

27 FEBRUARY 2018 PLANNING COMMITTEE

5d 17/1410 Reg'd: 02.01.18 Expires: 27.02.18 Ward: HO
Nei. 26.01.18 BVPI Minor Number 8 On Yes
Con. Target dwellings -13 of Weeks Target?
Exp: on Cttee'
Day:

LOCATION: 86 Orchard Drive, Horsell, Woking, GU21 4BS

PROPOSAL: Demolition of existing dwelling and garage and the erection of a two storey replacement dwelling with accommodation in the roof space.

TYPE: Full Planning Application

APPLICANT: Mr Benning

OFFICER: William Flaherty

REASON FOR REFERRAL TO COMMITTEE:

The proposal includes the creation of a replacement dwelling which falls outside the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegation.

PLANNING STATUS

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

RECOMMENDATION

GRANT planning permission subject to conditions.

SITE DESCRIPTION

The proposal site features a single storey dwelling with accommodation in the roof space and a detached single garage. Orchard Drive and surrounding streets are characterised by detached dwellings of similar ages and styles dating from the mid C20.

PLANNING HISTORY

- PLAN/2017/0682 – Demolition of Existing Bungalow & Erection of a Replacement Dwelling – Withdrawn
- AMEND/2017/0069 – Non -Material Amendment to permission ref: PLAN/2016/0555 (Proposed erection of a two storey replacement dwelling with accommodation in the roof space following demolition of existing dwelling and garage) to allow changes to fenestration – Permit 27.10.2017
- COND/2016/0146 - Submission of details pursuant to Conditions 2 (materials), 6 (sustainability) and 8 (Construction Management Plan) of permission ref:

27 FEBRUARY 2018 PLANNING COMMITTEE

PLAN/2016/0555 for the erection of a two storey replacement dwelling with accommodation in the roof space following demolition of existing dwelling and garage) – Discharged 15.02.2017

- PLAN/2016/0555 - Proposed erection of a two storey replacement dwelling with accommodation in the roof space following demolition of existing dwelling and garage – Permit 29.09.2016
- PLAN/2016/0182 - Proposed first floor extension, two storey side extension to form two storey house and single storey rear extension – Withdrawn
- PLAN/2015/1220 - Proposed erection of a pair of attached dwellings following demolition of bungalow. – Withdrawn

PROPOSED DEVELOPMENT

The proposal is for the demolition of the existing dwelling and garage and the erection of a two storey replacement dwelling with accommodation in the roof space.

CONSULTATIONS

County Highway Authority: No objection.

Drainage and Flood Risk Officer: No objection subject to a planning condition requiring a scheme for disposing of surface water by means of a sustainable drainage system prior to the commencement of development.

REPRESENTATIONS

1 letter has been submitted raising the following comments on the application:

- The proposed patio at the rear could create flooding and drainage issues onto neighbouring properties;
- What will the boundary treatments for the site be?
- The digging of foundations may affect soakaways on neighbouring properties.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2012):
Section 6 - Delivering a wide choice of high quality homes
Section 7 – Requiring Good Design

Woking Borough Core Strategy (2012):
CS18 – Transport and Accessibility
CS21 – Design
CS22 – Sustainable Construction
CS24 – Woking's Landscape and Townscape
CS25 – Presumption in favour of sustainable development

Supplementary Planning Documents:
Woking Design (2015)
Outlook, Amenity, Privacy and Daylight (2008)
Parking Standards (2006)

27 FEBRUARY 2018 PLANNING COMMITTEE

Development Management Policies DPD (2015)
DM2 – Trees and Landscaping

BACKGROUND

A previous proposal for the subdivision of the plot to create an additional dwelling was withdrawn following concerns raised by officers with the principle of the proposal (PLAN/2015/1220).

A similar application was previously submitted as a Householder application for extensions to the existing dwelling. Following concerns raised by Officers, including concerns that the level of demolition involved in the proposal would constitute a replacement dwelling, this application was withdrawn (PLAN/2016/0182).

Planning permission (PLAN/2016/0555) was granted in September 2016 for the erection of a two storey replacement dwelling with accommodation in the roof space following demolition of existing dwelling and garage.

