

## 6 APRIL 2021 PLANNING COMMITTEE

**6D PLAN/2020/0947**

**WARD: PY**

**LOCATION:** 117 Princess Road, Maybury, Woking, Surrey, GU22 8ER

**PROPOSAL:** Section 73 application to vary Condition 2 (Approved Plans) of permission ref: PLAN/2019/0206 (Erection of 2x two storey dwellings (2x bed) following demolition of part of No. 117 Princess Road and erection of a part two storey, part single storey rear extension and single storey front extension to No.117 and associated landscaping and parking)

**APPLICANT:** Mr B. Lal

**OFFICER:** David Raper

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### **REASON FOR REFERRAL TO COMMITTEE:**

The application has been referred to Planning Committee by Councillor Mohammed for further discussion as the Councillor feels that the applicant has addressed the previous refusal reasons.

### **SUMMARY OF PROPOSED DEVELOPMENT**

The proposal is a Section 73 application to vary Condition 2 (Approved Plans) of permission ref: PLAN/2019/0206. The approved application permitted the erection of 2x two storey dwellings (2x bed) following demolition of part of No. 117 Princess Road and erection of a part two storey, part single storey rear extension and single storey front extension to No.117 and associated landscaping and parking. The proposal is to vary the approved plans to increase the size of the proposed dwellings and to remove the 1m separation distance to the eastern side boundary.

### **PLANNING STATUS**

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

### **RECOMMENDATION**

REFUSE planning permission.

### **SITE DESCRIPTION**

The proposal relates to a two storey semi-detached dwelling dating from the 1950s. The proposal forms part of the Maybury Estate which is a large post-war housing development in a typical estate layout characterised by two storey semi-detached and terraced dwellings. The proposal site is bordered by an access road to the east which leads to a garage forecourt to the rear of the site.

### **RELEVANT PLANNING HISTORY**

- PLAN/2020/0715 - Section 73 application to vary Condition 2 (Approved Plans) of permission ref: PLAN/2019/0206 (Erection of 2x two storey dwellings (2x bed) following demolition of part of No. 117 Princess Road and erection of a part two storey, part single storey rear extension and single storey front extension to No.117)

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and associated landscaping and parking) – **Refused** 08/10/2020 for the following reasons:

01. *The proposed development, by reason of the size of the proposed development in relation to the plot, the disproportionately small areas of amenity space and the proximity to boundaries, would result in an incongruous development which fails to respect the prevailing character, pattern and grain of development in the area and results in an unduly cramped and contrived overdevelopment of the site. The proposal would consequently result in a significantly harmful impact on the character of the surrounding area, contrary to Woking Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking DMP DPD (2016) policy DM10 'Development on Garden Land', Supplementary Planning Document 'Woking Design' (2015) and the National Planning Policy Framework (2019).*
  02. *The proposed development would fail to deliver sufficient areas of private amenity space suitable for family accommodation by reason of their disproportionately small size in relation to the dwellings they serve, to the detriment of the amenities of future occupants of the development. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS21 'Design', Woking DMP DPD (2016) policy DM10 'Development on Garden Land', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the National Planning Policy Framework (2019).*
- PLAN/2019/0206 - Erection of 2x two storey dwellings (2x bed) following demolition of part of No. 117 Princess Road and erection of a part two storey, part single storey rear extension and single storey front extension to No.117 and associated landscaping and parking – Permitted 15/07/2020
  - PLAN/2018/0811 - Erection of 2x two storey dwellings (2x bed) following demolition of part of No. 117 Princess Road and erection of a part two storey, part single storey rear extension to No.117 and associated landscaping and parking – **Refused** 01/11/2018 for the following reasons:
    01. *The proposed development, by reason of the proposed plot sub-division and the resulting unduly narrow plot widths, the bulk, massing and design of the proposed development and the proximity to boundaries, would result in an incongruous development with unduly small and narrow plots which fails to respect the prevailing character, pattern and grain of development in the area and results in a unduly cramped and contrived overdevelopment of the site. The proposal would consequently result in a significantly harmful impact on the character of the surrounding area, contrary to Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking DMP DPD (2016) policy DM10 'Development on Garden Land', Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2018).*
    02. *In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the additional dwellings would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Avoidance Strategy (2010 - 2015), saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations").*

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- PLAN/1994/0846 – Erection of two single storey extensions to the front – Permitted
- 82/0495 – Single storey extension – Permitted

### **CONSULTATIONS**

- **County Highway Authority:** No objection subject to conditions.

