

## **10 APRIL 2018 PLANNING COMMITTEE**

5h	18/0055	Reg'd:	22.01.2018	Expires:	19.03.18	Ward:	HO
Nei. Con. Exp:	31.08.17	BVPI Target	13 Minor	Number of Weeks on Cttee' Day:	11/8	On Target?	No
<b>LOCATION:</b> 1 Elm Close, Horsell, Woking, Surrey, GU21 4TG							
<b>PROPOSAL:</b> Retrospective application for amendments to PLAN/2016/0527 (Proposed ground floor rear and side extension and loft conversion).							
<b>TYPE:</b> Householder							
<b>APPLICANT:</b> Mr Salim Aziz				<b>OFFICER:</b> Tanveer Rahman			

**REASON FOR REFERRAL TO COMMITTEE**

The decision on whether to take enforcement action falls outside the scope of delegated powers.

## **SUMMARY OF DEVELOPMENT**

Retrospective application for amendments to PLAN/2016/0527 which relates to a hip-to-gable conversion, a rear dormer, a rear infill extension and a side infill extension.

## PLANNING STATUS

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

## **RECOMMENDATION**

REFUSE planning permission and authorise formal enforcement proceedings.

## SITE DESCRIPTION

The application site is located on Elm Close which is a residential cul-de-sac in the Horsell ward. The street consists predominantly of semi-detached bungalows and semi-detached two-storey houses.

1 Elm Close is a semi-detached bungalow. The house is set back from the street by a block paved driveway and its rear garden is bounded from neighbouring properties by timber fencing. There is an outbuilding in the rear garden.

## **PLANNING HISTORY**

PLAN/2017/0616: Erection of a single-storey rear extension, a single-storey side extension, a rear dormer and insertion of front roof lights - refused 20.07.2017.

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PLAN/2016/0527: Proposed ground floor rear and side extension and loft conversion - permitted 09.08.2016.

### **PROPOSED DEVELOPMENT**

PLAN/2016/0527 was granted permission to convert what was the main existing hipped roof to a gable. A flat roof rear dormer with two windows in its rear elevation was proposed in this extended roof and three roof lights were proposed in the front elevation of this extended roof. A single-storey, flat roof, rear extension infill extension was proposed on what was the existing rear elevation of the bungalow. Two windows and a set of double doors were proposed in its rear elevation. Two steps were proposed to lead down from the doors into the garden. What was the existing carport/utility room was granted permission to be demolished (barring the front elevation of the carport) and a side extension erected. This extension had a flat roof, a side window and a front window.

This retrospective application is for the following deviations to PLAN/2016/0527:

- An increase in the width of the dormer.
- An increase in the height of the flat roof side extension.
- Re-sizing and re-positioning of the window in the side elevation of the side extension
- Inserting two rather than three front roof lights.
- Minor alterations to the fenestration of the rear extension.
- Insertion of a roof light in the rear extension.

### **SUMMARY INFORMATION**

Site area	0.0439ha
Number of units	1 unit
Site density	22.78 dwellings/hectare

### **CONSULTATIONS**

None.

### **NEIGHBOUR REPRESENTATIONS**

Six letters of objection from five objectors were received which made the following statements:

- The applicant has damaged an objector's patio and planting area (*Case officer's note: any damage to neighbouring properties is a civil matter which falls outside of planning control*).
- The rear extension appears to have been built within the curtilage of an objector's property (*Case officer's note: boundary disputes are a civil matter which falls outside of planning control. However it was noted during the case officer's site visit that the single-storey rear extension appears to be within the curtilage of 1 Elm Close and that the boundary fencing may have been in the wrong location making it appear as though the extension was encroaching within neighbouring curtilage. This is an informal opinion and the objector may want to seek legal advice to confirm whether there has been encroachment onto their property*).
- The side extension was not built according to what was previously approved and creates overlooking and overshadowing towards neighbouring properties.
- An objector stated that the outbuilding in the rear garden does not have planning permission (*Case officer's note: this has been investigated by the LPA's Planning Enforcement Team and they have deemed it to fall within permitted development criteria*).

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- The enlarged dormer makes the bungalow appear overdeveloped and out of keeping with the character of the area.
- The enlarged dormer creates overlooking issues.
- Objectors stated that they feel the work has negatively affected the price of their homes (*Case officer's note: this is not a material planning consideration*).

### **RELEVANT PLANNING POLICIES**

National Planning Policy Framework (2012):

Section 7 - Requiring good design

Woking Core Strategy (2012):

CS21 - Design

Development Management Policies Development Plan Document (2016)

DM9: Flats Above Shops and Ancillary Accommodation

Supplementary Planning Documents:

*The Heritage of Woking (2000)*

*Woking Design SPD (2015)*

*Outlook, Amenity, Privacy and Daylight (2008)*

*Parking Standards (2006)*

### **PLANNING ISSUES**

The main issues to consider in determining this application are:

