

5e **ENFORCEMENT REPORT** **WARD: PY**
Committee: PLANNING COMMITTEE
Date of meeting: 27 FEBRUARY 2018
**Subject: UNAUTHORISED OPERATIONAL DEVELOPMENT –
RETENTION OF A SINGLE STOREY OUTBUILDING IN
THE REAR GARDEN AT 116 PRINCESS ROAD,
MAYBURY, WOKING, SURREY, GU22 8ES.**

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1. INTRODUCTION

At the planning committee held on 14 November 2017 the following report below was submitted to the Planning Committee recommending refusal of retrospective Planning Permission and seeking authorisation for Enforcement action to remedy the breach of planning control by the removal of the unauthorised outbuilding.

Following the Planning Committee acceptance of the Planning Officer recommendation for refusing the planning application, the Planning Committee also agreed to issuing an Enforcement Notice as recommended, for the removal of the unauthorised outbuilding. The agreed period of compliance was six months. The Enforcement Notice was issued on 4 December 2017. Following the issuing of the Enforcement Notice the applicant’s agent contacted Officers asking what action the Local Planning Authority would take if the applicant reduced the height to 2.5m or less making the outbuilding permitted development.

The Planning Enforcement Officer sought advice from the Council Legal Team and was advised that if the height was reduce to 2.5m or less that there was no further action that could be taken.

However, this would have meant that the homeowner would not have complied with the requirements of the Enforcement Notice and the Notice would remain ‘live’ indefinitely.

On 10 January 2018 the Planning Enforcement Officer visited the property at the behest of the home owners and measured the height of the outbuilding at 2.48m at the highest point of the structure.

Officers are therefore satisfied that the remaining structure meets the criteria for Permitted development as set in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. RECOMMENDATION

To withdraw the Enforcement Notice reference No. ENF/2016/00154 (EO645) issued on 4 December 2017 as the outbuilding now measures a height of 2.48m at the highest point of the structure and is therefore Permitted Development which does not require Planning Permission.

3. PREVIOUS REPORT OF 14 NOVEMBER 2017

	16/1462	Reg'd:	30.12.16	Expires:	22.03.17	Ward:	PY
Nei. Con. Exp:	14.02.17	BVPI Target	21	Number of Weeks on Cttee' Day:	34/8	On Target?	No

LOCATION: 116 Princess Road, Maybury, Woking, Surrey, GU22 8ES

PROPOSAL: Retention of a single storey outbuilding in rear garden.

TYPE: Householder Application

APPLICANT: Mr Karim Khan

OFFICER: Brooke Bournague

REASON FOR REFERRAL TO COMMITTEE

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

PROPOSED DEVELOPMENT

The proposed development seeks retrospective planning permission for the retention of a detached outbuilding within the rear garden of the property and has been submitted following an enforcement investigation. The outbuilding is 6m deep, 4m wide and 2.7m high with a flat roof.

PLANNING STATUS

- Priority Places
- Thames Basin Heaths SPA Zone B (400m-5km)

RECOMMENDATION

REFUSE planning permission and authorise formal enforcement proceedings.

SITE DESCRIPTION

The application site is located in the defined urban area and Maybury and Sheerwater region of the Borough. The application site is a two storey semi detached property sited on an irregular plot due to the position of the site on a corner plot bounded by Princess Road and Windsor Way. The rear garden is bounded by timber fence. There are two outbuildings in the rear garden, one subject of this planning application and a further wooden outbuilding to the rear (west) of the site. There is no planning history for the wooden outbuilding, this was constructed over 4 years ago.

PLANNING HISTORY

None

CONSULTATIONS

None

REPRESENTATIONS

Four letters raising the following points:

- Resulted in an unacceptable high density on the plot
- The block plan is not to scale and does not accurately reflect the true scale of the development (Officer note: an amended block plan has been received accurately reflecting the development on site)
- The development is contrary to Government policy where 'garden grabbing' is prohibited
- Concerned risk of flooding due to loss of garden
- Noise disturbance
- Light disturbance
- Concerned the building will be used as additional living accommodation
- Loss of privacy
- Very negative visual impact when looking from our property
- Overbearing impact
- Concerns over compliance with building regulation
- Cramped development
- Set a precedent

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2012):
Section 7 – Requiring good design

Woking Core Strategy (2012):
CS21 – Design

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

PLANNING ISSUES

1. The main considerations within the determination of this application comprise the design and impact on the street scene, impact on the character of the area, impact on residential amenities, impact on private amenity space and flooding.

Impact on Character:

2. Policy CS21 'Design' of the Woking Core Strategy 2012 states that 'proposals for new development should... respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings'.

3. The outbuilding is visible from both Windsor Way and Princess Road. Due to the separation distance to Windsor Way (approximately 24m) and Princess Road (approximately 20m) it is considered the outbuilding has not had a detrimental impact on the character of the street scene.

4. The single storey outbuilding is 6m deep and 4m wide with a flat roof measuring 2.7m high. The outbuilding is finished in render and sited in the rear domestic garden of No.116 Princess Road.
5. It is considered the footprint (24sqm) and height (2.7m) of the outbuilding is excessive in size and out of proportion with the dwelling at No.116 Princess Road (54sqm footprint) and larger than typical domestic garden structures such as sheds and summer houses associated with domestic dwellings. To comply with permitted development outbuildings within 2m of the boundary must not exceed 2.5m; the outbuilding has a flat roof measuring 2.7m. The outbuilding therefore exceeds the height permitted under permitted development.
6. The outbuilding is finished in render with a canopy sited on the south west elevation of the outbuilding. The finishing materials of the outbuilding provides a solid permanent appearance in comparison to other typical domestic garden structures which are usually finished in timber and have the appearance of temporary structures. The canopy is an incongruous addition which increases the scale of the outbuilding.
7. The combination of the footprint, height and finishing materials of the outbuilding therefore urbanises the area and does not respect or make a positive contribution to the character of the area or pay due regard to the scale, height and proportions of adjoining domestic buildings contrary to Policy CS21 of the Woking Core Strategy (2012).

