

16 January 2018 PLANNING COMMITTEE

5i 17/0795 Reg'd: 01.09.2017 Expires: 27.10.17 Ward: PY
Nei. 12.12.17 BVPI Householder - Number 20/8 On No
Con. Target 21 of Weeks Target?
Exp: on Cttee'
Day:

LOCATION: Byron Lodge, Ridgway Road, Pyrford, Woking, Surrey, GU22 8PR

PROPOSAL: Retention of patio with alterations including installation of glass balustrade and privacy screen

TYPE: Householder

APPLICANT: Mr G Sahota

OFFICER: Brooke Bounague

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Planning Committee by the Development Manager.

PROPOSED DEVELOPMENT

Planning application PLAN/2014/0293 granted planning permission for erection of a part two storey, part single storey rear extension on 12.05.2014. Non material amendment application AMEND/2015/0024 permitted a Juliette balcony to replace a first floor window in the rear elevation serving bedroom 5 and fenestration alterations to the ground and first floor windows in the rear (east) elevation and ground floor side (north and south) elevations. Non material amendment application AMEND/2015/0034 for altering the roof form of the single storey rear element from a hipped roof to a flat roof was refused as it was considered altering the roof form would have a material impact on the design and external appearance of the proposal. Planning application PLAN/2015/1337 was for the retention of the flat roof form of the single storey element of the part two storey, part single storey rear extension granted planning permission under PLAN/2014/0293 and rear raised patio and fenestration alterations. Planning application PLAN/2015/1337 was refused with authorisation to commence enforcement proceedings by Planning Committee on 05.04.2016. The appeal was part allowed granting planning permission for the roof form of the single storey rear extension and fenestration alterations, but The Planning Inspector did not allow the appeal in relation to the raised patio and steps.

This planning application proposes alterations to the existing unauthorised raised patio and steps that were dismissed at appeal. The alterations include:

- Reduction in footprint of raised patio
- Reduction in height of patio adjacent to the north boundary to create a stepped slope
- Removal of the raised rear steps located at the centre of the raised patio
- Relocation of raised steps to the north side of the raised patio to access lower rear garden
- Installation of glass balustrade to the rear (east) of the raised patio
- Installation of 2m high obscure glazed privacy screen projecting from the north side of the rear elevation of Bryon Lodge
- Landscaping along the north boundary
- Construction of ground level patio immediately below raised patio

PLANNING STATUS

- Thames Basin Heaths SPA ZoneB (400m-5km)

RECOMMENDATION

Grant planning permission subject to conditions.

SITE DESCRIPTION

The application site is located on the eastern side of Ridgeway Road within a residential area in the Pyrford area of the Borough. Byron Lodge is a two storey detached dwelling. The area is characterised by detached dwellings on generously sized plots.

PLANNING HISTORY

PLAN/2015/1337 - Retrospective part two storey part single storey rear extension. Increasing the size of the existing raised terrace (amendment to PLAN/2014/0293). Refused 15.04.2016

Refusal reasons:

01. The proposed raised rear patio by reason of its scale, height and siting results in a detrimental loss of privacy and overlooking impact on the rear private amenity space and ground windows in the rear elevation of Woodpecker House, Ridgeway Road which adversely affects the amenities of these neighbouring occupiers. The proposal therefore represents an unneighbourly form of development contrary to Policy CS21 of the Woking Core Strategy 2012, Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight (2008)' and 'Woking Design (2015)' and the core principles of the National Planning Policy Framework (2012).
02. The fenestration alteration to the first floor window (serving bedroom 5) in the north east elevation would result in a detrimental loss of privacy and overlooking impact on the rear private amenity space of Woodpecker House, Ridgeway Road which adversely affect the amenities of these neighbouring occupiers. The proposal therefore represent an unneighbourly form of development contrary to Policy CS21 of the Woking Core Strategy 2012, Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight (2008)' and 'Woking Design (2015)' and the core principles of the National Planning Policy Framework (2012).
03. The flat roofed single storey rear extension and changes to the rear fenestration, by reason of their design, represent unsympathetic alterations which adversely affect the appearance of the property adversely affecting visual amenity, contrary to Policy CS21 of the Core Strategy.

Appeal decision: Part allowed.

