

28 JUNE 2022 PLANNING COMMITTEE

6B PLAN/2021/1158

WARD: C

LOCATION: 12 Chertsey Road, Woking, Surrey, GU21 5AB

PROPOSAL: Retrospective consent for alterations to shop front to include removal of fascia and formation of recessed doorway.

APPLICANT: Mr Nikhil Modhwadia

OFFICER: Barry Curran

REASON FOR REFERRAL TO COMMITTEE

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

SUMMARY OF PROPOSED DEVELOPMENT

The application seeks to retain a recessed doorway which involved the removal of fascia on a protected shopfront along with other alterations.

PLANNING STATUS

- Woking Town Centre
- Conservation Area
- Locally Listed Building
- Primary Shopping Area
- Thames Basin Heaths SPA Zone B (400m-5km)

RECOMMENDATION

That planning permission be REFUSED and authorise formal enforcement proceedings.

SITE DESCRIPTION

The application site relates to a mid-terrace 3 storey Locally Listed Building on the north-western side of Chertsey Road and within the Woking Town Centre Conservation Area. The building currently hosts a range of uses with a C3 residential units at 1st and 2nd floors which were recently approved and a currently vacant E Use Class across the basement and ground floor which has received permission for a food/drink establishment under the same permission as the residential units at first and second floor. Forming part of the commercial core of Chertsey Road, the building is part of a Victorian Locally Listed terraced row within the Primary Shopping area of the town centre.

PLANNING HISTORY

PLAN/2021/0333 - Variation of condition 2 (Approved Plans) of PLAN/2017/0404 (Extension and internal alterations to second floor level (containing existing 1no. 4 bedroom apartment) to create 1no. 2 bedroom apartment and 2no. studio apartments (amended plans and description) to allow for the reconfiguration of second floor to replace studio apartment with 1 bedroom apartment – Refused 14.05.2021

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Reason 1: By reason of the insufficient internal floor area to Flat 6, the development falls below the relevant minimum gross internal floor area set out by the Technical housing standards - nationally described space standard (March 2015). Furthermore, the proposed reconfiguration of Flat 7 would lead a significant diminishment in the living conditions of future residential occupiers through a severe restriction in terms of outlook and access to light within the proposed bedroom. The proposal would, therefore, fail to provide a good standard of accommodation and consequently fails to accord with the provisions of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.

PLAN/2021/0259 - Variation of condition 3 to PLAN/2020/0340 (Proposed change of use from A4 (Drinking Establishment) to a mixed use of A3/A5 (Food and Drink/Hot Food Takeaway) at lower ground floor and ground floor level as well as the creation of 4no C3 units (Residential) at ground and first floor. External alterations to including additional fenestration proposed on rear elevation to facilitate the change of use (Amended Plans and Description) Reconfiguration of first floor layout to change studio apartment into 1 bedroom apartment – Refused 14.05.2021

Reason 1: By reason of the insufficient internal floor area to Flat 3, the development falls below the relevant minimum gross internal floor area set out by the Technical housing standards - nationally described space standard (March 2015). Furthermore, the proposed reconfiguration of Flat 4 would lead a significant diminishment in the living conditions of future residential occupiers through a severe restriction in terms of outlook and access to light within the proposed bedroom. The proposal would, therefore, fail to provide a good standard of accommodation and consequently fails to accord with the provisions of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.

AMEND/2021/0013 - Non-material amendment application seeks to alter the wording of the description of development (i.e. Proposal, as per the decision notice) of PLAN/2017/0404 to that shown below (in italics)

Extension and internal alterations to second floor level (containing existing 1no. 4 bedroom apartment) to create x3no. apartments.

Approved 23.03.2021

PLAN/2020/0340 - Proposed change of use from A4 (Drinking Establishment) to a mixed use of A3/A5 (Food and Drink/Hot Food Takeaway) at lower ground floor and ground floor level as well as the creation of 4no C3 units (Residential) at ground and first floor. External alterations to including additional fenestration proposed on rear elevation to facilitate the change of use (Amended Plans and Description) – Permitted 22.09.2020

PLAN/2019/1074 - Change of use of the first floor floorspace from public house (A4) to 3x studio and 1-bedroom units (C3 dwellinghouse) – Refused 07.01.2020

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Reason 1: By reason of existing ground floor uses which could lead to significance noise and disturbance to potential occupiers, inadequate access to daylight and sunlight due to the depth and awkward layout of the Flats 2 and 3 as well as inappropriate overlooking or lack of privacy, the development would cause harm to the living conditions of future residential occupiers through a severe restriction in terms of amenity, outlook and light and would therefore fail to provide a good quality of accommodation and good standard of amenity for future residential occupiers. The development would fail to accord with the provisions of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight 2008.