### **REPRESENTATIONS**

Seven representations of support received raising the following points:

- Proposal would have a positive impact on the street scene
- Proposal would have adequate parking
- Proposal would provide good sized family units
- Proposal is smaller than the previously refused application

### **RELEVANT PLANNING POLICIES**

#### National Planning Policy Framework (NPPF) (2019):

Section 2 - Achieving sustainable development

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

#### Woking Core Strategy (2012):

CS1 - A Spatial strategy for Woking Borough

CS4 - Priority Places

CS8 - Thames Basin Heaths Special Protection Areas

CS10 - Housing provision and distribution

CS11 - Housing Mix

CS18 - Transport and accessibility

CS21 - Design

CS22 - Sustainable construction

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

#### Woking Development Management Policies DPD (2016):

DM2 - Trees and Landscaping

DM10 - Development on Garden Land

#### Supplementary Planning Documents (SPDs):

Parking Standards (2018)

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2008)

### **PLANNING ISSUES**

#### Impact on Character:

##### *Background:*

1. A previous proposal for 2x dwellings was refused on 01/11/2018 under application ref: PLAN/2018/0811. The reasons for refusal primarily related to the proposed plot sub-

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division and the resulting unduly narrow plot widths, the bulk, massing and design of the development and the proximity to boundaries. This was considered to result in an incongruous development which failed to respect the prevailing character, pattern and grain of development in the area and an unduly cramped and contrived overdevelopment of the site. A subsequent planning application (PLAN/2019/0206) for 2x dwellings incorporated amendments and was permitted.

2. A subsequent Section 73 application (PLAN/2020/0715) proposed to vary the approved plans in the following ways:
  - Removal of 1m gap to side boundary, resulting in the development being positioned directly on the eastern side boundary
  - Increase in the size of the dwellings resulting in the dwellings being 2.1m greater in depth and approximately 29% greater in total footprint and floor area
  - Reduction in the size of rear gardens
  - Re-location of main entrance of one dwelling from side elevation to front elevation
3. This Section 73 was subsequently refused due to the size of the proposed development in relation to the plot, the disproportionately small areas of amenity space and the proximity to boundaries, which was considered to result in an incongruous development which failed to respect the prevailing character, pattern and grain of development in the area and an unduly cramped and contrived overdevelopment of the site.

### *Current Proposal:*

4. The principle of the plot subdivision and plot widths has been established by PLAN/2019/0206. However the amendments proposed under the current application would increase the size, bulk and massing of the development. The impact of these changes therefore needs to be examined.
5. The current application proposes the following amendments:
  - Removal of 1m gap to side boundary, resulting in the development being positioned directly on the eastern side boundary
  - Increase in the size of the dwellings resulting in the dwellings being 1.1m greater in depth and between approximately 8-22% greater in total footprint
  - Re-location of main entrance of one dwelling from side elevation to front elevation
6. Woking Core Strategy (2012) Policy CS21 'Design' requires development proposals to "*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*". Section 12 of the NPPF (2019) 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*" and requires development proposals to "*add to the overall quality of the area...*", to be "*visually attractive as a result of good architecture...*" and "*sympathetic to local character and history, including the surrounding built environment...*". Woking DMP DPD (2016) policy DM10 'Development on Garden Land' permits sub-division of plots providing the proposed development "*...does not involve the inappropriate sub-division of existing curtilages to a size substantially below that prevailing in the area*", "*the means of access is appropriate in size and design to accommodate vehicles and pedestrians safely and prevent harm to the amenities of adjoining residents and is in keeping with the character of the area*" and "*suitable soft landscape is provided for the amenity of each dwelling appropriate in size to both the type of accommodation and the characteristic of the locality*". The Council's 'Outlook, Amenity, Privacy and Daylight'

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SPD (2008) states that areas of private amenity space serving family dwellings should be at least proportionate to the footprint of the dwelling they serve.

