

2 FEBRUARY 2021 PLANNING COMMITTEE

6A PLAN/2019/1168

WARD: C

LOCATION: 23 Bentham Avenue, Sheerwater, Woking, Surrey, GU21 5LF

PROPOSAL: Erection of part two storey, part single storey rear extension and conversion of existing dwelling (three bedroom) into x2 flats (Amended Description and Plans).

APPLICANT: Mr Ghulam Ahmed

OFFICER: Barry Curran

REASON FOR REFERRAL TO COMMITTEE

The application has been called to the Planning Committee at the request of Councillor Aziz as the application falls to be resolved by exercise of planning judgement.

SUMMARY OF PROPOSED DEVELOPMENT

The application seeks permission to convert the existing three bedroom family dwelling into a pair of flats at ground and first floor with the erection of a part two storey part single storey rear extension.

PLANNING STATUS

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

RECOMMENDATION

That planning permission be REFUSED.

SITE DESCRIPTION

The application site is located on the north-eastern side of Bentham Avenue, a residentially defined area characterised by a mix of two storey semi-detached and terraced dwellings of a post war design. The application dwelling forms the northern dwelling on a pair of semi-detached dwellings with the rear amenity space enclosed by 2 metre high close timber board fencing along with a detached garage on the neighbouring property along the southern boundary with hedging at 3 metres in height along the northern boundary.

PLANNING HISTORY

No recent relevant planning history

PROPOSED DEVELOPMENT

Planning consent is sought for the erection of a part two storey part single storey rear addition and conversion of the existing dwelling into 2no flats across ground and first floor.

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SUMMARY INFORMATION

Existing units	1
Proposed units	2
Existing density of site - dwellings/hectare	26 dph
Proposed density of site - dwellings/hectare	52 dph

CONSULTATIONS

County Highways Authority: Recommend a number of conditions in the event of an approval (06.07.20)

REPRESENTATIONS

There has been 1 no third party letter of objection received in relation to the proposed development. The concerns raised in this letter are summarised as follows;

- Impact on parking, parking is already limited so additional visitors to the property will significantly worsen the bottleneck, where often cars mount and park on the pavement making it almost inaccessible by both road and foot. Three parking spaces for a three-and two-bedroom flat is not enough and will lead to more parking on the road which is severely congested.
- The proposed outbuilding could be used as additional living accommodation. I do not believe that it is necessary for two flats to need a gym, playroom and WC (*Officer Notes: this outbuilding has been removed from proposed plans at the request of the Planning Officer*)
- Concern that the proposed side elevation for the extension will overlook our back garden and compromise privacy (*Officer Notes: the proposed first floor side elevation window has been removed from proposed plans at the request of the Planning Officer*)
- The proposed plan indicates overdevelopment of the existing property leading to increased noise from its multiple inhabitants. Number 23 shares a non-soundproof wall with Number 21.
- The size of the proposed development is out of keeping with nearby properties.

RELEVANT PLANNING POLICIES

National Planning Policy Framework 2019
Section 2 - Achieving sustainable development
Section 12 - Achieving well-designed places

Core Strategy Document 2012
CS8 - Thames Basin Heaths Special Protection Area
CS11 – Housing Mix
CS12 – Affordable Housing
CS18 - Transport and accessibility
CS21 - Design
CS24 - Woking's Landscape and Townscape
CS25 - Presumption in Favour of Sustainable Development

Development Management Policies DPD 2016
DM10 – Development on Garden Land
DM11 - Sub-divisions, Specialist Housing, Conversions and Loss of Housing

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Supplementary Planning Guidance

Supplementary Planning Document 'Parking Standards' 2018

Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008

Supplementary Planning Document 'Design' 2015

Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015

PLANNING ISSUES

1. The main planning issues that need to be addressed in the determination of this application are; principle of development, whether the proposal will have an unacceptable impact on the character of the existing dwelling and character of surrounding area, whether the subdivision will result in a satisfactory residential environment, whether the extensions and subdivision will materially harm the amenities enjoyed by surrounding neighbours, impact on parking, sustainability, affordable housing, impact on Thames Basin Heaths Special Protection Area and local finance considerations.