#### Impact on character

1. Policy CS21 of the *Woking Core Strategy (2012)* states that new development should create buildings “*with their own distinct identity, they should respect and make a positive contribution to the street scene and character of the area in which they are situated, paying regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land*”.
2. The additional 0.7m height of the flat roof side extension over and above what was approved as part of PLAN/2016/0527 has brought the eaves above eaves of the original house. This has made it appear non-subservient and not in keeping with the character of the host dwelling which in turn has an unacceptable impact on the character of the wider street scene and is therefore contrary to section 7 of the *National Planning Policy Framework (2012)*, policy CS21 of the *Woking Core Strategy (2012)* and *Woking Design SPD (2015)*.
3. It is noted that there is an existing flat roofed rear extension at the property with an eaves level higher than that of the original property. However there is no record of this having planning permission and in any case its unacceptable appearance is mitigated by it being set well back from the frontage unlike the unauthorised side extension.
4. It is considered that the increase in the size of the rear dormer extension over and above what was approved as part of PLAN/2016/0527 has made the host dwelling appear more bulky. However it is noted that this increase would still fall within permitted development tolerances and therefore the increase is not considered to have an unacceptable impact on character.

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5. The changes to the fenestration of the front and rear elevations approved as part of PLAN/2016/0527 are considered to be relatively minor and not to have an unacceptable impact on character.
6. The proposal is considered to have an unacceptable impact on the character of the host dwelling and the wider street scene which is contrary to section 7 of the *National Planning Policy Framework* (2012), policy CS21 of the *Woking Core Strategy* (2012) and *Woking Design SPD* (2015).

### Impact on neighbours

7. The window in the side elevation of the side extension approved as part of PLAN/2016/0527 would have faced directly towards the rear wall of an outbuilding in the rear garden of 72 Meadoway Drive and was therefore considered not to create unacceptable overlooking issues.
8. The window in the side extension of this retrospective application provides views over the boundary fencing with 70 Meadoway Drive directly into its rear garden. It is considered that this is an unacceptable level of overlooking and is therefore contrary to section 7 of the *National Planning Policy Framework* (2012), policy CS21 of the *Woking Core Strategy* (2012) and *Outlook, Amenity, Privacy and Daylight* (2008).
9. It is considered that the scale and massing of the work over and above what was approved as part of PLAN/2016/0527 does not unacceptably impact sunlight/daylight levels or appear unacceptably overbearing towards neighbouring properties.
10. The proposal is considered to have an unacceptable impact on neighbouring amenity which is contrary to section 7 of the *National Planning Policy Framework* (2012), policy CS21 of the *Woking Core Strategy* (2012) and *Outlook, Amenity, Privacy and Daylight* (2008).

### **EXPEDIENCY OF TAKING ENFORCEMENT ACTION**

11. Given the level of harm to character and neighbouring amenity caused by the unauthorised development it is considered expedient and proportionate to take enforcement action to remedy this breach of planning control; in line with the 'Ensuring effective enforcement' section of the *Planning Practice Guidance* (2018).

### **CONCLUSION**

12. The development has an unacceptable impact on the character of the host dwelling and the wider street scene by way of the side extension's additional height, over and above what was approved as part of PLAN/2016/0527, making it appear non-subservient and not in keeping with the host dwelling. The development has an unacceptable impact on neighbouring amenity by way of the re-sized and re-positioned window in the side elevation of the side extension, over and above what was approved as part of PLAN/2016/0527, creating unacceptable overlooking issues towards the rear garden of 70 Meadoway Drive. The development is therefore contrary to section 7 of the *National Planning Policy Framework* (2012), policy CS21 of the *Woking Core Strategy* (2012), *Woking Design SPD* (2015) and *Outlook, Amenity, Privacy and Daylight* (2008).

### **BACKGROUND PAPERS**

Site visit photographs (27.02.2018)

**RECOMMENDATION**

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

01. The development application has an unacceptable impact on the character of the host dwelling and the wider street scene by way of the side extension's additional height, over and above what was approved as part of PLAN/2016/0527, making it appear non-subservient and not in keeping with the host dwelling. This is contrary to section 7 of the *National Planning Policy Framework* (2012), policy CS21 of the *Woking Core Strategy* (2012) and *Woking Design SPD* (2015).
02. The development has an unacceptable impact on neighbouring amenity by way of the re-sized and re-positioned window in the side elevation of the side extension, over and above what was approved as part of PLAN/2016/0527, creating unacceptable overlooking issues towards the rear garden of 70 Meadway Drive. This is contrary to section 7 of the *National Planning Policy Framework* (2012), policy CS21 of the *Woking Core Strategy* (2012) and *Outlook, Amenity, Privacy and Daylight* (2008).

It is further recommended that:

- a) Enforcement action be authorised to remedy the breach of planning control within three months by reducing the height of the side extension so that it is no higher than what was approved as part of PLAN/2016/0527.
- b) Enforcement action be authorised to remedy the breach of planning control within three months by re-sizing and re-positioning the window in the side elevation of the side extension to match what was approved as part of PLAN/2016/0527.

**Informatics**

01. The drawings relating to this decision are:

- 1:1250 location plan (received by the LPA on 19.01.2018)
- 1:200 block plan (received by the LPA on 19.01.2018)
- 1:100 front and rear elevations Drwg no.I-3d (received by the LPA on 19.01.2018)
- 1:100 front and rear elevations Drwg no.I-4b (received by the LPA on 19.01.2018)
- 1:100 section and part side elevation Drwg no.I-5d (received by the LPA on 19.01.2018)