Reason 2: 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 dwelling would not have a significant impact upon the Thames Basin Heaths Special Protection Area (TBH SPA) 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").

PLAN/2019/1072 –Change of use from public house (A4) to A3 (Food and Drink) at ground floor and basement level with 3x studio flats and 1x 1 bedroom flat (C3) towards the rear at basement and ground floor level with additional fenestration on rear elevation – Refused 15.01.2020

Reason 1: The development would cause harm to the living conditions of future residential occupiers through a severe restriction in terms of outlook and light to all of the proposed units and would therefore fail to provide a good quality of accommodation and good standard of amenity for future residential occupiers. Furthermore, considering the restricted rear space, the adequate waste storage provision for both the proposed A3 and C3 uses have not been demonstrated and could lead to further significant detrimental impacts on the amenities of potential occupiers. The development would, therefore, fail to provide a good quality of accommodation and good standard of amenity for future residential occupiers and would not accord with the provisions of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.

Reason 2: 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 dwelling would not have a significant impact upon the Thames Basin Heaths Special Protection Area (TBH SPA) 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").

PLAN/2019/0781 - Proposed change of use from public house (A4) to a flexible A3/A5 Use Class (Food and Drink/Hot Food Takeaway) – Permitted 21.11.2019

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PLAN/2017/0404 - Extension and internal alterations to second floor level (containing existing 1no. 4 bedroom apartment) to create 1no. 2 bedroom apartment and 2no. studio apartments (amended plans and description) – Permitted subject to legal agreement 06.11.2017

PLAN/2015/0817 - Proposed change of use on 1st floor from use class A4 to use class B1 – Permitted 21.09.2015

PROPOSED DEVELOPMENT

Planning consent is sought to retain the alterations and recess doorway on the front elevation which included removing part of the fascia.

CONSULTATIONS

Conservation Officer: The development harms the special character of the LL building and in turn fails to preserve or enhance the character of the Conservation Area at this point. Had this proposal been properly submitted as a formal application I would have advised refusal on design and conservation area grounds (03.03.2022)

REPRESENTATIONS

None received

RELEVANT PLANNING POLICIES

National Planning Policy Framework:

Section 12

Section 16

Woking Borough Core Strategy/Phase:

CS20 – Heritage and conservation

CS21 – Design

CS24 – Woking's landscape and townscape

Development Management Policies DPD:

DM19 - Shopfronts

DM20 – Heritage Assets and their Settings

Supplementary Planning Documents:

SPD – Design 2015

PLANNING ISSUES

1. The planning issues that need to be addressed in the determination of this application are; whether the alterations to the shop front have resulted in detriment to the character of the Locally Listed building and surrounding Conservation Area and impact on residential amenity.

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Principal of Development

2. Chertsey Road is historically important as it largely comprises the original commercial developments of Woking Town Centre following the development of the railway station. The High Street, Broadway and Chertsey Road were originally the principal shopping and business streets in the Town Centre. Consequently, the character of the area is predominantly that of late Victorian and Edwardian purpose-built shopping parades, mostly of three storey construction, interspersed with individually designed period buildings. The application building is one of four Locally Listed buildings on this side of Chertsey Road and opposite another group of Locally Listed buildings on the junction of Chertsey Road and The Broadway. The building along with a number of neighbouring buildings, therefore, serve as examples of the traditional frontages which contribute positively to the Conservation Area.
3. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering applications within Conservation Areas, Local Planning Authorities shall pay "*special attention to the desirability of preserving or enhancing the character or appearance of that area*". This is reflected in Policy CS20 of the Woking Core Strategy 2012, Policy DM20 of the Development Management Policies DPD 2016 as well as Section 16 of the National Planning Policy Framework. Paragraph 189 of the NPPF recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Paragraph 199 of the NPPF sets out that, when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and Paragraph 200 requires clear and convincing justification for any harm to the significance of a designated heritage asset.
4. The application building as identified in the above 'Planning History' section has been the subject of a significant number of applications since 2015. Consent was eventually granted for a change of use of the first and second floors to residential accommodation following numerous correspondences and alterations along with a change of use of then then vacant A4 (Drinking Establishment) at ground floor to a mixed use of A3/A5 (now E Use Class). Throughout each of these applications the significance of the building and its positive impact on the character of the Conservation Area and Primary Shopping Area of the Town Centre were reiterated.
5. The quality of the shopfront on this Locally Listed row serves as a reminder of the fineness of frontages which can be preserved on key commercial buildings within a Conservation Area. Prior to the removal of part of the fascia the application building served as one of the successful examples of a well-preserved shopfront with decorative pilasters, corbels, stallrisers and proportionate fascia to compliment the frontage. This frontage also adopted proportionate fenestration patterns and retained a strong relationship to the underlying Victorian character along the listed row.
6. In terms of character and heritage, the principal significance of the application building is derived from its frontage and contribution to the wider street scene of Chertsey Road. Development such as shopfronts can influence perceptions of the quality and character of an area. The application building serves as one of the first shopfronts along Chertsey Road as you approach from the South and relatively close to a key transport hub in the train station.

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7. Paragraph 197 of the National Planning Policy Framework states that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”* This point is echoed in Policy DM19 of the Development Management Policies DPD 2016 which acknowledged that new and replacement shopfronts will be permitted where *“they would preserve or enhance heritage assets having regard to design and materials of the building and adjoining shops, including any traditional or original features that should be retained”* and that in Conservation Areas or on heritages assets *“where traditional shopfronts are important, new shopfronts should be of a traditional format and reflect the character of the building and/or the area.”* Although the building remains largely unaltered at first and second-floor level so that its original symmetry is apparent above the ground floor, the subdivision of the ground floor with two separate styles of frontage has disrupted the symmetry at this level. The stark contrast of the angled recess draws the eye due to its juxtaposition and complete alien form to that of the remaining frontage. Attention is drawn to and emphasises the division of the ground floor of the building. It, therefore, detracts from the appreciation of the symmetry of the building as a whole. Consequently, it detracts from the character and appearance of the building and diminishes its contribution to the character and appearance of the Town Centre Conservation Area.
8. It is noted that Chertsey Road encompasses a variety of shop fronts, with traditional and modern approaches evident. These vary in terms of their materiality, glazing pattern and stall riser depth. Examples of these modern shop fronts, with large areas of uninterrupted glazing, recessed doorways and low stallrisers are evident but it is worth noting that the installation of these shop fronts appear to have been installed more than 15-20 years ago and pre-date current policy and design guidance. Most pertinently, however, these shopfronts, many of which form the argument presented in the submitted Design and Heritage Statement, are not located on a Locally Listed Building like the application building which as identified above is a designated Heritage Asset. Further to this, these examples which are intended to offer substantiation and support to retaining this unauthorised development, are shopfronts which serves as examples as to how harmful poor-quality designs can significantly and detrimentally affect an area, regardless of how varied the parade or street may be. A number of these shop fronts include advertisements are currently subject to enforcement action (ENF/2017/00075). Conversely, the unauthorised recess and proposed alterations to include full length glazing illustrate the damage that a poorly conceived, executed and unauthorised development can have on examples of well-preserved frontages such as the application building which, along with the period façade of ‘W Davies Solicitors’ and the prominent shop front of ‘Budgens’, served as examples where successful retention and sympathetic designs can be successfully retained or adopted.
9. The Council’s Supplementary Planning Document ‘Design’ 2015 at Section 11 notes that *“Shopfronts form an integral part of the whole building and should have a strong design relationship with the overall architectural composition”*. It goes on to emphasise that *“any alterations or new shopfronts in a Conservation Area must enhance and complement the Conservation Area character”*. It goes on to emphasise that *“removing vertical glazing divisions and replacing them with large areas of plate glass on traditional*

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shopfronts should be avoided” and that “*any alterations or new shopfronts in a Conservation Area must enhance and complement the Conservation Area character*”. Removal of the traditional features such as the fascia and stallrisers and replacing them with full length glazing along with the white rendered recess with examples of residential paraphernalia such as post-boxes and intercoms is in conflict with the above guidance and fails to tie in with the character of the Locally Listed Victorian building. The Council’s Conservation Officer has raised significant concern over the development which has occurred noting that the works form a discordant ground floor frontage, exacerbated by the large plate glass panels and that it causes harm to the special character of the Locally Listed Building and in turn fails to preserve or enhance the character of the Conservation Area.

10. As such, the development represents poorly conceived and unauthorised development which is not considered to constitute acceptable development. Further to Paragraph 201 of the NPPF, where a proposal leads to substantial harm to a designated heritage asset, the Locally Listed Building in this instance, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. It has not been demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss and that access to the upper floor flats was achievable without alterations as demonstrated on previously consented schemes. The development, therefore, conflicts with the provisions of the National Planning Policy Framework, Policies CS20 and CS21 of the Woking Core Strategy 2012, Policies DM19 and DM20 of the Development Management Policies DPD 2016, the Council’s Supplementary Planning Document ‘Design’ 2015 as well as Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Residential Amenities

11. The proposed change to the shop front is not considered to impact the residential amenities of the flats above or opposite in terms of overbearing, loss of light, loss of privacy or outlook.
12. Whilst the development may be considered acceptable with regards to the impact on the residential amenities of the area, this does not outweigh the fact that the development causes significant harm to the designated Heritage Asset contrary to the provisions of the National Planning Policy Framework, Policies CS20 and CS21 of the Woking Core Strategy 2012, Policies DM19 and DM20 of the Development Management Policies DPD 2016, the Council’s Supplementary Planning Document ‘Design’ 2015 as well as Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

13. To conclude, the alterations to the frontage fails to respect or complement the character, appearance and proportions of the Locally Listed Victorian building and streetscene and would fail to preserve or enhance the character and appearance of the Conservation Area. The development results in substantial harm to the significance of the Town Centre Conservation Area and Locally Listed Building and in turn row of Listed Buildings as designated heritage assets. Under the NPPF, such developments should be refused where it is

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not necessary to achieve substantial public benefits which have not been demonstrated.

14. The proposal is, therefore, contrary to Sections 12 and 16 of the National Planning Policy Framework, Policies CS20 and CS21 of the Woking Core Strategy 2012, Policies DM19 and DM20 of the Development Management Policies DPD 2016, the Council's Supplementary Planning Document 'Design' 2015 as well as Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is consequently recommended for refusal for the reasons listed below. It is further recommended that enforcement action be authorized to ensure that the frontage of the building is restored to its condition as approved under PLAN/2020/0340 (Drawing No. 306_PL1_GE_01 Rev B (Amended Plan) (Received 16.06.20) (Permitted 22.09.2020).

BACKGROUND PAPERS

1. Site visit photographs.
2. Response from Conservation Officer (03.03.2022)

RECOMMENDATION

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

1. The proposed development fails to preserve or enhance the character or appearance of the Locally Listed Building and Conservation Area by loss of traditional features and symmetry on the shop front causing harm to the heritage asset. The proposed is, therefore, contrary to Section 12 and 16 of the National Planning Policy Framework, Policies CS20, CS21 and CS24 of the Woking Core Strategy 2012, Policies DM19 and DM20 of the Development Management Policies DPD 2016 and the Council's Supplementary Planning Document 'Design' 2015 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is further recommended that:-

The Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of The Town & Country Planning Act 1990 (as amended) in respect of the alterations to shop front including the removal of fascia and formation of recessed doorway requiring the remedy of the breach of planning control to be achieved through:

Planning Enforcement Issue an Enforcement Notice in respect of the above land requiring the following within Six months of the notice taking effect;

- (i) Restore the property to its original condition to accord with the plan numbered 306_PL1_GE_01 Rev B (Received 16.06.20) and permitted under PLAN/2020/0340.
- (ii) Restore the ground floor front elevation of the property to its original condition in terms of the materials used and colour scheme to accord with the enclosed photographs (dated 03.12.2019).

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Informatives:

1. The plans/particulars relating to the development hereby refused are numbered / titled:
Block Plan Drawing No. 0682/S/01
Proposed Shopfront Drawing No. 0682/P/05 Rev A