Principle of Development

2. The National Planning Policy Framework and Policy CS25 of the Woking Core Strategy 2012 promotes a presumption in favour of sustainable development. The application site is within a sustainable location within the defined Urban Area and within the 400m-5km (Zone B) threshold of the Thames Basin Heaths Special Protection Area, where the impact of new residential development can be mitigated.
3. The application involves the proposed subdivision of an existing three bedroom family dwelling into 2 flats, one with 2-bedrooms and one with 3-bedrooms. The resulting flats would be self-contained at ground and first floor level.
4. Policy DM11 (Sub-divisions, Specialist Housing, Conversions and Loss of Housing) of the Development Management Policies DPD 2016 (hereafter referred to as the DMP DPD) states that:

“proposals for...the sub-division of existing dwellings of an appropriate size to two or more dwellings, including flats...will be permitted provided the following criteria are met:

- ***the proposal does not harm the residential amenity or character of the area*** (emphasis added);
- ***a good quality of accommodation is provided by meeting any relevant housing standards*** (emphasis added);
- *there would be no detrimental impact on the visual appearance of the area or that of the building itself;*
- *any proposed alterations, extensions or additional areas of hard surfacing required to enable the conversion of the dwelling are appropriate in scale, form and extent to the site and its surroundings;*
- *maximum tree cover, mature planting, and screening is retained;*
- *boundary treatment to the street frontage of the property is retained and a sufficient area of amenity space is retained or provided;*
- *there is adequate enclosed storage space for recycling/refuse;*

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- *access is acceptable and parking (including for cycles) is provided on site in accordance with the Council's standards. Car parking (including drop-off points if relevant) will not be permitted in rear gardens or in locations which might cause a nuisance to adjoining residential properties;*
 - *the traffic impacts of the proposal are considered acceptable;*
 - *the internal layout of the rooms within the proposed conversion will not cause undue disturbance to adjoining residential properties in the building;*
 - *appropriate contribution is made to avoid harm to the Thames Basin Heaths Special Protection Areas, as set out in Core Strategy Policy CS8, where relevant;*
 - *there is a safe access and egress route during flood events"*
5. Much of this criteria relates to material considerations which will be addressed in detail in the relevant sections of this report. Policy DM11 does, however, expand on sub-division stating that "*In addition to the 'General Criteria' above, the sub-division of dwellings of an appropriate size to two or more dwellings will only be permitted where:*
- *the proposal would not result in an overall loss of a family home; and*
 - ***each proposed dwelling has access to a suitable area of private amenity space"*** (emphasis added).
6. The Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008 states, in paragraph 4.5, that "*family accommodation will be taken to mean...all flats with two bedrooms of more and exceeding 65 sq.m. gross floor space*". Furthermore Policy CS11 of the Woking Core Strategy 2012 states that "*the Council will not permit the loss of family homes on sites capable of accommodating a mix of residential units unless there are overriding policy considerations justifying this loss*". The existing 3 bedroom house measures approximately 82.4 sq.m in Gross Internal Area (GIA) and, therefore, provides family accommodation.
7. Covering a floor area of 83.5 sq.m, the proposed 3 bedroom ground floor flat falls within the bracket of family accommodation as per the Council's Supplementary Planning Document on Outlook. The first floor unit, covering a floor area of approximately 61.2 sq.m, would not constitute family accommodation but given that the existing situation involves just one family dwelling on site and the proposed situation retains a family unit, the loss of family accommodation is, therefore, strictly mitigated.
8. Policy DM11 of the Development Management Policies DPD 2016 specifically refers to housing sub-division and notes that the sub-division of dwellings of an appropriate size to two or more dwellings will only be permitted where "*each proposed dwelling has access to a suitable area of private amenity space*". In terms of private amenity space, the Council's Supplementary Planning Document on 'Outlook, Amenity, Privacy and Daylight' 2008 at Section 4.7 notes that "*In established residential areas, where the existing pattern of development has a well-defined character, the size, shape and position of the garden will need to reflect the existing context and be in proportion to the size of the dwelling proposed*". The suitability of the amenity space should therefore be reflective of the prevailing pattern. The Outlook SPD goes on to recommend that "*all dwellings designed for family*

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accommodation (as per above) need to provide a suitable sunlit area of predominantly soft landscaped private amenity space, appropriate in size and shape for outdoor domestic and recreational needs of the family it is intended to support". In this case, the application site is located in a suburban setting where semi-detached and terraced properties demonstrate commensurate amenity spaces with narrow yet deep rear gardens.

