

17th JANUARY 2023 PLANNING COMMITTEE

6D PLAN/2022/0779

WARD: West Byfleet

LOCATION: 88 Dartnell Park Road. West Byfleet. Surrey. KT14 6QD.

PROPOSAL: Erection of an attached double garage following demolition of existing detached garage and a rear outbuilding. (Retrospective)

APPLICANT: G Mingoia

OFFICER: Errol Reid

REASON FOR REFERRAL TO COMMITTEE:

The recommendation includes enforcement action and the decision on whether to issue an Enforcement Notice falls outside the Scheme of Delegations.

SUMMARY OF PROPOSED DEVELOPMENT

The proposal seeks the erection of an attached double garage following demolition of existing detached garage and a rear outbuilding. The proposal is retrospective.

PLANNING STATUS

- West Byfleet Neighbourhood Area
- SANGS
- Surface Water Flood Risk (medium)
- TPO Polygons
- Urban Areas
- Thames Basin Heaths SPA Zone B (400m-5km)

RECOMMENDATION

REFUSE planning permission and authorise enforcement action.

SITE DESCRIPTION

The application site comprises a detached two-storey dwelling within a corner plot, on the northwest side of Dartnell Park Road, on the junction with Starwood Close. The property is designed in red brick, with red clay hanging tiles on part of the front elevation, at first floor level, there is a central two-storey gable feature to the rear. The site lies within the urban area of West Byfleet. The original detached garage typical in design and materials expected in Dartnell Park and the locality has been replaced with a large attached industrial style garage to the right-hand side of the application site when viewed from the front elevation (the subject to this report).

RELEVANT PLANNING HISTORY

- PLAN/2021/0783 – Erection of side car port following demolition of existing garage – APPROVED (20th September 2021).

CONSULTATIONS

- **The Arboricultural Officer:** No comments received.

17th JANUARY 2023 PLANNING COMMITTEE

- **West Byfleet Neighbourhood Forum:** No comments received.

REPRESENTATIONS

Three objections have been received raising the following summarised concerns:

- The size, scale and appearance of the proposed (already built) structure is totally out of keeping with anything else within the local area and has an industrial appearance due to the materials
- Excessive Bulk / scale / massing when compared to the adjoining property and local vernacular
- Detailing and materials not in keeping with local features
- Over-bearing / out-of-scale or out of character in terms of appearance
- Incompatible with the design of existing buildings
- Poor relationship with adjoining buildings
- Visually damaging in the landscape or in the setting
- Conflict with the character of the area - Losing historic street pattern

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2021):

- Section 02- Achieving sustainable development
- Section 04- Decision making
- Section 12- Achieving well-designed places

Woking Core Strategy (2012):

- CS21- Design
- CS25- Presumption in favour of sustainable development

Woking Development Management Policies DPD (2016):

- Policy DM2- Trees and Landscaping

West Byfleet Neighbourhood Plan (2017):

- Policy BE1- Development Character

Supplementary Planning Documents:

- Parking Standards (2018)
- Woking Design (2015)
- Outlook, Amenity, Privacy and Daylight (2008)