The current planning application is a Full application for the erection of a two-storey replacement dwelling with accommodation in the roof space following the demolition of the existing dwelling and garage. The application is reduced in size compared to extant planning permission ref: PLAN/2016/0555 with all but 1 of the rear dormers removed and an overall reduction in footprint. Please see the table below for a comparison between extant planning permission ref: PLAN/2016/0555 and the dwelling proposed by the current application:

	PLAN/2016/0555 (Extant)	PLAN/2017/1410 (Current)
Maximum roof ridge height	8.7m	8.7m
Maximum width along the front elevation	15.9m	14.9m
Maximum depth	13.9m	13.9m
Minimum set back from the boundary with No. 84	0.9m	1.9m
Minimum set back from the boundary with No. 88	1.5m	1.5m
Gross Internal Floor Area (square metres)	352sqm	265.61sqm
Rear Garden Size (square metres)	447sqm	484sqm

PLANNING ISSUES

Impact on Character:

1. The proposal is for the demolition of the existing single storey dwelling and replacement with a two storey dwelling with accommodation in the roof space. Orchard Drive is characterised by detached dwellings of a traditional character. Dwellings are a mixture of two storey and single storey dwellings with accommodation in the roof space. Orchard Drive and surrounding roads were originally laid out in the mid C20 and dwellings are typically finished in a mixture of brickwork and tile hanging with clay

27 FEBRUARY 2018 PLANNING COMMITTEE

roof tiles. The consistent use of materials and building forms gives a strong character to the area.

2. The demolition and replacement of the existing dwelling is considered acceptable in principle providing the replacement is visually acceptable and respects the character of the surrounding area. The proposed dwelling would be two storeys with accommodation in the roof space facilitated by a single dormer to the rear and a total of 4 rooflights. The dwelling would feature a hipped roof with a two storey front projecting element and an attached single storey garage. The proposal would have an open porch on the front elevation and a single storey rear extension with a mono-pitched roof.
3. On the front elevations, the dwelling would be finished in tile hanging at the first floor and facing brickwork on the ground floor level. The roof would be plain roof tiles (dark chestnut colour) with main walls on the side and rear elevations to be rendered (white colour). Windows would be dark grey coloured powder-coated aluminium while doors would be purpose-made timber/powder-coated aluminium. The proposed materials would be the same as those approved under planning permission ref: 2016/0555 with the brickwork and tile hanging considered to relate well to the prevailing character of the area in principle; however, further details and samples of materials would need to be secured by way of planning condition should planning permission be granted.
4. The proposed replacement dwelling would have a maximum ridge height of 8.7m which is 2.5m higher than the existing dwelling. The resulting height and scale of the dwelling is considered to be broadly consistent with building heights in the area including neighbouring dwellings (No.84 is approximately 8.8m in height and No.88 approximately 8.4m in height) and is therefore considered acceptable. The proposed dwelling would retain a 1.9m separation to the western side boundary with No. 84 and approximately 1.5m separation distance to the eastern side boundary with No. 88 (as shown on Drawing No. RCAL/1711-104C). The proposed separation distances are considered to retain sufficient visual separation between dwellings which is considered to be consistent with the character of the surrounding area.
5. The proposed dwelling would be two storeys with accommodation in the roof space, however the dwelling would have the outward appearance of a two storey dwelling as the proposal would have roof lights on the front and east side elevation and the proposed dormer serving the roof space accommodation would be confined to the rear.
6. The proposal site is in a prominent position given its elevated position at the end of Orchard Drive. However, considering the points discussed above, the proposal is considered to be a visually acceptable form of development and the prominence of the site is not considered to preclude permitting a larger replacement dwelling on the site. The proposed replacement dwelling would also have a reduced width and bulk within the streetscene compared to extant planning permission ref: 2016/0555 which is a material planning consideration in the consideration of this application.
7. Limited details of the front garden landscaping and parking area have been submitted while no details of boundary treatments have been provided. A detailed landscaping scheme and details of the proposed driveway/boundary treatments should be secured by way of planning conditions to ensure that the development enhances the character and appearance of the surrounding area and to ensure that the driveway does not increase surface water runoff off-site.

27 FEBRUARY 2018 PLANNING COMMITTEE

8. For the reasons set out above, it is considered that the proposed replacement dwelling would be a visually acceptable form of development which would respect the character of the surrounding area, subject to planning conditions.