Impact on Character

9. One of the principles of planning as identified in the National Planning Policy Framework 2018 is securing high quality design. Section 12 of the NPPF refers to the need to plan positively for the achievement of high quality and inclusive design for all development. Policy CS21 of the Woking Core Strategy 2012 states that new development should respect and make a positive contribution to the street scene and the character of the area within which it is located. Policy CS24 of the Core Strategy states that *"all development proposals will provide a positive benefit in terms of landscape and townscape character...(and) will be expected to conserve, and where possible enhance existing character"*.
10. Bentham Avenue is situated within the Sheerwater area of the Borough. This part of Woking is a Post War residential area with semi-detached and terraced style properties set on rectangular plots. There is an element of on street parking, however many of the moderate front gardens have been converted to accommodate at least one vehicle. The area has a relatively open feeling and generally low front walls with planting strips behind to define the boundary. The majority of properties are semi-detached or terraced, two storeys in height and constructed in facing brick.
11. Section 4.7 of the SPD on Outlook 2008 states that *"In established residential areas, where the existing pattern of development has a well-defined character, the size, shape and position of the garden will need to reflect the existing context and be in proportion to the size of dwelling proposed."* The subdivision of the dwelling and therefore the plot would result in an uncharacteristic sized plot and amenity land being unduly and inappropriately subdivided into two.
12. Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments *"are sympathetic to local character and history, including the surrounding built environment and landscape setting"*. Each surrounding site demonstrates a common layout with amenity spaces commensurate with the size of the single dwelling on the plot. Policy CS21 of the Woking Core Strategy 2012 states that 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 and land"*. The resultant amenity spaces to serve the flats would measure 60 sq.m and 80 sq.m with the 60 sq.m amenity space serving the ground floor family flat (figures included on Drawing No.20/AM/06 A are considered inaccurate and are scaled off the scale bar attached).
13. In comparison the neighbouring No.25 Bentham Avenue demonstrates a private amenity space covering 200 sq.m, No.27 includes 170 sq.m of private amenity space and the adjoining No.21 which includes one of the smallest

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amenity spaces at 125 sq.m in size more than double that of the amenity space to serve the ground floor family flat. These are included on a graph for ease of reference:

	Footprint/Floor area	Amenity Space	% coverage of floor-Space/ Footprint
No.25 Bentham Avenue	47 sqm	200 Sqm	23.5%
No.27 Bentham Avenue	79 Sqm	170 sqm	46%
No.21 Bentham Avenue	70 sqm	125 sqm	56%
Application Plot 1 GF	98 sqm	60 sqm	163%
Application Plot 2 FF	61 sqm	80 sqm	76%

14. As demonstrated, the proposed amenity spaces to serve both flats are incommensurate with the prevailing character and bear no adherence to the prevailing context and would stand out as irregular and out of character in the area. The proposed layout would, therefore, fail to correspond with the surrounding area standing out as alien which fail to reflect the prevailing grain and pattern of development in Bentham Avenue.
15. It is proposed to erect a part two storey part single storey rear extension to measure 6.8 metres in width including a single storey addition which would span the width of the host dwelling and project 7 metres from the rear building line. Atop this single storey section would be a two storey extension which is proposed to be set down 0.6 metres from the existing ridge line and measure a 5.3 metres in width and 4 metres in depth set in from the shared southern boundary. The extension, as such, would match the footprint of the existing dwelling both covering approximately 48 sq.m thereby doubling the footprint of the building similar to erecting another detached dwelling on its rear elevation albeit with a smaller first floor element.
16. Section 12 of National Planning Policy Framework states that *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*. The proposal almost doubles the size of the existing dwelling is in a bid to subdivide the existing dwelling into a flatted scheme. With the development proposal effectively doubling the overall floor area of the building, it is inevitable that the scale of the addition would be insubordinate and would result in a completely different building and relationship to the surrounding area. The expanse of the rear addition measuring 7 metres at single storey and 4 metres at two storey level results in large expanses of gable on the north-east and south-west side elevations which would appear out of keeping with the surrounding character. With the extensions cumulating to completely transform the existing form and layout of the dwelling, it is considered that this form of development points towards

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overdevelopment of the dwelling and of the site. The additions towards the rear would compete with the scale of the existing dwelling and would, due to its scale, be insubordinate to the host building and contrary to the Council's SPD 'Design' which notes that *"The additional mass should respect the existing building proportion, symmetry and balance."* Erecting a rear addition which almost doubles the size of the existing floor area of the dwelling is not considered to respect the character of the existing dwelling nor is it considered to improve the way the area functions.

17. Policy CS10 of the Core Strategy 2012 makes provision for 750 dwellings as infill development in the Borough's urban area between 2010 and 2027, at a density of 30-40dph (dwellings per hectare). The reasoned justification for the policy states that *"Infill development will be permitted provided the proposed development is at an appropriate scale in relation to the character of the surrounding area"*. Policy CS10 goes on to note that:

*"The density ranges set out are **indicative and will depend on the nature of the site** (emphasis added). Density levels will be influenced by design with the aim to achieve the most efficient use of land. Wherever possible, density should exceed 40 dwellings per hectare and will not be justified at less than 30 dwellings per hectare, unless there are significant constraints on the site or where higher densities cannot be integrated into the existing urban form. Higher densities than these guidelines will be permitted in principle where they can be justified in terms of the sustainability of the location and where the character of an area would not be compromised.*

18. As previously indicated, Bentham Avenue consists of semi-detached and terraced dwellings along a linear grain of development at a density range of 26 dwellings per hectare, typical of the area. With the proposed extensions and conversion of the existing single family dwelling into 2 flats, the density would rise to 52dph, double that of the existing site and surrounding area. Whilst Policy CS10 identifies that wherever possible density should exceed 40 dph, and will not be justified at less than 30 dph this is subject to the proviso that unless higher densities cannot be integrated into the existing urban form. It is symptomatic of development which is at odds with the prevailing character at double the existing density. Whilst the site falls within the Urban Area it is not located within such a sustainable location (i.e. it is not within, nor within close proximity of, any Neighbourhood/Local/District/Town Centre) to justify a residential density so much higher than the surrounding area. The density of the proposal indicates that the proposal will not integrate satisfactorily into the existing urban form.
19. It has to be stressed that whilst a density of 56 dph may be considered appropriate in one part or street in the borough, this does not mean that it can be applicable to the established character or density in Bentham Avenue. Development is required to respect and be reflective of the area in which they are located, for example one suburban residential street may have a density of 70 dph and to rationalise this density range in another area characterised by 15 dph would be unreasonable and incommensurate with the character. As per Policy CS10 above, the density range will be dependent on the nature of the site and to ignore this would be contrary to adopted policy.
20. The reasoned justification within Policy CS10 states that *"it is important that densities sought do not affect the quality and character of an area"*. Policy CS10 goes on to note that increased density on developments may be

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considered acceptable provided the character of the area would not be compromised. It is clear that the scheme represents overdevelopment of the site with additions which fail to respect the prevailing character of Bentham Avenue and fail to respect the character of the existing dwelling considering the overtly bulky, incongruous and insubordinate additions proposed. The proposed density of 52 dwelling per hectare serves as an indicator that the conversion of the dwelling would be at odds the prevailing character. This is lucidly illustrated by the contrived, bulky and insubordinate rear addition proposed. The development is, therefore, not seen to adopt an appropriate scale or housing provision in relation to the character of the surrounding area.

21. As previously noted, Bentham Avenue is a Post War development of two storey semi-detached and terraced, single family dwellings of a similar character. The conversion of one of these representative dwellings into a flatted scheme would be completely at odds with the prevailing character and would undermine any future argument the Local Planning Authority may have in preventing the conversion of other similar style dwellings. Each application must be treated on its individual merits, however, approval of this proposal could be used in support of a potential future schemes to erect similar rear additions and convert the single family dwelling into flats. It is considered that this is not a generalised fear of precedent, but a realistic and specific concern considering the emulating nature of dwellings in the vicinity. Given the similar characteristics of the application site to these neighbouring sites, permitting such an application would make it more difficult for the Local Planning Authority to resist a potential further planning application for similar development which would completely erode the established character of the area. It is noted that similar forms of development have occurred in the Borough but it has to be noted that these development may have occurred in areas which had previously undergone conversions and which may already be a part of the character. Bentham Avenue and surrounding streets, conversely, have had no subdivisions and retains a character of semi-detached and terraced dwelling rather than dwellings subdivided into flats.
22. It is clear from the above paragraphs that not only is the proposed subdivision of the dwelling and resultant plot sizes at odds with the prevailing character of Bentham Avenue, but the proposed density is at double that of the surrounding area. Furthermore, by combined reason of the scale of the part single storey part two storey addition and resultant large footprint and homogeneous bulk and mass, the proposed development would appear incongruous, and an anomaly, within this suburban cul-de-sac, the existing urban form of which is made up entirely of detached single houses. The proposed development would, therefore, fail to respect and make a positive contribution to the street scene and the character of the area in which it would be situated contrary to the provisions on the National Planning Policy Framework, Policies CS10, CS21 and CS24 of the Core Strategy 2012, Policy DM11 of the Development Management Policies DPD 2016 as well as the Council's Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008 and 'Design' 2015.

Layout and Creation of Acceptable Residential Development for Proposed Occupiers

23. One of the objectives of the National Planning Policy Framework is to ensure good standard of amenity for all existing and future occupants of land and buildings. Policy CS21 of the Woking Core Strategy 2012 echoes this

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provision with detailed guidance set out within the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.

24. Policy DM11 of the Development Management Policies DPD 2016 states that *"proposals for...the sub-division of existing dwellings of an appropriate size to two or more dwellings, including flats...will be permitted provided the following criteria are met...a good quality of accommodation is provided by meeting any relevant housing standards"*. Policy DM11 goes on to state that in addition to the criteria listed, the subdivision of dwellings will only be permitted where *"each proposed dwelling has access to a suitable area of private amenity space"*. Amended plans have been submitted which propose a split rear amenity space to serve both flats. The proposed ground floor flat would be served by the amenity space immediately to the rear of the proposed rear additions with the amenity space to serve the first floor flat set behind this or towards the terminus of the existing rear garden.
25. Section 4.6 of the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008 states that *"All dwellings designed for family accommodation...need to provide a suitable sunlit area of predominantly soft landscaped **private amenity space** (emphasis added), appropriate in size and shape for the outdoor domestic and recreational needs of the family it is intended to support."* The amenity space to serve the ground floor flat (which has been designed as family accommodation to otherwise offset the loss of family accommodation through the proposed change of use) is located immediately to the rear of the flat. It is proposed to convert the first floor space to a separate independent dwelling which includes both bedroom windows as well as the landing window on the rear elevation. These windows would provide clear and unrestricted views down onto the amenity space of the proposed ground floor family accommodation.
26. Policy CS21 of the Woking Core Strategy 2012 states that new developments *"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"*. Whilst some degree of overlooking may be expected in urban locations, considering the sub-urban context of the application site, having your entire amenity space, which is intended to serve as private amenity space for family accommodation, overlooked by first floor window direct above this space is not considered an acceptable relationship with significant harm on the amenity of the intended ground floor flat occupiers. The proposed amenity space to serve the ground floor flat is, therefore, not considered appropriate and would not meet the provision of providing private amenity space for family accommodation is a suburban location.
27. Further to the above, the amenity space proposed to serve the ground floor flat amount to approximately 60 sq.m in size. Section 4.8 of the Outlook SPD states that:

"Where appropriate, the area of private garden should approximate with gross floorspace of the dwelling (subject to the character of the local context) but it is advised that it should always be as large as the building footprint of the dwelling house, except in the most dense urban locations as discussed below."

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As noted in Paragraphs 10 and 17, the context of the area in sub-urban two storey semi-detached dwelling with sizable amenity spaces and a density of 26 dph. This would not be considered as one of 'the most dense urban locations' in the borough. The proposed floor area of the ground floor family flat would be 98 sq.m. The SPD calls for the proposed amenity space to be at least as large as the building footprint. At 60 sq.m the proposed amenity space falls 38 sq.m below that of the minimum amount which again would be at odds with the prevailing character and again would fail to comply with adopted policy.

