

16 JAN 2018 PLANNING COMMITTEE

5h **17/0639** **Reg'd:** 13.10.2017 **Expires:** 08.12.17 **Ward:** C
Nei. 09.11.17 **BVPI** **Number** 13/8 **On** No
Con. **Target** **of Weeks** **Target?**
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LOCATION: Land adjacent to 18 North Road, Woking, Surrey

PROPOSAL: Retrospective application for amendments to a previously approved 3-bedroom detached dwelling (PLAN/2014/0744).

TYPE: Full

APPLICANT: Mr Jawa Khan

OFFICER: Tanveer
Rahman

REASON FOR REFERRAL TO COMMITTEE

The decision on whether to take enforcement action falls outside the scope of delegated powers.

SITE DESCRIPTION

The application site is bounded by 18 North Road to the south east. 113, 115 and 117 Walton Road bound it to the north west. A footpath bounds it to the south west.

PROPOSED DEVELOPMENT

PLAN/2014/0744 approved the erection of a two-storey, pitched roof detached house with a single-storey, flat roof rear outrigger and a sunken rear garden. The house was proposed to be set back from the street by a front garden. The house was not built according to the approved drawings and this retrospective application seeks permission to regularise these changes. The main changes to the approved application are:

- The brick detailing above the front door and windows have been omitted. The sizes of these windows have also been altered.
- A 2.9m wide and 9.7m deep area of 113 Walton Road's rear garden has been annexed to increase the size of the approved rear garden.
- The garden terrace had been sunken 0.32m lower than the living room area rather than the approved 0.50m.
- The sizes of the first floor rear windows have been altered and the brick detailing above them has been omitted
- Parapet walls have been added to either side of the single-storey rear outrigger. This has raised the height of the wall on the side boundary with 18 North Road from the approved 2.0m to 2.5m.
- Two rear roof lights have been inserted in the main roof.

SUMMARY INFORMATION

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Site area (PLAN/2014/0744)	0.011375ha
Site area (PLAN/2017/0639)	0.0118925 ha
Existing units (PLAN/2014/0744)	1 unit
Proposed units (PLAN/2017/0639)	1 unit
Bedrooms/unit (PLAN/2014/0744)	3 bedrooms
Bedrooms/unit (PLAN/2017/0639)	3 bedrooms
Site density (PLAN/2014/0744)	87.9 dwellings/hectare
Site density (PLAN/2017/0639)	84.1 dwellings/hectare

PLANNING STATUS

- Urban Area
- High Density Residential Area
- Priority Place
- Thames Basin Heaths SPA Zone B (400m-5km)

RECOMMENDATION

REFUSE planning permission and authorise formal enforcement proceedings.

PLANNING HISTORY

COND/2015/0086: Discharge of conditions 02 (Materials), 04 (Landscaping), 07 (Code for Sustainable Homes) and 08 (Boundary Treatment) of PLAN/2014/0744 dated 30.03.2015 for proposed detached two storey house to the side of No.18 North Road - permitted 03.09.2015.

PLAN/2014/0744: Proposed detached two storey house to the side of No.18 North Road - permitted subject to legal agreement 30.03.2015.

PLAN/2011/0262: Erection of a detached two storey dwelling with accommodation in the roof space fronting North Road adjacent to No. 18 including accommodation in detached outbuilding to rear and in the rear of 113 Walton Road - refused 11.10.2011.

CONSULTATIONS

None

REPRESENTATIONS

One letter of objection was received which made the following statements:

- The height of the single-storey rear element is 0.5m higher than what was approved. This has an unacceptable impact on sunlight/daylight levels and appears unacceptably overbearing towards the neighbour's property.
- The house is out of character with the street scene.
- There are sewage issues with the house. (*Case officer's note: this is a Building Regulations issue and falls outside of planning control.*)

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2012):
Section 4 - Promoting sustainable transport

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Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Woking Core Strategy (2012):

CS1 - A spatial strategy for Woking Borough

CS5 - Priority Places

CS8 - Thames Basin Heaths Special Protection Areas

CS10 - Housing provision and distribution

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 Policies Development Plan Document (2016)

DM2 - Trees and landscaping

Supplementary Planning Documents:

Woking Design SPD (2015)

Outlook, Amenity, Privacy and Daylight (2008)

Parking Standards (2006)

PLANNING ISSUES

The main issues to consider in determining this application are:

Principle of development

1. PLAN/2014/0744 established that the principle of a dwelling in the location was acceptable.
2. The principle of development is therefore considered to be acceptable and accords with section 6 of the *National Planning Policy Framework (2012)*.

Impact on character

3. As mentioned previously in the 'Proposed Development' section of this report the front fenestration of this retrospective application varies from what was approved as part of PLAN/2014/0744. It is considered that the change in window proportions and the omission of the brick detailing has created a property that is less in keeping with the street scene of North Road than what was approved. However on balance it is considered that these changes have not had an unacceptable impact on the street scene.
4. This application is therefore considered to have an acceptable impact on the the wider street scene which would accord with section 7 of the *National Planning Policy Framework (2012)*, policy CS21 of the *Woking Core Strategy (2012)* and *Woking Design SPD (2015)*.
5. The lack of an objection to the application on these grounds does not outweigh other objections to the proposal.