Impact on Neighbours:

9. The proposed dwelling would be positioned approximately 5m from the side elevation of neighbouring No.88 to the east with the two storey element of the proposal set back approximately 9m from the side elevation of No. 88. The proposal would pass the '45° test', as outlined in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD 2008, in both plan and elevation form with this neighbour.
10. No. 88 features three ground floor side-facing windows. Two of these are small secondary windows to a living room where the main outlook and source of light is the window on the south-facing front elevation of this neighbour. The remaining window is relatively small and serves a dining room which leads onto a glazed conservatory on the rear. Although the proposal would breach the 25° test with this window, it is considered that the glazed conservatory provides light and outlook to this room. Additionally, the proposed dwelling and attached garage would move the built form further away from the site boundary when compared to the existing situation and would also represent an overall reduction in bulk and mass near the boundary when compared to extant planning permission ref: 2016/0555. Furthermore, it is considered that the hipped roof design of the proposed dwelling and the height of the single storey garage which is closest to the boundary would ensure that there is no unacceptable impact on habitable rooms at No. 88 in terms of overbearing or loss of light impacts.
11. The single storey rear element of the proposal would project 2.6m and is not considered to impact unduly on this neighbour in terms of overbearing or loss of light impacts. There would be 2 roof light windows facing No. 88, however, it is considered that these would not result in any significant loss of privacy as they would be secondary windows to the proposed bedroom and would not look directly into any habitable room windows at No.88. To ensure that there would be no unacceptable loss of privacy or overlooking to neighbouring No. 88, a planning condition is required to ensure that the roof light windows would be obscurely glazed and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the finished floor level of the rooms in which the windows are installed.
12. The proposal would pass the '45° test' in plan and elevation form with the neighbour at No.84. This neighbour features side-facing windows at ground and first floor levels however these serve bathrooms, a garage and utility room, and a secondary window to a family room. The first floor dormer windows are obscurely glazed. These windows are not therefore serving single aspect habitable rooms. The proposal is therefore considered to form an acceptable relationship with this neighbour.
13. The proposed dwelling features two first floor windows on the side elevation facing No. 84. The proposed first floor windows serve two en-suite bathrooms and could be required to be obscurely glazed with restricted opening by way of planning condition in order to avoid undue overlooking. Any views from front and rear-facing windows would be typical of a residential area and so are considered to be acceptable in terms of overlooking.
14. For the reasons set out above, it is considered that the proposal would have an acceptable impact on neighbours in terms of loss of light, overbearing and overlooking impacts.

27 FEBRUARY 2018 PLANNING COMMITTEE

Transportation Impact:

15. The replacement dwelling would utilise the existing vehicular crossover onto the site and includes space to the frontage sufficient for the parking of two vehicles in accordance with the Council's Parking Standards. The County Highway Authority has been consulted and raises no objections. There is sufficient room within the site for waste and recycling bins to be stored and presented for collection. This part of Orchard Drive is a no-through road with relatively low volumes of traffic and low vehicle speeds; notwithstanding the position of the proposal site at a 'T' junction, the proposal is not considered to have an undue highway safety impact. Overall the proposed development is therefore considered to have an acceptable transportation impact compared to the existing situation.

Standard of Accommodation:

16. The proposed dwelling is considered to achieve an acceptable size and standard of accommodation with good quality outlooks to habitable rooms and a private rear garden. The size of the rear garden (approximately 484sqm) exceeds the internal floor area of the proposed dwelling (265.61sqm) and so is considered to achieve an appropriate size of amenity space for a large family dwelling in accordance with the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008). The gross internal floor area of 265.61sqm would exceed the minimum 134sqm for a dwelling of this type, as set out in the Technical Housing Standards – Nationally Described Space Standard (March 2015) (as amended). The proposal is therefore considered to provide an acceptable standard of accommodation for future occupants.

Sustainability:

17. Following a Ministerial Written Statement to Parliament on 25 March 2015, 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.
18. 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 permissions which seeks the equivalent water and energy improvements of the former Code Level 4 (Condition 9).

Local Finance Considerations:

19. In line with the Council's Charging Schedule, the proposed development would be CIL liable as it would result in a net additional increase of 87.85m² in internal floor space over the existing dwelling. The CIL charge in this case would therefore equate to £10,981.25.
20. Whilst the application site is located within Zone B of the Thames Basin Heaths Special Protection Area (SPA), given that this is a proposed replacement dwelling, it

27 FEBRUARY 2018 PLANNING COMMITTEE

would not result in additional pressure, or any consequent significant effect, upon the SPA and as such no mitigation is required in the form of the SPA monetary contribution.

Trees and Landscaping:

21. There are no significant trees on the site which would require protection during construction, however a landscaping scheme would be secured by way of a planning condition.

Flood Risk:

22. The proposal site is not within Fluvial Flood Zones 2 or 3 or a surface water flood risk area. The Council's Drainage and Flood Risk Officer has reviewed the proposal and raises no objection subject to a pre-commencement planning condition requiring the submission of a scheme for disposing of surface water by means of a sustainable drainage system to be submitted to the Local Planning Authority for approval in writing.