28. Overall, it has been demonstrated that the proposed layout of the amenity spaces to the rear of the site are inadequately sized and would fail to provide a suitable area of private amenity space for the intended family accommodation at ground floor. Significant overlooking from the proposed first floor flat would occur on the unduly small space to serve the ground floor flat resulting in a poor standard of amenity for future residential occupiers. The development is, therefore, contrary to Section 12 of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012, Policy DM11 of the Development Management Policies DPD 2016 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.

Impact on Neighbour Amenities

29. Policy CS21 of the Woking 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. Policy CS21 is enhanced by Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.
30. It must be borne in mind that the potential loss of enjoyment of a view is not a ground on which planning permission can be refused although the impact of a development on outlook is a material planning consideration and stems on whether the development would give rise to an undue sense of enclosure or overbearing effect to neighbouring/nearby residential properties. There are no established guidelines for what is acceptable or unacceptable in this regard, with any assessment subjective as opposed to empirical, with key factors in this assessment being the existing local context and arrangement of buildings and uses.
31. The properties that could potentially be affected are the adjoining No.21 Bentham Avenue to the South and No.25 Bentham Avenue to the North. No.38 Blackmore Avenue towards the rear (West) of the property would be located in excess of 18 metres from the proposed development and is, therefore, not considered to be materially affected as a result.
32. No.21 Bentham Avenue is situated to the south and forms the southern dwelling on the pair of two semi-detached properties similar to that of the application dwelling. The proposed part single and part two storey rear extension would extend beyond the predominant two storey rear elevation of the application dwelling by 7 metres at single storey level and 4 metres at two storey level with the single storey element sitting flush up against the boundary and the two storey element set off this boundary by approximately 1.5 metres. The proposal would pass the 45° degree test as per the Council's

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Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008 in relation to daylight/sunlight to the rear facing windows of No.21 indicating that no significant loss of light would occur.

33. The Council's SPD 'Design' 2015 states that "*the location of the extension and the position of its windows should not result in any adverse overshadowing or overbearing impact on adjacent dwellings*", that "*large two storey extensions should not be sited close to a boundary as this can restrict daylight to habitable rooms of the neighbouring dwelling*", that "*two storey extensions, particularly if they extend beyond 3 metres from the building, need to be carefully sited as they can result in loss of daylight or have an overbearing impact on the adjoining dwellings unless they are kept well away from the separating boundary*". The projection of 7 metres at single storey with a 4 metre projection at two storey level, at just 1.5 metres off the shared boundary, would result in an overbearing impact and an undue sense of enclosure to the ground and first floor habitable room windows and to some extent the garden. Whilst the height of the single storey addition would not be atypical at 3.5 metres to its ridge line, the accumulation of its depth at 7 metres along with the inclusion of a 4 metre deep two storey addition at approximately 6.6 metres in height combine to result in an unneighbourly and oppressive feature and therefore a significantly overbearing addition sited directly up against the boundary of No.21 Bentham Avenue which includes a modest 2.5 metres deep glazed rear addition.
34. Concern is also held for the impact of the substantial rear additions on the amenities of No.25 to the North. A separation of 4 metres is proposed to be retained between buildings which would somewhat offset the significant depth of the additions. The 45° test has been applied to the first floor window nearest the application site which passes in plan and elevation form given the separation gap proposed to be retained. Whilst a degree of overbearing may occur on this property, the fact that a 4 metre separation is retained does not lead to a significant level of it. Conversely, this is not the situation for the adjoining No.21 which would be unduly and significantly harmed as a result of the proposal.
35. Overall, the rear extension, by cumulative reason of its depth, height, bulk and proximity to adjoining No.21 Bentham Avenue, results in overbearing effect upon, and loss of outlook from the property which is significantly harmful to the residential amenity of existing and future occupiers of this dwelling. The development is therefore contrary to the provisions of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008 and 'Design' 2015.

Impact on Highway Safety and Parking

36. Bentham Avenue is a suburban Post War estate with very little on-street parking provision given the density and presence of dropped kerbs. The existing dwelling does not include any on-site parking.
37. Policy CS18 of the Woking Core Strategy 2012 sets out that that minimum car parking standards will be set for residential development (outside of Woking Town Centre). The Council's Supplementary Planning Document 'Parking Standards' 2018 sets out minimum residential parking standards. The site, in this instance, contains an existing three bedroom dwelling, which exerts an

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existing parking demand. It is useful therefore to compare the parking demand, in line with SPD Parking Standards 2018, between the existing and proposed situations. The existing 3-bedroom flat as well as the 2-bedroom flat carry a minimum provision of 1 parking space each, 2 in total. This demonstrate that the proposal would result in no additional demand in comparison to the existing situation which has a minimum provision of 2 parking spaces. The County Highway Authority have been consulted on this application and raise no objections subject to conditions which in the event of an approval could be attached.

38. Whilst the development may be considered acceptable with regards to the impact on the parking and highway safety, this does not outweigh the fact that the development would fail to adhere to national and local policies as well as supplementary documents with a scheme which is out of character with the area, has significant impacts on neighbour amenity and would fail to provide all units with private amenity space.

Affordable Housing

39. 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.
40. However, Paragraph 63 of the NPPF sets out that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).
41. Whilst it is considered that weight should still be afforded to Policy CS12 of the Woking Core Strategy 2012 it is considered that more significant weight should be afforded to the policies within the NPPF. The proposal is not major development and therefore no affordable housing contribution is sought.

Impact on the Thames Basin Heaths Special Protection Area

42. The application site falls within the 400m - 5km (Zone B) of the Thames Basin Heath Special Protection Area (TBH SPA) buffer zone. The Thames Basin Heath Special Protection Area (SPA) is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitats Regulations). The Habitats Regulations designate the Local Planning Authority as the Competent Authority for assessing the impact of development on European sites and the LPA must ascertain that development proposals will not have an adverse effect on the integrity of the site, alone or in combination with other plans and projects, either directly or indirectly, before granting planning permission. The TBH SPA is designated for its internationally important habitat which supports breeding populations of three rare bird species: Dartford Warbler, Woodlark and Nightjars. The Conservation Objectives of the TBH SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to achieving the aims of the Wild Birds Directive.

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43. Policy CS8 of the Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres, of the SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).
44. The 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. The applicant has not submitted a Legal Agreement to secure the relevant SAMM contribution of £716 (2-bed unit) in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy as a result of the uplift of one 2-bedroom flat that would arise from the proposal.
45. In view of the above, the Local Planning Authority is unable to determine that the development would not have a significant effect upon the SPA and is therefore contrary to Policy CS8 of the Woking Core Strategy 2012, the Thames Basin Heaths Avoidance Strategy, saved Policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2017 (SI No. 1012 – the "Habitats Regulations").

Local Finance Considerations

46. Community Infrastructure Levy (CIL) is a mechanism adopted by Woking Borough Council which came into force on 1st April 2015, as a primary means of securing developer contributions towards infrastructure provisions in the Borough. In this case, the proposed residential development will incur a cost of £125 per sq.metre which equates to a contribution of £6,002.37 (144.7 sq.metres total GIA with 62.3 sq.metres additional floorspace at 2020 indexation). The development, therefore would be liable to a total CIL contribution of £6,002.37 which would be payable upon commencement should permission be granted for the development.

Conclusion

47. To conclude, the proposed development has failed to demonstrate compliance with Policy DM11 of the Development Management Policies DPD 2016 in that the subdivision of the property fails to provide appropriate private amenity space for the proposed units. The intended amenity space to serve the ground floor flat would fail to have access to a suitable area of private amenity space at just 60% of the recommended amount as well as lacking privacy due to overlooking from the proposed first floor flat. Further to this, the introduction of a flatted development with amenity spaces which appear as an anomaly in an area characterised by two storey semi-detached and terraced single family dwellings with commensurate amenity spaces and plot sizes would be significantly harmful to the established character and could lead to a corrosion of this character given the emulating form and style of dwellings evident in the locality.
48. The excessive scale, depth and bulk of the proposed rear addition would result in a development which fails to take the opportunities available for improving the character and quality of the area appearing to unsympathetically extend the building to accommodate the additional flat. This would result in an insubordinate addition almost emulating the size of the

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existing dwelling which would harm the character and appearance of the existing site and the surrounding area. Furthermore, the proposal would have a significant adverse impact on the residential amenities of No.21 Bentham Avenue in terms of overbearing impact given its positioning along the shared boundary and significant depth at both single and two storey level.