Allowed: Roof form of the single storey rear extension and fenestration alterations

Dismissed: Raised patio and steps

AMEND/2015/0034 - Non-material minor amendment to PLAN/2014/0293 dated 12.05.2014 for the erection of a part two storey part single storey rear extension. Refused 07.07.2015

AMEND/2015/0024 - Non-material minor amendment to PLAN/2014/0293 dated 12.05.2014 for the erection of a part two storey part single storey rear extension. Permitted 16.06.2015

PLAN/2014/0293 - Erection of a part two storey part single storey rear extension. Permitted 12.05.2014

BACKGROUND

Amended plans have been received over the course of the application incorporating the following:

- Reduce the height of the raised patio on the north boundary, forming a stepped slope
- Insert a 2m high privacy screen

CONSULTATIONS

Pyrford Neighbourhood Forum – No comment

REPRESENTATIONS

A total of 4x letters of objection (from the same address) were received in response to the original proposal and additional information submitted on 18.10.2017 and 27.10.2017 raising the following concerns:

- Further clarification is required on the proposed works and materials
- Misleading information
- Contradictions between existing and proposed plans
- Inaccurate information
- The application is invalid as it proposes to retain a substantial part of a patio which has been built unlawfully and is subject to an Enforcement Notice
- The patio should be removed in its entirety immediately and all material removed from the site as instructed by the Planning Inspectorate
- Overlooking
- Privacy
- Non compliance with enforcement notice
- The proposed landscaping in planters is temporary which will require maintenance and can be removed.

A total of 4x letters of support (2 from the same address) were received in response to the original proposal and additional information submitted on 18.10.2017 and 27.10.2017 raising the following points:

- It appears the patio has been reduced to its original level and modifications have been provided that provide a reasonable solution.

A total of 1x neutral letters were received in response to the original proposal and additional information submitted on 18.10.2017 and 27.10.2017 raising the following points:

- It appears the patio has been reduced to its original level and modifications have been provided that provide a reasonable solution.

Neighbours were re-consulted on the amended plans on 28.11.2017 and a further 1x letter of objection was received objecting to the proposal raising points already summarised above and the additional points below:

- In order to prevent overlooking the paving should follow the slope of the natural contour of the land and be level with the bottom of the fence which is 1.8 metres high
- The top of the slope should extend beyond the corner of the house to prevent a viewing platform being maintained.
- Does not specify materials of screen
- Light pollution
- Impact on wildlife

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2012):

Section 7 - Requiring good design

Woking Core Strategy (2012):
CS21 - Design

Supplementary Planning Documents (SPDs)
Woking Design (2015)
Outlook, Amenity, Privacy and Daylight (2008)

PLANNING ISSUES

1. This planning application has been submitted to modify and regularise the unauthorised raised patio and steps refused under planning application PLAN/2015/1337 and subsequently dismissed at appeal. The main considerations within the determination of this application comprise the design and impact on the appearance of the host dwelling and impact on the residential amenities enjoyed by neighbouring occupiers, particularly with respect to impact on privacy.

Impact on Character:

2. The planning application proposes to remove the raised rear steps in the rear (east) of the raised patio providing access onto the lower section of the garden, reduce the footprint of the raised patio, reduce the height of the raised patio adjacent to the north boundary to create a stepped slope, construct new raised steps providing access to the lower section of the garden, install a glass balustrade and obscure glazed privacy screen, provide landscaping along the north boundary and install a patio at the lower section of the garden, immediately below the raised patio on the north side of the property.
3. An area of raised patio would be removed (approximately 2.5m deep and 5.8m wide increasing to 5.9m due to the tapering of the boundary) and a set of steps installed providing access to the lower section of the garden. An area of patio at ground level is proposed in place of the area of raised patio to be removed. The raised patio adjacent to the north side boundary would be amended to create a stepped slope, the existing retaining wall and fence marking the boundary would be maintained. The area of stepped slope would be approximately 2.9m deep with a minimum width of approximately 0.65m increasing to a width of approximately 0.8m. It is proposed to install a 2m high obscure glazed privacy screen projecting from the north side of the rear elevation of Bryon Lodge. The privacy screen would be approximately 3.9m deep, spanning the reduced depth of the raised patio nearest to the north side boundary. A glass balustrade is proposed on the east rear elevation of the raised patio adjacent to the lower section of the garden.
4. The proposal would be sited to the rear of the property; there would be no impact on the character of Ridgway Road. It is considered the proposal would not detract from the character of the host dwelling and would accord with Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2012).

Impact on Neighbours:

5. Planning application PLAN/2015/1337 was refused as it was considered the raised rear patio by reason of its scale, height and siting would result in a detrimental loss of privacy and overlooking impact on the rear private amenity space and ground floor windows in the rear elevation of Woodpecker, Ridgway Road which would adversely affect the amenities of these neighbouring occupiers. The joint appeal decision (Appeal Decisions APP/A3655/C/16/3152912, APP/A3655/C/16/3152901 & APP/A3655/W/16/3152897)

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stated that *'any users of this part of the patio [adjacent to the boundary with Woodpecker House] have an extremely close, elevated and extensive view over the private amenity and sitting area of Woodpecker House and can readily see into the downstairs windows of that house. Thus there is an unacceptable and significantly adverse effect on the living conditions of the occupiers of Woodpecker House by reason of severe loss of privacy'*. With regards to providing screening on the boundary with Woodpecker House the Planning Inspector advised *'any such screening will only have a limited effect and, because of the location of Byron Lodge to the south of Woodpecker House, any substantial screening would be likely to result in overshadowing of the neighbouring garden and house. That too would be harmful to the living conditions presently enjoyed by the occupiers of Woodpecker House'*. The Planning Inspector also noted *'the extensive patio appears to have been designed so that it can be used intensively as outdoor living space as a 'seamless' extension of the dining facilities within the main house, and this finding is supported by the photographs submitted by a neighbour that showing that it is lit, at least on occasion, at night. In these circumstances, the effect of harmful overlooking is intensified by use at unsocial hours'*.

6. The proposal includes reducing the footprint of the raised patio by removing an area approximately 2.5m deep and 5.8m wide increasing to 5.9m due to the tapering of the boundary and amending the raised patio projecting beyond the rear elevation of Byron Lodge adjacent to the boundary with Woodpecker House to create a stepped slope (the area of stepped slope would be approximately 2.9m deep with a minimum width of approximately 0.65m increasing to a width of approximately 0.8m). The proposed stepped slope would provide access to the north side elevation of the dwelling to enable garden furniture and other equipment to be stored down the north side of Byron Lodge. It is proposed to insert a 2m high privacy screen projecting from the rear of the north elevation of Byron Lodge between the raised patio and proposed stepped slope. The obscure glazed privacy screen would be approximately 3.9m deep, spanning the reduced depth of the raised patio nearest to the north side boundary. Condition 9 is recommended to ensure the proposed stepped slope is installed within 6 months of the date of this consent and retained in perpetuity. Condition 8 is recommended to ensure the 2m obscure glazed privacy screen is installed within 6 months of the date of this consent and retained in perpetuity.
7. It is considered that the proposed alterations to the raised patio together with the installation of the 2m high obscure glazed privacy screen would significantly reduce the overlooking impact to the private amenity space and ground floor windows in the rear elevation of Woodpecker House. It is therefore considered that the proposal has overcome the concerns raised by the Planning Inspector in the appeal decision relating to loss of privacy to Woodpecker House.
8. As previously stated the Planning Inspector in the appeal decision raised concerns over the use of screening due to the harmful impact on the occupiers Woodpecker House. The proposed obscure glazed privacy screen would be sited a minimum of approximately 0.9m from the boundary with Woodpecker House increasing to approximately 1m due to the tapering of the boundary. Due to the separation distance to the boundary with Woodpecker House and use of an obscure glazed privacy screen it is considered there would not be a significant overshadowing impact to Woodpecker House. It is therefore considered that the proposal has overcome the concerns raised by the Planning Inspector in the appeal decision relating to overshadowing to Woodpecker House.
9. The proposed ground floor plan indicates planting to the south elevation of the 2m high privacy screen and along the north boundary adjacent to the proposed ground level patio. Condition 4 is recommended to agree and secure details of the landscaping within

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3 months of the date of this consent and condition 5 is recommended to ensure the details approved under condition 4 are implemented within 3 months of the approved details. As previously stated the Planning Inspector in the appeal decision stated '*the effect of harmful overlooking is intensified by use at unsocial hours*' due to the extension patio and lighting. Condition 6 is recommended to prevent any external lighting being installed on the patio without the prior written approval of the Local Planning Authority.

10. It considered the proposed alterations to the raised patio and installation of glazed balustrade, privacy screen and landscaping would not have a detrimental impact on the amenities of Woodstock, Ridgeway Road sited to the south of Byron Lodge.
11. Overall the proposed development is considered to have an acceptable impact on neighbours in terms of loss of light, overlooking and overbearing impacts.

Community Infrastructure Levy (CIL):

12. No increase floorspace is proposed, the proposal would therefore not be Community Infrastructure Levy (CIL) liable.

CONCLUSION

13. Overall, the proposal is considered to be appropriate in scale and character to the host building and surrounding area and is considered to have an acceptable impact on the amenities of neighbours. The proposal therefore accords with Policy CS21 'Design' of the Core Strategy (2012), Supplementary Planning Documents 'Parking Standards' (2006), 'Outlook, Amenity, Privacy and Daylight' (2008) and 'Working Design' (2015) and the National Planning Policy Framework and is recommended for approval.

BACKGROUND PAPERS

1. Site visit photographs
2. Representations

RECOMMENDATION

It is recommended that planning permission be granted subject to the following 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 approved plans listed below:

FE00b received by the Local Planning Authority on 31.08.2017

FE01g received by the Local Planning Authority on 27.11.2017

FE03j received by the Local Planning Authority on 27.11.2017

FE04d received by the Local Planning Authority on 27.11.2017

FE13g received by the Local Planning Authority on 27.11.2017

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FE14h received by the Local Planning Authority on 27.11.2017

FE15g received by the Local Planning Authority on 27.11.2017

FE16h received by the Local Planning Authority on 27.11.2017

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

3. ++Prior to the commencement of the development hereby permitted a written specification of all external materials to be used in the construction of the development hereby approved 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: In the interests of the visual amenities of the area and in accordance with Policy CS21 of the Woking Core Strategy 2012.

4. ++Notwithstanding any details shown on the approved plans listed within condition 02, within 3 months of the date of this decision notice, a hard and soft landscaping scheme showing details of shrubs, trees and hedges to be planted and details of materials for areas of hardstanding, 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 preserve and enhance the character and appearance of the locality in accordance with Policies CS21 and CS24 of the Woking Core Strategy 2012.

5. The landscaping details agreed under condition 04 shall be implemented within 3 months of the approved details and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged 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: To preserve and enhance the character and appearance of the locality in accordance with Policies CS21 and CS24 of the Woking Core Strategy 2012.

6. Prior to the installation of any external lighting within the raised patio or garden level patio, details of such lighting, demonstrating compliance with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for Reduction of Light Pollution' and the provisions of BS 5489 Part 9 shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting shall be installed and maintained solely in accordance with the approved details thereafter.

Reason: To protect the appearance of the surrounding area and the residential amenities of the neighbouring properties in accordance with Policies CS18 and CS21 of the Woking Core Strategy 2012.

7. ++Within 3 months of the date of this decision notice a written specification of the 2m high privacy screen to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

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Reason: In the interests of the visual amenities of the area and in accordance with Policy CS21 of the Woking Core Strategy 2012.

8. Within 6 months of the date of this decision notice the 2m high privacy screen shall be installed in accordance with the hereby approved plans and those specifically approved under condition 07 of this decision notice shall thereafter be maintained to the height, position and specifications as approved.

Reason: In the interest of the amenities and privacy of the occupiers of adjoining residential properties, and the occupiers of the properties the subject of this permission in accordance with Policy CS21 of the Woking Core Strategy 2012.

9. Within 6 months of the date of this decision notice the stepped slope along the north boundary shall be installed in accordance with the approved plans and shall thereafter be maintained to the height and position as approved.

Reason: In the interest of the amenities and privacy of the occupiers of adjoining residential properties, and the occupiers of the properties the subject of this permission in accordance with Policy CS21 of the Woking Core Strategy 2012.

10. Any existing floor lighting within the raised patio shall be removed within 6 months of the date of this decision notice.

Reason: In the interest of the amenities of the occupiers of adjoining residential 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 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.
4. 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.

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5. You are advised the Enforcement Notice reference E0630A issued on 11.05.2016 is still required to be complied with.