7. In addition to the above, Paragraph 130 of the NPPF (2019) states that “*Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme*”.
8. The consented development (PLAN/2019/0206) incorporated a 1m gap to the eastern side boundary; this was considered to assist in alleviating the potential for an overbearing impact on the street scene and helped integrate the development with the street scene. The proposed amendments would result in the loss of this gap and would result in the 10.5m long, two storey flank elevation being positioned directly on the boundary bordering the adjacent access road. This is considered to result in an unduly cramped and contrived form of development which contributes towards an undue overdevelopment of the proposal site. The previously refused Section 73 application (PLAN/2020/0715) was also positioned directly on the boundary and was refused partly for this reason.
9. No.119 Princess Road is positioned on the opposite side of the adjacent access road and features a two storey side extension, coupled with a detached garage and wall which are all positioned directly on the boundary. This is considered to result in a negative enclosing and overbearing effect on the street scene which is uncharacteristic of the more spacious surrounding area. The proposed development would replicate this relationship and would also be positioned directly on the boundary. The proposed development, in combination with the existing dwelling at No.119, is considered to result in a significantly harmful, cramped, enclosing and overbearing visual effect on the street scene. Furthermore, the re-location of the front door of the end-of-terrace house from the side to the front is considered to accentuate the narrowness of the plots which further contributes to a cramped and contrived form of development.
10. As a result of the proposed amendments, the depth of the proposed dwellings to the rear would increase by 1.1m which would impact on the resulting garden sizes serving the proposed dwellings. The resulting garden sizes would be between approximately 3.1m<sup>2</sup> and 9.8m<sup>2</sup> smaller than the footprints of the dwellings they would serve. The approved permission (PLAN/2019/0206) resulted in rear gardens which were approximately 6-7m<sup>2</sup> smaller than the footprints of the dwellings which was considered acceptable. The resulting garden sizes are therefore considered acceptable in character terms in this instance
11. The proposed development, by reason of the lack of separation to boundaries and placement of door openings, would result in an incongruous development which fails to respect the prevailing character, pattern and grain of development in the area and results in an unduly cramped and contrived overdevelopment of the site. The proposal would consequently result in a significantly harmful impact on the character of the surrounding area, contrary to Woking Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking DMP DPD (2016) policy DM10 'Development on Garden Land', Supplementary Planning Document 'Design' (2015) and the National Planning Policy Framework (2019).

### Impact on Neighbours:

*No.115 Princess Road:*

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12. This neighbour is attached to the proposal site to the north-west. The proposal includes a part two storey, part single storey rear extension to the existing dwelling at No.117. The single storey element of the proposed extension would have a depth of 4.6m and the two storey element would have a depth of 3.5m. This neighbour features a 4m deep single storey rear extension; the single storey element would project 0.6m beyond this extension and the two storey element would not project beyond the ground floor rear elevation of this neighbour. The rear extensions would not therefore unduly impact on any ground floor windows of this neighbour.
13. With regards to neighbouring first floor windows, the first floor element would be set-in 1.1m from the boundary and would fail the '45° test' in plan form but would pass in elevation form as set out by the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and so is considered to result in an acceptable loss of light and overbearing impact on these windows. The proposed development includes rear-facing window openings however these would have views typical of a residential area and so are not considered to result in undue overlooking or loss of privacy.
14. The front extension would have a depth of 1.5m and would be positioned on the boundary with No.115 with an eaves height of 2.4m and a mono-pitched roof up to 3.4m in height. Whilst the proposal would fail the 45° test in plan form with the neighbouring front window of No.115, the proposal would just pass the test in elevation form. Considering this, along with the relatively modest depth of the single storey element, on balance the proposal is not considered to result in an undue loss of light or overbearing impact on this neighbour. Overall the proposal is considered to form an acceptable relationship with this neighbour.

### *No.119 Princess Road:*

15. This neighbour is positioned on the opposite side of the access road to the south-east and features a two storey side extension which has been built up to the boundary. This neighbour features two first floor side-facing windows, one of which is understood to serve a single-aspect bedroom. The proposed two storey flank elevation of the proposed development would be positioned directly opposite this window however the proposal would pass the '25° test' with this window as set out by the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and so is not considered to result in an undue loss of light impact on this window and the separation distance is considered sufficient to avoid an undue overbearing impact. The proposed development would be approximately in-line with the front and rear elevation of this neighbour and so is not considered to unduly impact on front or rear window openings.
16. The development includes first floor side-facing windows facing towards this neighbour however as these serve bathrooms, these can be required to be obscurely glazed with restricted opening by condition if the proposal were considered otherwise acceptable. The proposed development includes rear-facing window openings however these would have views typical of a residential area and so are not considered to result in undue overlooking or loss of privacy.

### *Other neighbours:*

17. The proposed development would be in excess of 20m from the front elevations of neighbours opposite the site on Princess Road which is sufficient to avoid undue overlooking and other neighbours in the area are considered a sufficient distance from the proposal site in order to not be unduly affected.

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18. Overall the proposed development is therefore considered to have an acceptable impact on the amenities of neighbours in term of loss of light, overbearing and overlooking impacts.