PLANNING ISSUES

Design and impact on the Dwelling and Street Scene

1. The proposal is for retention of a large, attached garage which has been constructed not in accordance with the previously approved plans (PLAN/2021/0783), following the demolition/relocation of a smaller detached garage on the north-east elevation and a detached single storey outbuilding (the relocated garage) at the rear of the garden, to be used as a garden store. The garage dimensions are 4.8m in width, 7.0m in depth for the main building, 8.1m in depth to include the proposed canopy area in front of the garage entrance, with a maximum height of 3.6m at the front and 3.2m at the rear. The rear garden store, which as highlighted is the original detached garage was designed to match in style and materials that of the original dwelling would measures 4.0m in width, 6.0m in depth, 1.9m to eaves, with a maximum pitch roof height of 2.55m.
2. Dartnell Park Road is characterised predominately by large two storey detached dwellings. The single storey rear garden store is viewed to be acceptable. However, the large, attached garage is viewed to be the contentious part of this retention proposal. Although the main bulk of the building would be set back from a single storey front projection on the principal elevation by 1.1m and from the front boundary by approximately 12m, it would be clearly visible within the street scene. The proposed finishing materials are corrugated sheeting, with sandtoft 20/20 clay roof tiles, 'cedral' fibrous cement weatherboard cladding, with a large grey roller shutter for front access.
3. The previous approval (PLAN/2021/0783) was for what is viewed to be a much more modest, in keeping side car port following the demolition/relocation of the then existing detached garage. The approved car port dimensions were 4.4m in width, 6.6m in depth, the proposed height would be approximately 3.7m at maximum and 3.1m at minimum given the lean-to pitched roof and it was proposed the design would be finished in timber. Subsequently, what is currently being constructed bears no resemblance to what was originally approved and is considered to be un-acceptable with regards to its impact on the character of the property, street scene and character of the area.
4. The proposal site lies within an area covered by the West Byfleet Neighbourhood Plan (2017) and falls within a residential area highlighted as Dartnell Park (ZONE C) within the plan. Although urban, the area was previously designated an 'Urban Area of Special Residential Character' in Supplementary Planning Guidance adopted by Woking Borough Council in April 2007. This is no longer a planning designation within the Borough however, the maintenance in regard to design and character as highlighted in Policy BE1 (below) is still paramount when considering planning applications.
5. West Byfleet Neighbourhood Plan (2017) – Policy BE1 states;
 - Residential development should complement the character of the Housing Character Zone in which it is located. Any Major Development should be designed to retain or enhance the village feel.
6. Paragraph 126 of the National Planning Policy Framework states that;

17th JANUARY 2023 PLANNING COMMITTEE

“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

7. Paragraph 130 of the National Planning Policy Framework says planning policies and decisions should ensure that developments:
 - will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - are sympathetic to local character and history, including the surrounding built environment and landscape setting;
 - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
8. Policy CS21 of Woking Core Strategy (2012) states:
 - proposals for new development should create building and places that are attractive with their own distinct identity; they should 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, layouts, materials and other characteristics of adjoining buildings and land.
9. Policy CS25 of Woking Core Strategy (2012) states:
 - Planning applications that accord with the policies in this Core Strategy and/or other development plans for the area (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
10. Design Supplementary Planning Document (Feb' 2015) states:
 - Garages are usually best set back from the main building frontage.
 - The materials used and roof form should be in keeping with those used for the main dwelling.
 - Open roof structures that form car ports are unlikely to be permitted where they are in public view unless they are well designed and constructed from high quality materials.
11. Whilst the garden store is viewed to be acceptable, in regard to its design and location at the rear of the proposal site, at the bottom of the rear garden and would be well screened, by what will become a 1.8 to 2m high hedge once fully developed. The proposal primarily seeks the retention of the large, attached garage, which would appear to have been designed with a roller shutter door to hold vehicles slightly taller than normally expected.

17th JANUARY 2023 PLANNING COMMITTEE

This was not previously approved, was not constructed in accordance with the previously approved application for a car port (as highlighted above) and is therefore viewed as an inappropriate development. unacceptable in terms of its design. It would detract from the character of the dwelling to which it is attached and detracts from the character of the area and street scene as a whole.

12. Overall, it is considered the proposed detached garage will have an unacceptable impact, result in an incongruous and visually harmful development, to the detriment of the character and visual amenities of the area and the character of the host dwelling. The proposal is considered to be contrary to the NPPF (2021), policy BE1 of the West Byfleet Neighbourhood Plan (2017) and Policies CS21 and CS25 Core Strategy (2012) and the Woking Design SPD and recommended for refusal.

Impact on Neighbours:

13. Paragraph 132 of the National Planning Policy Framework (2021) states that;

- Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

14. Policy CS21 of the Woking Core Strategy (2012) advises that;

- proposals for new development should achieve a satisfactory relationship to adjoining properties,
- avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook. SPD Outlook, Amenity, Privacy and Daylight (2008) provides further guidance in terms of assessing neighbouring amenity impacts

15. As highlighted above, the proposal site is located on a corner plot on the junction of Dartnell Park Road and Starwood Close and although it would not infringe on residential amenities in terms loss of light, outlook, or overlooking, it is clear by the objections received from several neighbours the actual design of the attached garage is not only of some concern to the Local Authority, but also to the surrounding residents, due to its location, character, bulk and design.

Transportation Impact:

16. In the proposal, sufficient space would remain to the frontage of the host dwelling for at least 3 vehicles in accordance with the Council's 'Parking Standards' SPD (2018). The proposal is therefore considered acceptable in terms of parking provision.

Community Infrastructure Levy (CIL):

17. The proposal does not involve an increase in residential floor area over 100m² and so is not CIL liable.

CONCLUSION

17th JANUARY 2023 PLANNING COMMITTEE

18. Overall, it is considered the proposed attached garage will have an unacceptable impact, result in an incongruous and visually harmful development, to the detriment of the character and visual amenities of the area and the character of the host dwelling. The proposal is therefore contrary to Woking Core Strategy (2012) policies CS21 'Design' and CS25 'Presumption In favour Of Sustainable Development', policy BE1 'Development Character' of the West Byfleet Neighbourhood Plan (2017), Woking Design Supplementary Planning Document (2015) and the National Planning Policy Framework (2021) and is therefore recommended for refusal
19. For the above reasons the new garage constitutes a breach of planning control and it is considered expedient to take enforcement action against the unauthorised development and issue an Enforcement Notice.
20. It is therefore recommended that planning permission is refused and enforcement proceedings authorised.
21. Section 59 of the National Planning Policy Framework (NPPF) states;
 - Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control'. It is considered that enforcement action is proportionate for the reasons listed above.

BACKGROUND PAPERS

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

RECOMMENDATION

REFUSE planning permission for the following reasons:

01. By reason of its scale, form and siting the proposed attached garage would represent poor design, resulting in an incongruous and visually harmful development to the detriment of the character and visual amenities of the area and the host dwelling. The proposal consequently does not respect and make a positive contribution to the street scene and the character of the area and is therefore contrary to Policies CS21 and CS25 of the Woking Core Strategy (2012), Supplementary Planning Document Woking 'Design' (2015), policy BE1 of The West Byfleet Development Plan (2017-2027) and the National Planning Policy Framework (2021).

It is further recommended that:-

The Director of Legal and Democratic Services be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) and officers be authorised in the event of non-compliance to prosecute under Section 179 of the Act, or appropriate power, and/or take direct action under Section 178 in the event of non-compliance with the Notice.

17th JANUARY 2023 PLANNING COMMITTEE

Enforcement action be authorised to issue an Enforcement Notice in respect of the above land requiring the following within six months of the notice taking effect:

- i. Cessation of construction of the garage.
- ii. Removal of the roller shutter and the 'infilled' side and rear walls.
- iii. Removal of those parts of the garage that are at a height greater than 3000mm.
- iv. Completion of the building as an 'open' car port with a 'lean to' roof structure of maximum height 3600mm and eaves height of no greater than 3000mm and all of its external finishes as set out in Section 5 of the application form and on the approved drawings for PLAN/2021/0783 (the roof being "mineral finish felt" and the walls being "timber posts"), OR alternatively complete removal of the remainder of the unauthorised garage building.
- v. To remove from the land all remaining materials, rubble and debris including all associated paraphernalia arising from compliance with the above.

Informatives

1. The plans relating to the development hereby refused are listed below:
 - Existing Plans and Elevations
 - Site and Ground Floor Plan
 - Location Plan and Block Plan(All Received 16th August 2022).