshire district Council and Reading Borough Council v Department for Communities and Local Government [2015] EWHC 2222 (Admin)*), it is acknowledged that the policies within the Written Ministerial Statement of 28<sup>th</sup> November 2014, as to the specific circumstances where contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and self build development, must once again be treated as a material consideration in development management decisions.
13. Additionally the Planning Practice Guidance (Paragraph 031 - Revision date: 19.05.2016) sets out that there are specific circumstances where contributions for affordable housing planning obligations should not be sought from small scale and self-build development. This follows the order of the Court of Appeal judgment dated 13<sup>th</sup> May 2016, which again gives legal effect to the policy set out in the Written Ministerial Statement of 28<sup>th</sup> November 2014 and should be taken into account. These circumstances include that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

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14. Whilst it is considered that weight should still be afforded to Policy CS12 it is considered that greater weight should be afforded to the policies within the Written Ministerial Statement of 28<sup>th</sup> November 2014 and the Planning Practice Guidance (Paragraph 031 - Revision date: 19.05.2016). As the proposal represents a development of 10-units or less, and has a maximum combined gross floorspace of no more than 1000sqm, no affordable housing financial contribution is therefore sought from the application scheme.

### Transportation Impacts

15. Supplementary Planning Document 'Parking Standards' (2006) requires dwellings with 3 or more bedrooms to provide 1.5 off street parking spaces. In this instance, the applicant has proposed 2no off-street parking spaces to the front of the site for each dwelling. Furthermore there is sufficient space within the curtilages of both properties for bin and cycle storage.

### Thames Basin Heaths Special Protection Area (TBH SPA)

16. The Thames Basin Heaths Special Protection Area are internationally important and designated for their interest as habitats for ground nesting birds. Policy CS8 of the Core Strategy requires all new residential development within the 400m-5km zone to make a financial contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM) to avoid adverse effects. The SANG contribution is now encompassed within the Community Infrastructure Levy (CIL) but the SAMM element of the contribution is required to be secured outside of CIL.
17. The applicant has agreed to make a SAMM contribution of **£868** in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy as a result of the provision of 1no. additional 3 bedroom dwelling which would result from the proposal. This financial contribution would be secured by a legal agreement.
18. In view of the above, the Local Planning Authority is able to determine that the development would have no significant effect upon the TBHSPA and therefore accords with Policy NRM6 of the South East Plan, Policy CS8 of the Core Strategy 2012 and the Thames Basin Heaths Special Protection Area Avoidance Strategy.

### Other matters

19. Policy CS22 relating to sustainable construction does not explicitly state that it relates to conversions of existing buildings. In this case there is limited extension and alteration to the building to facilitate its use as 2no. dwellings. Therefore it is not considered reasonable or necessary to impose any conditions relating to sustainable construction.

### LOCAL FINANCE CONSIDERATIONS

20. The proposal would be liable for Community Infrastructure Levy (CIL). The proposed additional floorspace would be 110m<sup>2</sup> and therefore the applicant is liable to pay a CIL Levy of approximately £13,750.00.

**CONCLUSION**

21. Overall the proposal is considered an acceptable form of development which would have an acceptable impact on the character of the host building and surrounding area, on the amenities of neighbours and in transportation terms and would not result in any other adverse consequences. Having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance the proposal is considered to be an acceptable form of development that complies with Policies CS1, CS7, CS8, CS9, CS10, CS11, CS12, CS18, CS21, CS22, CS24, and CS25 of the Woking Core Strategy 2012, Policies DM2, DM5, DM8, DM11 of the DM Policies DPD 2016, the guidance in the relevant SPDs and the policies within the NPPF. It is therefore recommended that planning permission is granted subject to the prior completion of a legal agreement and the conditions as set out below.

**BACKGROUND PAPERS**

1. Site photographs

**PLANNING OBLIGATIONS**

	<b>Obligation</b>	<b>Reason for Agreeing Obligation</b>
1.	£868 SAMM (SPA) contribution.	To accord with the Habitat Regulations, policy CS8 of the Woking Core Strategy 2012 and The Thames Basin Heaths Special Protection Area (SPA) Avoidance Strategy.

**RECOMMENDATION**

It is recommended that planning permission be **Granted** subject to:

- (i) the prior completion of a S106 Legal Agreement to secure the required SAMM (TBHSPA) contribution; and
- (ii) the following planning conditions:
1. The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.
- Reason: To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans numbered/titled:
- Site Location Plan  
Drg No: B/1/17  
Drg No: B/2/17  
Drg No: B/3/17

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Drg No: B/4/17

Drg No: B/5/17

Drg No: B/6/17

Drg No: B/7/17

Drg No: B/8/17

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

3. ++ Prior to the commencement of any development hereby permitted details and samples of the materials to be used in the external elevations and for any hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the area in accordance with Policies CS21 and CS24 of the Woking Core Strategy 2012 and the policies in the NPPF.

4. The development hereby approved shall not be first occupied unless and until the proposed modified vehicular access to Kingfield Road has been constructed in accordance with the approved plans and thereafter shall be kept permanently maintained.

Reason: To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users.

5. 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. Thereafter the parking area shall be retained and maintained for their designated purpose.

Reason: To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users.

6. No development shall commence until a Construction Transport Management Plan, to include details of:
  - (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials

Reason: To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users.

7. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 and Classes A, B, C, D, E, F and G 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 development falling within these Classes shall be carried out any where on the site without planning permission being first obtained from the Local Planning Authority.

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



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8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no window, dormer window, rooflight, door or other additional openings, other than those expressly authorised by this permission, shall be formed in side elevation of the development hereby approved without planning permission being first obtained from the Local Planning Authority.

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

### **Informatives**

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
2. The applicants attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE RELEVANT TRIGGER POINT. Failure to 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. The development hereby permitted would be CIL liable. The charge becomes due when development commences. A commencement notice, which is available from the Planning Portal website (Form 6: Commencement Notice: [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)) must be issued to the Local Planning Authority and all owners of the relevant land to notify them of the intended commencement date of the development. The Local Planning Authority will then send a Demand Notice to the person or persons who have assumed liability.
4. The applicant is advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
5. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. Please see: [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs)
6. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

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7. 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).