

## 29 JUNE 2021 PLANNING COMMITTEE

**6B PLAN/2021/0218**

**WARD:** HO

**LOCATION:** 74 Orchard Drive, Horsell, Woking, Surrey, GU21 4BS

**PROPOSAL:** Prior notification for the proposed enlargement of single storey dwellinghouse by construction of an additional storey with a proposed ridge height of 8.7m.

**APPLICANT:** Mr David Kelso

**OFFICER:** David Raper

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

The application has been referred to Planning Committee by Councillor Kemp.

### **SUMMARY OF PROPOSED DEVELOPMENT**

The application is a Prior Notification application for the proposed enlargement of single storey dwellinghouse by construction of an additional storey with a proposed ridge height of 8.7m.

The application is made under Class AA(b), Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) Order (2015) (as amended) which allows such extensions subject to compliance with the relevant criteria of Class AA and subject to Prior Approval being given relating to the following matters:

- i) the impact on the amenity of adjoining premises
- ii) the impact on the external appearance of the dwellinghouse, including the design and architectural features of:
  - the principal elevation of the dwellinghouse
  - any side elevation of the dwellinghouse that fronts a highway

### **PLANNING STATUS**

- Urban Area
- Surface Water Flood Risk Area
- Thames Basin Heaths SPA ZoneB (400m-5km)

### **RECOMMENDATION**

Grant Prior Approval.

### **SITE DESCRIPTION**

The proposal relates to a single storey dwelling dating from the mid C20 and is positioned on a prominent corner plot at a T-junction at the end of Orchard Drive. The surrounding area is characterised by a mixture of detached single storey and two storey dwellings dating from the mid C20 finished in a mixture of brickwork, tile hanging and clay roof tiles.

### **RELEVANT PLANNING HISTORY**

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- PLAN/2019/0526 – Erection of first floor extensions including raising of the ridge height, erection of front and rear dormer windows and front gable extension to create first floor accommodation and erection of a two storey rear extension – Permitted 06.09.2019 (Not yet implemented)
- PLAN/2018/1357 – Erection of a two storey replacement dwelling (5x bed) following demolition of existing bungalow – Refused 04.03.2019 for the following reason.

*01. The proposed development, by reason of the bulk, scale, massing and design of the proposed replacement dwelling, its visual relationship with surrounding development and its prominent, elevated corner position, would result in an unduly prominent, cramped, dominating and incongruous form of development and an overbearing effect on the street scene. The proposal would therefore result in an unacceptably detrimental impact of the character of the surrounding area and is therefore contrary to Woking Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2018).*

- 12184 – Detached bungalow and garage – Permitted 01.08.1959
- 12029 – Detached house and garage – Permitted 01.06.1959

### **CONSULTATIONS**

None.

### **REPRESENTATIONS**

18x objections received raising the following summarised concerns:

- The extension would be too tall, bulky and overbearing
- The existing dwelling is already on higher ground and would tower over neighbouring bungalows
- Proposal site is at the top of a hill on a prominent corner plot
- Proposal does not respect the street scene
- Proposal would be an overdevelopment of the plot
- Proposal is taller than a previously refused application and should be refused
- Proposal would result in overlooking and loss of privacy
- Proposal would result in the loss of a bungalow
- There would be inadequate space for parking
- Proposal would pose a highway safety risk as the site is on a dangerous and tight corner
- The architect's website suggests there is an intention to change the external finishes to white render (*Officer note: the submitted plans indicate the use of matching materials and it is a requirement under Class AA that matching materials are used*)

#### Officer note:

The application 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). As this is a Prior Approval application, there are only a narrow set of material considerations, in addition to the technical criteria. The relevant considerations are:

- i) the impact on the amenity of adjoining premises

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- ii) the impact on the external appearance of the dwellinghouse, including the design and architectural features of:
- the principal elevation of the dwellinghouse
  - any side elevation of the dwellinghouse that fronts a highway

Class AA does not therefore allow for a consideration of the impact on the wider street scene, the impact on parking or the loss of a bungalow for example.

### **RELEVANT PLANNING POLICIES**

The Local Planning Authority must, when determining an application for prior approval, have regard to the National Planning Policy Framework (2019), so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

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):  
Section 12 – Achieving well-designed places

Woking Core Strategy (2012):  
CS21 – Design  
CS24 – Woking's Landscape and Townscape

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

### **PLANNING ISSUES**

1. 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).
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:**

AA. The enlargement of a dwellinghouse consisting of the construction of— (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or (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.	<i>The application is to be considered under Class AA(b).</i>
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##### **Development not permitted:**

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

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	<b>Criteria</b>	<b>Complies/fails</b>
(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 was permitted in 1959)</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 8.7m)</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 2.3m)</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 2.6m, the proposed floor to ceiling height would be 2.6m)</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)</i>

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		<i>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>
(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</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—

(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 (bricks and roof tiles to match existing)</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)	<p>before beginning the development, the developer must apply to the local planning authority for prior approval as to—</p> <p>(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;</p> <p>(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;</p> <p>(iii) air traffic and defence asset impacts of the development; and</p> <p>(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 Vistas dated 15th March 2012(1) issued by the Secretary of State;</p>	<p>(i) <i>Prior approval is given</i></p> <p>(ii) <i>Prior approval is given</i></p> <p>(See assessment below in regard to amenity of adjoining premises and external appearance of the house)</p> <p>(iii) <i>Not applicable</i></p> <p>(iv) <i>Not applicable</i></p>
(b)	<p>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 will be mitigated;</p>	<p><i>Condition attached</i></p>
(c)	<p>the development must be completed within a period of 3 years starting with the date prior approval is granted;</p>	<p><i>Condition attached</i></p>
(d)	<p>the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and</p>	<p><i>Condition attached</i></p>
(e)	<p>that notification must be in writing and include—</p> <p>(i) the name of the developer;</p> <p>(ii) the address of the dwellinghouse; and</p> <p>(iii) the date of completion.</p>	<p><i>Condition attached</i></p>

Condition 3(a) – Impact on Adjoining Premises and External Appearance of Dwelling:

3. The planning considerations within the scope of this assessment are the potential impact on adjoining neighbours through overlooking, loss of privacy, loss of light and overbearing impacts and the impact on external appearance of the dwellinghouse, including the design and architectural features of the principal elevation of the dwellinghouse and any side elevation of the dwellinghouse that fronts a highway.
4. The Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) sets out guidance on achieving acceptable relationships with neighbours. The adjoining premises within

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the scope of this assessment are No.72 Orchard Drive to the south, No.76 Orchard Drive to the west, No.82, 84 and 86 Orchard Drive to the north and No.93 Orchard Drive to the east.

<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><b>No.72 Orchard Drive:</b> This is a single storey dwelling positioned to the south of the proposal site and is positioned on ground which is lower than that of the host dwelling. This neighbour has consent for a 4m deep single storey rear extension which is currently under construction and the proposed extension would not project beyond the front or rear elevations of this neighbour. A side-facing window has been inserted in the flank elevation of this neighbour however this is understood to serve a bathroom; this neighbour does not therefore feature any side-facing habitable room windows. The proposal would pass the '45° test' in plan and elevation form with this neighbour as set out in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and the proposal is not therefore considered to result in an undue loss of light or overbearing impact on this neighbour.</p> <p>The proposed extension does not feature any first floor side-facing windows. The extension includes front and rear-facing windows however any views from these windows would be typical of a residential area. The proposal is not considered to result in an undue overlooking, loss of privacy or overbearing impact on this neighbour.</p> <p><b>No.76 Orchard Drive:</b> The proposal site has a rear-to-side relationship with No.76 Orchard Drive to the south-west. This neighbour is unusual because it features a first floor side-facing window which is clearly glazed and faces towards the host dwelling. The proposed first floor rear-facing windows would be positioned a minimum of 20.6m from the rear boundary of the site with No.76 and approximately 21.8m from the flank elevation of this neighbour.</p> <p>The Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) sets recommended separation distances for different forms of development, including 20m for 'rear-to-rear' relationships and 10m for 'rear-to-boundary' and 'front-to-front' relationships at two storey level. The proposed separation distances of 20.6m to the boundary and 21.8m to the neighbour itself therefore meet these recommended minimum separation distances. The proposal is not therefore considered to result in an undue overlooking, loss of privacy or overbearing impact on this neighbour. It is also borne in mind that first floor rear-facing windows with a similar relationship with this neighbour were considered acceptable by the LPA under permitted application ref: PLAN/2019/0526.</p> <p>The separation distances described above are considered sufficient to avoid an undue loss of light or overbearing impact</p>
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	<p>on this neighbour.</p> <p><b>No.93 Orchard Drive:</b> This is a single storey dwelling on the opposite side of Orchard Drive to the north-east. The proposed extension would have a minimum separation distance of 24.5m to the front elevation of this neighbour. This is considered acceptable for a front-to-front relationship and meets the recommended minimum separation distance described above. The separation distance is considered sufficient to avoid an undue loss of light, overbearing or overlooking impact on this neighbour.</p> <p><b>No.82, 84 and 86 Orchard Drive:</b> These neighbours are positioned on the opposite side of Orchard Drive to the north and have a 'front-to-side' relationship with the proposal site. The proposed extension would have a minimum separation distance of approximately 21.5m from the front elevations of these neighbours and the extension features no side-facing windows. The separation distance is considered sufficient to avoid an undue loss of light or overbearing impact on these neighbours.</p> <p>Other neighbours in the area are considered a sufficient distance from the proposed development in order to not be unduly affected.</p> <p>Overall the proposed extension is therefore considered to form an acceptable relationship with adjoining neighbours in terms of overlooking, loss of privacy, loss of light and overbearing impacts.</p>
<p><i>(ii)Assessment of the impact on the external appearance of the dwellinghouse, including the design and architectural features of—</i> <i>(aa)the principal elevation of the dwellinghouse, -</i> <i>(bb)any side elevation of the dwellinghouse that fronts a highway</i></p>	<p><i>Complies, based on the following assessment:</i></p> <p>(aa) The proposal would result in a two storey dwelling with a simple, traditional design approach and proportions and would be similar in appearance to other two storey dwellings in the area. The roof pitch and form would match that of the existing dwelling and the use of matching materials can be secured by condition. The proposal is considered to result in an acceptable impact on the external appearance of the host dwelling, including the design and architectural features of the principal elevation.</p> <p>(bb) The proposal site forms a corner plot and the north-western flank elevation would therefore be visible from Orchard Drive to the north. The extension would result in a simple two storey flank elevation with a hipped roof facing Orchard Drive which is considered visually acceptable.</p> <p>Officer note: Class AA does not allow for the impact on the character of the street scene or wider area to be considered. Whilst a similar proposal has previously been refused (PLAN/2018/1357), this was determined under a householder planning application; the LPA was therefore able to consider a wider range of material planning considerations, including the</p>