### Standard of Accommodation:

19. The NPPF (2019) states that planning decisions should ensure that a 'high standard of amenity' is achieved for existing and future residents. The Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) advises that areas of private amenity space should, as a minimum, be at least proportionate to the footprint of the dwelling they serve. The SPD also requires all dwellings designed for family accommodation to provide a suitable sunlit area of predominately soft landscaped amenity space, appropriate in size and shape for the outdoor domestic and recreational needs of the family and 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 the dwelling...*". The SPD states that family accommodation includes dwellings with two bedrooms or more and over 65m<sup>2</sup> in floor area; all of the proposed dwellings can therefore be considered to constitute family accommodation. All the resulting dwellings would meet the minimum standards set out in the National Technical Housing Standards (2015).
20. As a result of the proposed amendments, the depth of the proposed dwellings to the rear would increase by 1.1m which would impact on the resulting garden sizes serving the proposed dwellings. The resulting garden sizes would be between approximately 3.1m<sup>2</sup> and 9.8m<sup>2</sup> smaller than the footprints of the dwellings they would serve. The approved permission (PLAN/2019/0206) resulted in rear gardens which were approximately 6-7m<sup>2</sup> smaller than the footprints of the dwellings which was considered acceptable. In this context the garden sizes resulting from the proposed development are considered acceptable. Overall the proposal is considered to achieve an acceptable standard of accommodation.

### Transportation Impact:

21. Each resulting dwelling would have one parking space to the rear of the plot accessed from the garage forecourt to the rear. The Council's Parking Standards SPD (2018) sets a minimum parking standard of one space per two bedroom dwelling; the proposal would therefore meet this requirement and the proposal is considered to provide sufficient off-street parking. There would be sufficient space within the curtilage of each dwelling for the storage of bins and bicycles. The Country Highway Authority has reviewed the proposal and raises no objection subject to conditions. Overall the proposal is therefore considered to have an acceptable transportation impact.

### Impact on the Thames Basin Heaths Special Protection Area (SPA):

22. The extant permission included a Legal Agreement to secure the relevant SAMM contribution which has been paid to the Council. As the proposal would not increase the number of bedrooms, it is not necessary for a further Legal Agreement or contribution to be made.

### Community Infrastructure Levy (CIL):

23. The proposal would be liable to make a CIL contribution.

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### **CONCLUSION**

24. The proposed development, by reason of the lack of separation to boundaries and placement of door openings, would result in an incongruous development which fails to respect the prevailing character, pattern and grain of development in the area and results in an unduly cramped and contrived overdevelopment of the site. The proposal would consequently result in a significantly harmful impact on the character of the surrounding area, contrary to Woking Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking DMP DPD (2016) policy DM10 'Development on Garden Land', Supplementary Planning Document 'Design' (2015) and the National Planning Policy Framework (2019). The proposal is therefore recommended for refusal.

### **BACKGROUND PAPERS**

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

### **RECOMMENDATION**

REFUSE for the following reason:

01. The proposed development, by reason of the lack of separation to boundaries and placement of door openings, would result in an incongruous development which fails to respect the prevailing character, pattern and grain of development in the area and results in an unduly cramped and contrived overdevelopment of the site. The proposal would consequently result in a significantly harmful impact on the character of the surrounding area, contrary to Woking Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking DMP DPD (2016) policy DM10 'Development on Garden Land', Supplementary Planning Document 'Design' (2015) and the National Planning Policy Framework (2019).

### **Informatives**

1. The plans relating to the development hereby refused are listed below:

FE01 (Location Plan) received by the LPA on 29/10/2020  
FE02 (Existing Site Survey) received by the LPA on 29/10/2020  
FE03e (Proposed Block Plan) received by the LPA on 19/03/2021  
FE10 (Existing Ground Floor Plan) received by the LPA on 29/10/2020  
FE11 (Existing First Floor Plan) received by the LPA on 29/10/2020  
FE12 (Existing Roof Plan) received by the LPA on 29/10/2020  
FE15 (Existing Front Elevation) received by the LPA on 29/10/2020  
FE16 (Existing Side Elevation) received by the LPA on 29/10/2020  
FE17 (Existing Rear Elevation) received by the LPA on 29/10/2020

FE20h (Proposed Ground Floor Plan) received by the LPA on 19/03/2021  
FE21j (Proposed First Floor Plan) received by the LPA on 19/03/2021  
FE22g (Proposed Roof Plan) received by the LPA on 29/10/2020  
FE25e (Proposed Front Elevation) received by the LPA on 29/10/2020  
FE26g (Proposed Right Side Elevation) received by the LPA on 29/10/2020  
FE27g (Proposed Rear Elevation) received by the LPA on 29/10/2020  
FE28c (Proposed Left Side Elevation) received by the LPA on 29/10/2020