Impact on Neighbours:

8. Policy CS21 of the Woking Core Strategy 2012 states that 'proposals 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'.
9. The outbuilding is sited adjacent to the boundary fence with No.114 Princess Road. No windows are sited in the north west elevation oriented towards No.114 Princess Road. It is considered the outbuilding does not result in an additional significant loss of privacy or overlooking to No.114 Princess Road. Due to the height and close proximity to the boundary it is considered the outbuilding has resulted in a significant overbearing impact on the private rear amenity space of No.114 Princess Road contrary to Policy CS21 of the Woking Core Strategy (2012).
10. The footprint of the outbuilding is sited approximately 1m from the boundary with No.2 Windsor Way. Two windows and a door serving the outbuilding are sited in the south elevation oriented towards No.2 Windsor Way. There is an existing close boarded boundary fence. It is considered the windows in the south elevation of the outbuilding have not resulted in a significant loss of privacy or overlooking to No.2 Windsor Way. Due to the close proximity to the boundary and height it is considered the outbuilding has resulted in a significant overbearing impact to No.2 Windsor Way contrary to Policy CS21 of the Woking Core Strategy (2012).
11. Due to the 7.4m separation distance to the rear boundary it is considered the outbuilding does not result in a loss of daylight, overbearing impact or overlooking towards No.4 Windsor Way.
12. No details have been provided regards acoustic or light pollution mitigation and therefore the impact of these issues on neighbouring properties cannot be assessed as part of this application. If the development was considered acceptable in all other

aspects, it is considered that concerns regarding noise and light pollution could be addressed by way of appropriate planning condition.

Impact on amenity space:

13. Policy CS21 of the Woking Core Strategy (2012) reflects the National Planning Policy Framework and states that development should provide an appropriate level of private amenity space.

14. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) states the area of private garden 'should always be as large as the building footprint of the dwelling house'. Supplementary Planning Document 'Woking Design' (2015) states 'family housing must retain reasonable levels of private amenity in scale with the size of dwelling'.

15. The footprint of the existing dwelling is approximately 54sqm. The area of private amenity with the outbuildings in situ equates to approximately 98sqm. It is considered sufficient private amenity space has been retained for the occupiers of No.116 Princess Road.

Impact on flooding:

16. A letter of representation has raised concerns flood risk could increase due to a loss of garden space. The application site is not sited in a flood zone or area at risk of flooding from surface water. It is considered the outbuilding will not significantly increase flood risk in the area.

Community Infrastructure Levy (CIL):

17. The Council introduced the Community Infrastructure Levy (CIL) on 1 April 2015. As the proposed development would not lead to additional floor space of more than 100 sqm it is not liable for a financial contribution to CIL.

CONCLUSION

18. The detached outbuilding, by reason of its scale, proportions and finishing materials results in an outbuilding that does not respect or make a positive contribution to the character of the area or pay due regard to the scale, height and proportions of adjoining domestic buildings contrary to Policy CS21 of the Woking Core Strategy (2012) and the National Planning Policy Framework (2012). The close proximity of the outbuilding to the boundary with No.114 Princess Road and No.2 Windsor Way results in a significant overbearing impact, detrimental to the amenities of these properties contrary to Policy CS21 of the Woking Core Strategy (2012) and the National Planning Policy Framework (2012) and is recommended for refusal.

BACKGROUND PAPERS

1. Site visit photographs

RECOMMENDATION

Refuse for the following reasons:

1. The detached outbuilding, by reason of its scale, proportions and finishing materials results in an outbuilding that does not respect or make a positive contribution to the character of the area or pay due regard to the scale, height and proportions of adjoining domestic buildings and is detrimental to visual amenity

contrary to Policy CS21 of the Woking Core Strategy (2012) and the National Planning Policy Framework (2012).

2. The close proximity of the outbuilding to the boundary with No.114 Princess Road and No.2 Windsor Way results in a significant overbearing impact, detrimental to the amenities of these properties contrary to Policy CS21 of the Woking Core Strategy (2012) and the National Planning Policy Framework (2012).

It is further recommended that:

a) Enforcement action be authorised to remedy the breach of planning control by the removal of the unauthorised outbuilding. This is to be completed within six months of the issue of the Enforcement Notice.

Informatives

The plans hereby refused are:

Unnumbered plan showing a location plan received by the Local Planning Authority on 22.08.2017

Unnumbered plan showing a block plan received by the Local Planning Authority on 22.08.2017

Unnumbered plan showing a floorplan, elevations and roof plan received by the Local Planning Authority on 22.08.2017

4. EXPEDIENCY OF TAKING ACTION

There is no expediency in taking any further action as it is the opinion of the Planning Enforcement Officer that any appeal would be upheld and the Council could incur costs against them for pursuing the matter.

5. RECOMMENDATION

To withdraw the Enforcement Notice reference No. ENF/2016/00154 (EO645) issued on 4 December 2017 as the outbuilding now measures a height of 2.48m at the highest point of the structure and is therefore Permitted Development which does not require Planning Permission.