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	<p>impact on the character of the area. In design and character terms, Class AA only allows the impact on the external appearance of the dwelling to be considered as set out above</p> <p>The proposal is therefore considered to result in an acceptable impact on the external appearance of the dwellinghouse.</p> <p>Consequently, it is considered that Prior Approval should be given.</p>
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### **CONCLUSION**

5. 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).
6. 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. If the dwelling is extended under Class AA, no further extensions under Class AA and no roof extensions under Class B would be possible without planning permission. It is however considered reasonable and necessary to restrict the insertion of any future window openings at first floor level or above without planning permission.
7. It is therefore recommended that Prior Approval is given, subject to conditions.

### **BACKGROUND PAPERS**

1. Site visit photographs
2. Representations
3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### **RECOMMENDATION**

PERMIT 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:

2011-74ODH-001 Rev.A (Site and Block Plan) received by the LPA on 15.02.2021  
2011-74ODH-002 Rev.A (Existing Elevations) received by the LPA on 15.02.2021  
2011-74ODH-003 Rev.A (Proposed Elevations) received by the LPA on 15.02.2021  
2011-74ODH-004 Rev.A (Existing Floor Plans) received by the LPA on 15.02.2021  
2011-74ODH-005 Rev.A (Proposed Floor Plans) received by the LPA on 15.02.2021

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2011-74ODH-006 Rev.A (Roof Plan and Sections) received by the LPA on 15.02.2021

2011-74ODH-007 (3D Views and Existing Sections) received by the LPA on 15.02.2021

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

03. 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).

04. ++The development shall not commence until a report for the management of the construction of the development, which sets out the proposed hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated has been submitted to the Local Planning Authority.

Reason: In order to comply with requirements of the Town and Country Planning (General Permitted Development) (England)(Amendment)(No 2) Order 2015 (as amended).

05. 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).

06. 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).

07. The development must not include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

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).

08. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, rooflights or other additional openings, other than those expressly authorised by this permission, shall

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be inserted at first floor level or above in any elevation or roof slope of the extension hereby permitted without planning permission being first obtained from the Local Planning Authority.

Reason: To protect the amenity and privacy of the occupiers of adjoining properties.

### **Informatives**

01. 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).
02. The applicant is advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
03. The applicant is advised that under the Control of Pollution Act 1974, works which will be audible at the site boundary will be restricted to the following hours:-
  - 8.00 a.m. - 6.00 p.m. Monday to Friday
  - 8.00 a.m. - 1.00 p.m. Saturday
  - and not at all on Sundays and Bank Holidays.
04. Your attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority **PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE**. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance. You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.