49. Furthermore, in the absence of a signed Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the additional dwelling would not have a significant impact upon the Thames Basin Heaths Special Protection Area, contrary to Policy CS8 of the Woking Core Strategy 2012, the Thames Basin Heaths Avoidance Strategy, saved Policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2017 (SI No.1012 – the "Habitats Regulations").
50. Whilst it is acknowledged that the provision of a 1 net residential units would be of some public benefit, the Council's position on five year housing land supply is set out in the Five Year Housing Land Supply – Position Statement published in November 2018. This document shows that, as of 01.04.2017, Woking has an overall housing land supply of 9.2 years' worth in the next five year period, taking into account the yearly housing requirement, a 5% buffer and historic undersupply since 2006. Given this context, it is not considered that the benefit of a 1 net additional residential unit in this instance would be outweighed by the planning harm identified.
51. It is therefore considered that the proposed conversion of the 3 bedroom family dwelling into two flats along with the erection of rear additions would be contrary to provisions outlined in Section 12 of the National Planning Policy Framework, Policies CS10, CS21 and CS24 of the Woking Core Strategy 2012, Policy DM11 of the Development Management Policies DPD 2016, the Council's Supplementary Planning Documents on 'Design' 2015 and 'Outlook, Amenity, Privacy and Daylight' 2008 and the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015, the Conservation of Habitats and Species Regulations 2017 (SI No.1012 - the "Habitats Regulations") and is therefore recommended for refusal for the reasons outlined below.

BACKGROUND PAPERS

1. Site visit photographs.
2. Response County Highway Authority (09.03.20)

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

1. The proposal, by reason of the plot subdivision, layout, inadequate amenity space and bulk and scale of the proposed extensions would result in an overdevelopment of the site as evidenced by the unduly cramped, contrived, insubordinate and incongruous form of development and uncharacteristically small and irregularly shaped amenity spaces. This would be in conflict with and fail to reflect the prevailing grain, pattern and character of development of Bentham Avenue which is made up of semi-detached and terraced single houses. The proposal would therefore cause unacceptable harm to the character of the surrounding area and would not amount to good development which respects or makes a good contribution to the area

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contrary to provisions outlined in the National Planning Policy Framework, Policies CS10, CS21 and CS24 of the Woking Core Strategy 2012, Policy DM11 of the Development Management Policies DPD 2016 and Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008 and 'Design' 2015

2. By reason of its inappropriate amenity space in terms of size and lack of privacy to serve the proposed ground floor family flat, the creation of two flats in place of the existing three bedroom family dwelling is contrary to Section 12 of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012, Policy DM11 of the Development Management Policies DPD 2016 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.
3. The proposal would result in a significantly harmful overbearing effect, by reason of bulk and proximity to the adjoining No.21 Bentham Avenue. The accumulation of the additions' depth at 7 metres along with the inclusion of a 4 metre deep two storey addition at approximately 6.6 metres in height combine to result in an unneighbourly and oppressive feature which would cause a significant impact on No.21 Bentham Avenue. The proposal is therefore contrary to provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and the Council's Supplementary Planning Documents 'Design' 2015 and 'Outlook, Amenity, Privacy and Daylight' 2008.
4. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the additional residential unit would not have a significant impact upon the Thames Basin Heaths Special Protection Area, contrary to Policy CS8 of the Woking Core Strategy 2012, the Thames Basin Heaths Avoidance Strategy, saved Policy NRM6 of the South East Plan (2009), the Conservation of Habitats and Species Regulations 2017 (SI No.1012 - the "Habitats Regulations") and Policy DM11 of the Development Management Policies DPD 2016.

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 the National Planning Policy Framework 2019.
2. The plans relating to the development hereby refused are numbered / titled:

Drawing No: 2019/AM/06 A (Amended Plan) (Received 11.12.20)

Drawing No. 2019/AM/05 A (Amended Plan) (Received 28.10.20)

Drawing No. 2019/AM/02

Drawing No. 2019/AM/04 A (Amended Plan) (Received 28.10.20)