Impact on neighbours

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6. The single-storey rear outrigger has a depth of 5.7m and the height of its parapet wall on the boundary with 18 North Road is 2.5m. PLAN/2014/0744 approved a depth of 5.7m but only approved a 2m height on this boundary. The committee report for that application stated that “*In view of the extension’s height only projecting 2m above the ground level it is not considered to be significantly harmful in terms of loss of light or an overbearing impact on no.18*”. It is considered that the combination of the additional 0.5m height on the boundary and the 5.7m depth of the single-storey rear outrigger has created an unacceptable overbearing impact on 18 North Road
7. The single-storey rear outrigger passes the 45° test as set out in *Outlook, Amenity, Privacy and Daylight* (2008) towards the French doors in the rear elevation of 18 North Road. It also passes the 25° test as set out in the same SPD towards the two side windows in no.18’s single-storey rear outrigger. For these reasons it is considered that impact on the daylight levels received by no.18 is acceptable.
8. No windows in this application are any closer to neighbouring properties than what was approved as part of PLAN/2014/0774. It is also considered that the additional rear roof lights do not create unacceptable overlooking issues towards the property to the rear. It is therefore considered that the proposal does not create unacceptable overlooking issues towards neighbouring properties.
9. It is considered that the annexation of part of 113 Walton Road’s rear garden space has not left no.113 with an unacceptably low level of private amenity space.
10. The application is considered to have an unacceptable impact on neighbouring amenity by way of its single-storey rear outrigger creating an unacceptable overbearing impact on 18 North Road. This is contrary to section 7 of the *National Planning Policy Framework* (2012), policy CS21 of the *Woking Core Strategy* (2012) and *Outlook, Amenity, Privacy and Daylight* (2008).

Highway safety and capacity

11. PLAN/2014/0744 was considered to have an acceptable impact on highway safety and capacity. It is considered that there are no material differences between this current application and the previously approved application with regards to highway safety and capacity.
12. This application is therefore considered to have an acceptable impact on highway safety and capacity which would accord with policy CS18 of the *Woking Core Strategy* (2012) and *Parking Standards* (2006)
13. The lack of an objection to the application on these grounds does not outweigh other objections to the proposal.

Affordable housing

14. An affordable housing contribution of £7,970 was required as part of PLAN/2014/0744. This was secured via a Section 106 agreement.
15. Policy CS12 of the *Woking Core Strategy* (2012) states that all new residential development will be expected to contribute towards the provision of affordable housing and that, on sites providing fewer than five new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 10% of the number of dwellings to be affordable on site.

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16. However, following the Court of Appeal's judgment of 11th 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 31st 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 28th 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.
17. 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 13th May 2016, which again gives legal effect to the policy set out in the Written Ministerial Statement of 28th 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 floor space of no more than 1000sqm.
18. Whilst it is considered that weight should still be afforded to policy CS12 of the *Woking Core Strategy* (2012) it is considered that greater weight should be afforded to the policies within the Written Ministerial Statement of 28th 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.
19. An affordable housing contribution is not required as part of this application.
20. The lack of an objection to the application on these grounds does not outweigh other objections to the proposal.

Thames Basin Heaths Special Protection Area

21. The SPAs in this area are internationally-important and designated for their interest as habitats for ground-nesting and other birds. Policy CS8 of the *Woking Core Strategy* (2012) requires new residential development beyond a 400m threshold but within 5 kilometers 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).
22. Suitable Alternative Natural Greenspace (SANG) and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL) however the Strategic Access Management and Monitoring (SAMM) element of the SPA tariff is required to be addressed outside of CIL.
23. A SAMM payment of £2,139 was required as part of PLAN/2014/0744. This was secured via a Section 106 agreement.

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24. This current application is therefore considered to have an acceptable impact on the Thames Basin Heaths Special Protection Area which accords with policy CS8 of the *Woking Core Strategy* (2012).

Local finance consideration

25. This is effectively a section 73 application to amend an application which was permitted before CIL was adopted by the Council therefore this application would not be liable for a financial contribution to CIL if it is permitted.

CONCLUSION

26. This retrospective application has an unacceptable impact on neighbouring amenity. This is by way of the single-storey rear outrigger appearing unacceptably overbearing towards 18 North Road. The development is therefore contrary to section 7 of the *National Planning Policy Framework* (2012), policy CS21 of the *Woking Core Strategy* (2012) and *Outlook, Amenity, Privacy and Daylight* (2008).

BACKGROUND PAPERS

Site visit photographs (09.11.2017)

RECOMMENDATION

It is recommended that planning permission be **refused** for the following reason:

01. This retrospective application has an unacceptable impact on neighbouring amenity. This is by way of the single-storey rear outrigger appearing unacceptably overbearing towards 18 North Road. This is contrary to section 7 of the *National Planning Policy Framework* (2012), policy CS21 of the *Woking Core Strategy* (2012) and *Outlook, Amenity*

It is further recommended that:

- a) Enforcement action be authorised to remedy the breach of planning control by reducing the height of the single-storey rear outrigger so that no part of it which is within 0.5m of the boundary with 18 North Road exceeds 2m in height when measured from the ground level of 18 North Road.

Informatives

01. The drawings relating to this decision are:

- 1:1250 location plan Drwg no.1010 (received by the LPA on 11.12.2017)
- 1:100 ground floor plan Drwg no.AC/NR/11/8001a rev.E (received by the LPA on 15.12.2017)
- 1:100 first floor plan Drwg no.AC/NR/11/8002 (received by the LPA on 11.12.2017)
- 1:100 front elevation Drwg no.AC/NR/11/8011 Rev.A (received by the LPA on 11.12.2017)
- 1:100 rear elevation Drwg no.AC/WH/M/05/1012 Rev.B (received by the LPA on 15.12.2017)
- 1:100 side elevations Drwg no.S-W237.8-N-14-A (received by the LPA on 11.12.2017)