

12 JANUARY 2021 PLANNING COMMITTEE

6A PLAN/2020/0894

WARD: Pyrford

LOCATION: Qaro, Pyrford Heath, Pyrford, Woking GU22 8SR

PROPOSAL: Prior notification for enlargement of a dwellinghouse by construction of an additional storey, with proposed ridge height of 8.2m (amended description to include height)

APPLICANT: Mr O Alongi

OFFICER: Bronwen Chinien

REASON FOR REFERRAL TO COMMITTEE

The application was brought to Committee at the request of Councillor Graham Chrystie and discussed on 12 January 2021, during which a point of discussion arose which could not be resolved during the meeting. The application was deferred so that there could be clarification of the interpretation of legislation in relation to the application. A review has since been conducted and this report has been duly updated.

PLANNING STATUS

- Urban Area
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)
- Pyrford Neighbourhood Area
- Tree Preservation Order

RECOMMENDATION

Prior approval is required and is given

[Officer note: it is considered, following officer review, that the proposal DOES comply with all relevant aspects of the Town and Country Planning (General Permitted Development) Order (2015) (as amended). In particular, the additional storey is constructed on "the principal part of the dwellinghouse" (as defined), so criterion (i) does not prevent the proposal from being permitted development [Note: criterion (i) provides "any additional storey is constructed other than on the principal part of the dwellinghouse."]]

SITE DESCRIPTION

Qaro is a bungalow with timber and stone clad elevations. Qaro is positioned within a staggered line of three bungalows (Summerley and Melissa on either side).

[Officer note: the wider character of the area is not described because it is not relevant to this prior approval. The site is within an Area Tree Preservation Order, but this is also not relevant to the determination of the current application]

PLANNING HISTORY

| Planning app. reference | Description | Decision | Date |
|-------------------------|---|-----------|------------|
| 16324 | Detached dwelling and garage (outline) | Permitted | 1963 |
| 16721 | Bungalow | Permitted | 26.06.1963 |
| 16975 | Garage | Permitted | 18.07.1963 |
| PLAN/1989/1021 | Erection of a detached bungalow with integral double garage | Refused | 15.12.1989 |
| PLAN/1998/1285 | Demolition of existing bungalow and erection of new | Permitted | 05.03.1999 |

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| (not implemented) | chalet style house | | |
| PLAN/1999/0444 (not implemented) | Full planning application for the erection of an additional 1 no x pitched dormer window above the garage of the proposed dwelling (variation to planning permission 98/1285 for the erection of a detached dwelling following the demolition of the existing bungalow). | Permitted | 27.05.1999 |
| PLAN/1999/1204 (not implemented) | Details pursuant to condition 2 (Materials) of planning permission 99/0444. | Permitted | 25.11.1999 |
| PLAN/2002/0860 (not implemented) | Demolition of existing bungalow, and erection of a new detached bungalow with integral garage | Permitted | 11.09.2002 |
| PLAN/2002/0861 | Demolition of existing bungalow, and erection of a new detached bungalow with integral garage. (A handed version of planning application Plan/2002/0860). | Refused | 11.09.2002 |
| PLAN/2020/0338 | Insertion of front, side and rear dormers and 1No side rooflight. Increase in ridge and eaves height of front gable projection and ground floor infill extension. Alterations to external materials, replacement windows and demolition of existing garage. | Withdrawn* | |
| PLAN/2020/0339 | Proposed addition of first floor to existing bungalow to create two storey dwelling. Ground floor infill extension, associated internal alterations, alterations to fenestration and external materials and demolition of existing garage. | Withdrawn* | |
| PLAN/2020/0894 | Prior notification for enlargement of a dwellinghouse by construction of an additional storey, with maximum height of proposed house to be 8.2m (2.4m above the height of the roof of the existing house). | Pending consideration | |

Permitted development rights have not been withdrawn in the planning history of the site.

PROPOSED DEVELOPMENT

The proposal is a Prior Approval application for the enlargement of a dwellinghouse by construction of an additional storey, under Class AA(b), Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) Order (2015) (as amended). Prior approval is sought for the enlargement of a dwellinghouse by construction of an additional storey, with proposed overall height of 8.2m. The application proposes to extend upwards by one storey, on the footprint of the existing house. Similar materials as seen on the existing house are proposed for the elevations.

The proposal also includes alterations to the fenestration on the front and side elevations, by way of relocating the existing front from the side the front elevation and narrowing the existing front (living room) window.

CONSULTATIONS

None required.

REPRESENTATIONS

1. The statutory requirement was to notify the properties of Summerley, Melissa and Hunters Moon as the adjoining owners/occupiers. Due to the planning history, a larger number of neighbours

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were notified of the proposal. The neighbours were re-consulted (16.11.2020) informing the maximum height of the proposed additional storey.

2. 19 representations (all objections) were received from neighbouring properties and the wider community, outlining a variety of concerns. Given consideration of the proposed development against the criteria and conditions of the GDPO Class AA, many of these cannot be taken into account as they are concerning matters which are beyond the scope of this decision.
3. A summary of neighbour representations and the planning officer's opinion on these is set out below:

| Neighbour representation | Within scope of Class AA? | Planning officer comment |
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| Harm to the character of the street and setting of surrounding bungalows due to different height | No | Visual/character issues are limited to assessment of the impact on the external appearance of the dwellinghouse – see condition 3(a)(ii) |
| Contrary to policies of Pyrford Neighbourhood Plan | Partly | Considered in condition 3(a)(i) and (ii) |
| Disproportionate use of timber boarding and copper slate external materials | Yes | Considered in condition 3(a)(ii) |
| Loss of light and outlook | Yes | Considered in condition 3(a)(i) |
| Overbearing impact | Yes | Considered in condition 3(a)(i) |
| Loss of privacy from overlooking (from rear windows at 1 st floor level into neighbouring gardens) | Yes | Considered in condition 3(a)(i) |
| Approval would set a precedent for other bungalows to do the same | No | N/A |
| Increased traffic from a large house | No | N/A |
| Objection to approach taken by applicant (withdrawing previous application and submitting new / similar proposal via a different route) | No | The application must be determined on its own merits with regard to applicable legislation |
| History and speculation over legal action in relation to a restrictive covenant on the property | No | This is separate from the planning system. |
| Mixture of housing sizes is needed in the community and bungalows should be retained as such, for people with restricted mobility | No | N/A |
| Parking issues: Lack of parking shown on plans, current parking arrangements at the site involve parking on the lawn | No | N/A |
| Trees have been removed in the front garden and the area is within a Tree Preservation area | No | Beyond the scope of Class AA, although the applicant has referred to tree protection fencing in Construction Management Plan |
| Various environmental issues and sustainability opportunities raised by Woking Environmental Action group | No | The determination of this application is based on relevant legislation and |

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| | | adopted policies. The council will respond separately to this representation. |
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RELEVANT PLANNING POLICIES

1. The local planning authority must, when determining an application for prior approval, have regard to the National Planning Policy Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
2. As such, the following policies are relevant, but only so far as is relevant to the subject matter of the prior approval:

National Planning Policy Framework (NPPF) (2019)

Woking Borough Core Strategy (2012):

- CS21 – Design

Pyrford Neighbourhood Plan:

- BE1(a)

Supplementary Planning Documents:

- Woking Design (2015)
- Outlook, Amenity, Privacy and Daylight (2008)

Community Infrastructure Levy (CIL):

The proposed increase in floor area is 116m² which exceeds 100m² and is consequently liable for CIL of £18,626.92 (this figure is subject to indexation).

PLANNING ISSUES

1. The proposal is a Prior Approval application for enlargement of a dwellinghouse by construction of an additional storey, under Class AA(b), Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) Order (2015) (as amended).
2. The proposal has been assessed in accordance with Class AA as set out below:

**Class AA - enlargement of a dwellinghouse by construction of additional storeys
Permitted development**

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| <p>AA. The enlargement of a dwellinghouse consisting of the construction of—</p> <p>(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or</p> <p>(b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.</p> | <p><i>The application is to be considered under Class AA(b).</i></p> |
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Development not permitted

AA.1. Development is **not** permitted by Class AA if—

| | Criteria | Comply / Fail? |
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| (a) | permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use); | <i>Complies</i> |
| (b) | the dwellinghouse is located on— (i) article 2(3) land; or (ii) a site of special scientific interest; | <i>Complies (not within Conservation Area or any other article 2(3) land or SSSI).</i> |
| (c) | the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018 | <i>Complies (dwelling constructed in 1960's)</i> |
| (d) | the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise | <i>Complies (no previous enlargement)</i> |
| (e) | following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres; | <i>Complies (height would be 8.2m)</i> |
| (f) | following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than— (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or (ii) 7 metres, where the existing dwellinghouse consists of more than one storey; | <i>Complies (increase would be 2.4m)</i> |
| (g) | the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres— (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated; | <i>Not applicable (dwellinghouse is detached)</i> |
| (h) | the floor to ceiling height of any additional storey, measured internally, would exceed the lower of— (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse; | <i>Complies (the existing ground floor to ceiling height is 2.45m, the proposed floor to ceiling height would be 2.3m)</i> |
| (i) | any additional storey is constructed other than on the principal part of the dwellinghouse; | <i>Complies (The house is L-shaped with all areas being single storey with an equal eaves height and containing habitable accommodation. As such, this L-shaped footprint is considered to constitute the 'principal part of the dwellinghouse' and the proposed additional storey would be built on this part of the building)</i> |

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| (j) | the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or | <i>Complies (no visible structures proposed)</i> |
| (k) | the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations. | <i>Complies (Applicant's Preliminary Construction Management Plan states that the demolition activities will be limited to the removal of the existing roof)</i> |

Conditions

AA.2.—(1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

(2) The conditions in this sub-paragraph are as follows—

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| (a) | the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse; | <i>Complies (timber and stone cladding of a similar appearance to existing house are proposed)</i> |
| (b) | the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house; | <i>Complies</i> |
| (c) | the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and | <i>Complies</i> |
| (d) | following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse. | <i>Complies</i> |

(3) The conditions in this sub-paragraph are as follows—

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| (a) | before beginning the development, the developer must apply to the local planning authority for prior approval as to— (i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light; (ii) the external appearance of the dwellinghouse, including the design and architectural features of— (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway; (iii) air traffic and defence asset impacts of the development; and (iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Views dated 15th March 2012(1) issued by the Secretary of State; | <i>(i) Prior approval is given (ii) Prior approval is given See assessment below in regard to amenity of adjoining premises and external appearance of the house (iii) Not applicable (iv) Not applicable</i> |
| (b) | before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers | <i>Report provided</i> |

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| | will be mitigated; | |
| (c) | the development must be completed within a period of 3 years starting with the date prior approval is granted; | <i>Condition attached</i> |
| (d) | the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and | <i>Condition attached</i> |
| (e) | that notification must be in writing and include— (i)the name of the developer; (ii)the address of the dwellinghouse; and (iii)the date of completion. | <i>Condition attached</i> |

Condition 3(a) – further notes:

- *The council’s ‘Outlook, Amenity, Privacy and Daylight SPD (2008) sets out guidance on achieving suitable outlook, amenity, privacy and daylight in new residential development whilst safeguarding those attributes of adjoining residential areas.*
- *The adjoining premises within the scope of this assessment are Summerley, Melissa and Hunter’s Moon.*
- *The planning considerations within the scope of this assessment are overlooking/loss of privacy, loss of light and overbearing impact and the design and architectural features of the principal elevation.*

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| <p>(i)Assessment of the impact on amenity of adjoining premises including overlooking, privacy and the loss of light:</p> | <p><i>Complies, based on the following assessment:</i></p> <p><u>Summerley</u> <i>A bungalow located to the east of host dwelling, set forward of the front and rear elevations of Qaro.</i></p> <ul style="list-style-type: none"> • <i>Loss of privacy: no windows in Qaro would look towards the windows of Summerley. Views of Summerley’s garden from Qaro’s proposed 1st floor rear bedrooms would be of a conventional arrangement for a suburban layout.</i> • <i>Loss of light and overbearing impact: the additional storey would project beyond the rear elevation of Summerley by 5.5m. However due to the two properties having a gap of 4m between side elevations, this would not breach a 45 degree angle in either plan and/or elevation form with the nearest rear window of Summerley. Therefore the proposal complies with the SPD in respect of maintaining an acceptable level of interior natural light within this neighbouring dwelling. On a similar basis the additional first floor would not be overbearing; due to the 4m gap between the side elevations, whilst the flank wall will be clearly visible from the garden and rear elevation windows of Summerley, it would not fail the ‘45 degree’ test (which requires breaching in BOTH elevational and plan forms – SPD).</i> <p><u>Melissa</u> <i>A bungalow located to the west, set behind the front and rear elevations of Qaro.</i></p> <ul style="list-style-type: none"> • <i>Loss of privacy: no windows in Qaro would look towards the windows of Melissa and no loss of privacy to garden.</i> • <i>Loss of light and overbearing impact: the additional storey would not project beyond the rear elevation of Melissa and with regards to the front elevation, it would <u>not</u> breach a 45 degree angle in plan and elevation form with the front windows and therefore complies with the SPD and there would be no harmful loss of light of overbearing impact.</i> <p><u>Hunters Moon</u> <i>A bungalow located to the south west of Qaro.</i></p> <ul style="list-style-type: none"> • <i>Loss of privacy: The dwelling has a ground floor bedroom window 19m from the closest proposed first floor window of Qaro</i> |
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| | <p><i>(according to PLAN/2006/1173 for Hunters Moon). This window is not directly facing the rear elevation of Qaro meaning that the typical minimum separation distance of 20m (for 1st floor to ground floor windows) can be slightly relaxed due to the significant change of orientation (Figure 15 pg 16 of SPD).</i></p> <ul style="list-style-type: none"> • <i>Loss of light and overbearing impact: no impact due to distance away</i> |
| <p>(ii) Assessment of the impact on the external appearance of the dwellinghouse, including the design and architectural features of—</p> <p>(aa) the principal elevation of the dwellinghouse, -</p> <p>(bb) any side elevation of the dwellinghouse that fronts a highway; - <i>not applicable (side elevation does not front a highway)</i></p> | <p><i>Complies, based on the following assessment:</i></p> <p><i>(aa) The principal elevation exhibits a suburban design approach, with acceptable proportions and fenestration layout. The principal elevation would be clad in timber on the section with the front door and with stone (having a ‘crazy paving’ appearance) on the projecting front gable section. This would replicate the existing materials. There is not considered to be any harm to the proposed appearance of the dwelling as a result of the use of these materials.</i></p> <p><i>[Note – there is no ability of the authority to assess the proposed development in relation to the character of the surrounding area – for example that it sits in a line of bungalows and would not respect the low ridgelines characteristic of this part of the streetscene]</i></p> <p><i>(bb) Not applicable - Neither side elevation fronts a highway.</i></p> |

The proposal also includes alterations to the fenestration on the front and side elevations, by way of relocating the existing front door from the side to the front elevation and narrowing the existing front (living room) window. Although not within the scope of this prior notification (under Class AA(b), Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) Order (2015) (as amended)), these alterations would fall within Class A, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) Order (2015) (as amended) which covers the enlargement, improvement or other alteration of a dwellinghouse.

CONCLUSION

1. The operation would consist of development within the curtilage of Qaro, Pyrford Heath. The proposed additional storey falls within the meaning of Class AA(b) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. A large number of representations have been received raising concerns in relation to variety of issues, some of which are not material considerations in relation to the scope of this application.
3. All material considerations have been assessed in relation to relevant policies and SPD guidance, so far as is relevant to the subject matter of the prior approval. This assessment has found the application complies with the criteria of Class AA. This assessment has found the application to be acceptable subject to removing future permitted development rights under Class A of part 1 of the GPDO. As a result of enlarging by an additional storey, there would be no permitted development rights in relation to first floor or roof level development, afforded under Classes A, B and C of Part 1 of the GPDO.

BACKGROUND PAPERS

Site visit photographs taken on 14.09.2020.

RECOMMENDATION

It is recommended that Prior approval be GIVEN subject to the following conditions:

01. The development must be completed within a period of 3 years starting with the date prior approval is given.

Reason: To comply with the provisions of Class AA of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

02. The development hereby permitted shall be carried out in accordance the approved plans listed below:

- AS001 Rev A - Proposed Site plan, uploaded by LPA 14/10/2020
- A002 Rev A - Proposed Ground Floor and First floor plans, uploaded by LPA 14/10/2020
- A001 Rev B - Proposed Elevations, uploaded by LPA 18/11/2020

Reason: For the avoidance of doubt and to ensure that the development is completed in accordance with the approved plans.

03. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no development permitted by Class A of Part 1 of Schedule 2 of that Order shall be erected on the application site without the prior written approval of the Local Planning Authority of an application made for that purpose.

Reason: To protect the amenity and privacy of the occupants of neighbouring properties.

04. The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and that notification must be in writing and include—

- (i) the name of the developer;
- (ii) the address of the dwellinghouse; and
- (iii) the date of completion.

Reason: To comply with the provisions of Class AA of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

05. The development hereby approved shall be carried out in accordance with the 'Preliminary Construction Management Plan' (uploaded by the LPA on 27.10.2020).

Reason: To comply with the provisions of Class AA of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

06. The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse

Reason: To comply with the provisions of Class AA of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

07. The development must not include a window in any wall or roof slope forming a side elevation of the dwelling house

Reason: To comply with the provisions of Class AA of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives

01. The Council confirms that in assessing this application it has worked with the applicant in a positive and proactive way, in line with the National Planning Policy Framework (2019).