Other issues:

23. Concerns were raised in a letter of representation that the proposal could create flooding and drainage issues, that it is unclear what the boundary treatment would be, and that the digging of foundations may affect soakaways on neighbouring properties. With reference to flooding, drainage, and boundary treatment, Officers consider that these matters could be clarified by details to be secured by planning condition prior to the commencement of development. Concerns regarding the impact of foundations on neighbouring soakaways are not a material planning consideration.

CONCLUSION

24. For the reasons set out above, it is considered that the proposed replacement dwelling would be acceptable in terms of character and design, impact on the amenities of neighbouring properties and impact on the public highway. The proposal therefore accords with Policies CS18 (Transport and Accessibility), CS21 (Design), CS22 (Sustainable Construction) and CS24 (Woking's Landscape and Townscape) of the Core Strategy (2012), Policy DM2 (Trees and Landscaping) of the Development Management Policies DPD (2015) and Supplementary Planning Documents: 'Outlook, Amenity, Privacy and Daylight' (2008) and 'Woking Design' (2015) and the National Planning Policy Framework (2012). The application is therefore recommended for approval.

BACKGROUND PAPERS

1. Site visit photographs dated 15.01.2018
2. Consultation responses
3. Representations

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:

27 FEBRUARY 2018 PLANNING COMMITTEE

1. The development hereby permitted shall be commenced not later than three years from 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:

RCAL/1711-101 – Location, Block & Site Plans (Sheet 1 of 1), received 18.12.2017
RCAL/1711-106 – Existing/Proposed Street Scene (Sheet 1 of 1), received 18.12.2017
RCAL/1711-102 – Details of Existing (Sheet 1 of 1), received 18.12.2017
RCAL/1711-104C – Details of New Works (Sheet 1 of 2), received 14.02.2018
RCAL/1711-105A – Details of New Works (Sheet 2 of 2), received 22.12.2017

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

3. ++ Prior to the commencement of the development hereby permitted, details, including samples, of all external materials to be used in the construction of the dwelling 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. ++ 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 and thereafter retained as approved.

Reason: To ensure that the development achieves a high standard of sustainability and does not increase surface water flood risk in accordance with Policy CS9 of the Woking Core Strategy 2012.

5. ++ Prior to the first occupation of the dwelling hereby approved, a hard and soft landscaping scheme showing details of hard and soft landscaping to the frontage, details of materials for areas of hardstanding (including any drainage arrangements) and boundary treatments, 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. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development (in that phase) whichever is the sooner 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.

27 FEBRUARY 2018 PLANNING COMMITTEE

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 occupation of the development hereby approved, the first floor windows on the west facing side elevation of the dwelling hereby permitted shall be glazed entirely with obscure glass and be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the finished floor level of the rooms in which the windows are installed. Once installed the windows 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 in accordance with Policy CS21 of the Woking Core Strategy 2012.

7. The roof light windows on the east side elevation (as shown on Drawing No. RCAL/1711-104C, dated 14.02.18) hereby permitted shall be glazed entirely with obscure glass and non-opening unless the parts of the windows 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 roof light windows 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 in accordance with Policy CS21 of the Woking Core Strategy 2012.

8. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1, 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 alteration of the dwellinghouse hereby approved shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of nearby properties and the character of the area and for this reason would wish to control any future development in accordance with Policy CS21 of the Woking Core Strategy 2012.

9. ++ Prior to the commencement of the development hereby approved, written evidence shall be submitted to and approved in writing by the Local Planning Authority (LPA) 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.

27 FEBRUARY 2018 PLANNING COMMITTEE

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policy CS22 of the Woking Core Strategy 2012.

10. The development hereby permitted shall not be occupied until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the development has:
 - 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.

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policy CS22 of the Woking Core Strategy 2012.

11. ++ Prior to the first occupation of the development hereby approved, space shall be laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and used solely for parking and turning.

Reason: In order that the development should not prejudice highway safety nor should it inconvenience other highway users in accordance with Policy CS9 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 permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
3. 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

27 FEBRUARY 2018 PLANNING COMMITTEE

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).

4. 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.

5. The applicant is advised that this application is liable to make a CIL contribution of £10,981.25. The applicant must complete and submit a Commencement (of development) Notice to the Local Planning Authority, which the Local Planning Authority must receive prior to commencement of the development.
6. The applicant is advised that under the Control of Pollution Act 1974, works which will be audible at the site boundary will be restricted to the following hours:-

8.00 a.m. - 6.00 p.m. Monday to Friday
8.00 a.m. - 1.00 p.m. Saturday
and not at all on Sundays and Bank Holidays.

7. The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk