

5 JUNE 2018 PLANNING COMMITTEE

5I 18/0208 Reg'd: 13.03.18 Expires: 08.05.18 Ward: PY
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Con. Target Householder of Weeks Target?
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LOCATION: 54 Balmoral Drive, Maybury, Woking, GU22 8EY

PROPOSAL: Retrospective planning application for retention of part two storey, part single storey rear extension.

TYPE: Householder Application

APPLICANT: Mrs T Akhtar

OFFICER: Benjamin
Bailey

REASON FOR REFERRAL TO COMMITTEE

The decision on whether to issue an Enforcement Notice falls outside the Management Arrangements and Scheme of Delegations.

SUMMARY OF PROPOSED DEVELOPMENT

This is a householder planning application which seeks retrospective planning permission for the retention of a part two storey, part single storey rear extension.

PLANNING STATUS

- Urban Area
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)
- 1 in 1000 year Surface Water Flood Risk
- Priority Place

RECOMMENDATION

Refuse planning permission and authorise formal enforcement proceedings.

SITE DESCRIPTION

No.54 Balmoral Drive is a mid-terraced two storey dwellinghouse situated within the Maybury Estate within the Urban Area. The frontage is laid to hard surfacing for the provision of on-site car parking. The rear amenity area is predominantly laid to lawn with some patio hard surfacing immediately to the rear of the extended dwellinghouse. Within the rear garden the common boundaries with adjacent No.52 and No.56 are marked by close-boarded timber fencing. The property is externally finished in facing brick below a tiled roof.

RELEVANT PLANNING HISTORY (APPLICATION SITE)

PLAN/2014/0681 - Erection of part two storey, part single storey rear extension and single storey front extension.

Permitted subject to conditions and legal agreement (26.11.2014)

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PLAN/2013/1170 - Single storey front extension and two storey rear extension.
Refused (23.01.2014) for the following reason:

01. The proposed two storey rear extension, by reason of its height, length and bulk, would result in a significant loss of daylight and detrimental overbearing impact on 52 Balmoral Drive contrary to Policy CS21 of the Woking Core Strategy (2012) and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight'.

RELEVANT PLANNING HISTORY (ADJACENT NO.52 BALMORAL DRIVE)

PLAN/2014/0678 - Erection of part two storey, part single storey rear extension and single storey front and side extension.
Permitted subject to conditions and legal agreement (26.11.2014)

RELEVANT PLANNING HISTORY (ADJACENT NO.56 BALMORAL DRIVE)

PLAN/2017/0039 - Proposed single storey rear extension.
Permitted subject to conditions (28.02.2017)

CONSULTATIONS

None undertaken

REPRESENTATIONS

None received

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2012)
Core planning principles
Section 7 - Requiring good design

Woking Core Strategy (2012)
CS21 - Design

Development Management Policies Development Plan Document (DMP DPD) (2016)
No relevant policies

Supplementary Planning Documents (SPD's)
Outlook, Amenity, Privacy and Daylight (2008)
Design (2015)
Parking Standards (2018)

Other Material Considerations
Planning Practice Guidance (PPG)
Woking Borough Council Strategic Flood Risk Assessment (November 2015)

BACKGROUND

Planning permission reference PLAN/2014/0681 was granted on 26.11.2014 subject to conditions and a legal agreement to ensure that the extension was constructed simultaneously with the proposed rear extension at No.52 Balmoral Drive (PP Ref: PLAN/2014/0678), also granted on that date in a separate but concurrent planning application.

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The development permitted under planning permission reference PLAN/2014/0681 at No.54 staggered in depth at two storey level between approximately 3.4m and 1.3m and projected at an approximate 75° angle from the rear elevation. The 1.3m deep two storey element occurred closest to the common boundary with No.56 and the 3.4m deep element adjoined the extension permitted concurrently at No.52 (PP Ref: PLAN/2014/0678). At ground floor level the extension permitted at No.54 staggered in depth between approximately 5.9m and 1.3m and also projected at an approximate 75° angle from the rear elevation.

The rear extension as constructed significantly deviates from that permitted under PLAN/2014/0681. Whilst the approximate 75° angle of projection has been retained along the common boundary with No.52 a 90° angle of projection has been constructed along the common boundary with No.56. The single storey element as constructed is not staggered and projects for approximately 6.0m in depth across the width of the rear elevation. The first floor element projects for approximately 3.6m in depth across the width of the rear elevation.

The single storey front extension has been built in accordance with PLAN/2014/0681.

PLANNING ISSUES

01. The main planning considerations in the determination of this application are:

- Design and impact upon the character of the area
- Impact upon neighbouring amenity
- Impact upon car parking provision
- Impact upon amenity space provision
- Other matters

having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance.

Design and impact upon the character of the area

02. One of the core principles of planning as identified in the National Planning Policy Framework (NPPF) (2012) is securing high quality design. Paragraph 57 of the NPPF (2012) refers to the need to plan positively for the achievement of high quality and inclusive design for all development. Policy CS21 (Design) of the Woking Core Strategy (2012) states that "*proposals for new development should...respect and make a positive contribution to the street scene and 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*".
03. The host dwelling is located within the Maybury Estate, a large residential area with predominantly Inter-War and Post-War housing. The Maybury Estate has a mixed grain and layout with sinuous main roads and cul-de-sac minor roads. The majority of the houses are semi-detached or terraced properties and two storeys. The host dwelling is two storey in scale and set one dwellinghouse in from an end of the terrace.
04. The two storey element of the rear extension as constructed spans the width of the rear elevation, demonstrating a maximum height matching that of the host dwelling and utilising a hipped roof form with an eaves height termination reflecting that of the host dwelling. The two storey element projects approximately 3.6m in depth from the original rear elevation with the single storey element projecting a further approximate 2.5m in depth below a monopitched roof.

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05. Whilst the rear extension appears as a substantial addition to the host dwelling the overall scale is considered, although large, to not appear so disproportionate to the host dwelling so as to appear harmful in this context. The roof forms are relatively simple, being hipped at two storey level and monopitched at single storey level, and the overall form of the extension is therefore considered to integrate into that of the host dwelling to an acceptable degree. The external materials are similar in appearance to those within the host dwelling and window/door frames are white in colour and similar to those within the host dwelling.
06. Due to its location to the rear of the host dwelling the extension is not apparent from public vantage points although is apparent from the rear gardens of adjacent and nearby properties. Adjacent No.52 benefits from a part two storey, part single storey rear extension (PP Ref: PLAN/2014/0678) and adjacent No.56 from a single storey rear extension (PP Ref: PLAN/2017/0039), both of which reduce the visual impact of the extension when viewed from the rear gardens of these properties.
07. Overall, for the reasons discussed above, the extension is considered, on balance, to result in an acceptable impact upon the character of the host dwelling, the street scene of Balmoral Drive and the character of the surrounding area and is therefore consistent with the objectives of Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and the National Planning Policy Framework (NPPF) (2012) in this regard.

Impact upon neighbouring amenity

08. 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, loss of daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook. Further guidance on assessing neighbouring amenity impacts is provided within SPD 'Outlook, Amenity, Privacy and Daylight (2008)'. The key neighbouring amenity considerations in this instance are those of adjacent No.52 Balmoral Drive and No.56 Balmoral Drive. Having regard to the scale, form and relationship of the rear extension to properties other than No.52 and No.56 it is not considered that material neighbouring amenity impacts occur to properties other than No.52 and No.56.

No.52 Balmoral Drive

09. No.52 Balmoral Drive is situated to the north-east and forms an end of the terrace. No.52 benefits from a part two storey, part single storey rear extension (PP Ref: PLAN/2014/0678). Both the two storey and single storey depths of the extension at No.52 are similar to those demonstrated by the unauthorised extension at No.54. Due to this factor no significantly harmful impact, by reason of loss of privacy, loss of daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook is considered to occur to No.52 Balmoral Drive as a result of the unauthorised extension at No.54. The impact upon the neighbouring amenity of No.52 Balmoral Drive is therefore considered to be acceptable.

No.56 Balmoral Drive

10. No.56 Balmoral Drive is situated to the south-west. Since the unauthorised extension at No.54 was substantially completed (at a point between August and November

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2015) No.56 has been granted planning permission for the erection of a single storey rear extension (PP Ref: PLAN/2017/0039, dated 28.02.2017) which has been implemented. This single storey rear extension projects for approximately 6.0m and therefore approximately matches the overall depth of the extension at No.54 (both the two storey element and single storey element). Due to this factor therefore no significantly harmful impact, by reason of loss of privacy, loss of daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook is considered to occur to the ground floor accommodation of No.56 Balmoral Drive as a result of the unauthorised extension at No.54.

11. In terms of the impact upon the first floor accommodation within adjacent No.56 the residential extensions section of SPD Design (2015) states that *“the location of the extension and the position of its windows should not result in any adverse overshadowing or overbearing impact on adjacent dwellings”*, that *“large two storey extensions should not be sited close to a boundary as this can restrict daylight to habitable rooms of the neighbouring dwelling”*, that *“two storey extensions, particularly if they extend beyond 3 metres from the building, need to be carefully sited as they can result in loss of daylight or have an overbearing impact on the adjoining dwellings unless they are kept well away from the separating boundary”*.
12. The unauthorised rear extension at No.54 projects at two storey level for a depth measuring 3.6m, abutting the common boundary with No.56. This 3.6m depth occurs at an eaves height measuring approximately 4.8m, with the hipped roof pitching away from the common boundary. There are three first floor level windows within the rear elevation of No.56. The central window serves the landing/staircase and the south-western window (adjacent to No.58) a bathroom; these rooms are considered to be non-habitable uses although the extension at No.54 is set away from these windows in any case.
13. However the closest (north-eastern) first floor level window within the rear elevation of No.56 serves as single aspect to a bedroom, which is considered a habitable room. The concern is specific to the effect from the development as built on the outlook, and in particular the overbearing impact, from the first floor bedroom window at No.56 closest to the common boundary. The outlook from this window, which is the only window serving a bedroom, is restricted by the depth and height of the side wall of the extension at No.54 and this results in significantly harmful impact, by reason of overbearing effect due to bulk, proximity and loss of outlook. It must be noted that planning decisions should protect the amenities of both existing and future occupiers of No.56 Balmoral Drive.
14. With regard to daylight SPD ‘Outlook, Amenity, Privacy and Daylight (2008)’ states that *“where two storey extensions are added to the front or rear of a dwelling (i.e. they project at 90° to the main elevation) they may affect the daylighting of an adjoining dwelling if they project beyond 3 metres of the building elevation, especially if positioned close to a common boundary. Significant loss of daylight will occur if the centre of the affected window (or a point 2m in height above the ground for floor to ceiling windows) lies within a zone measured at 45° in both plan and elevation”*. The extension at No.54 is positioned close to the common boundary and projects for in excess of 3 metres from the neighbouring building elevation however, due to the hipped roof form, complies with this 45° test with regard to the closest first floor window (serving as single aspect to a bedroom) within the rear elevation of No.56. Consequently no significantly harmful loss of daylight is considered to occur to this bedroom window.

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15. Since the unauthorised extension at No.54 was substantially completed (at a point between August and November 2015) No.56 has been granted planning permission for the erection of a single storey rear extension (PP Ref: PLAN/2017/0039, dated 28.02.2017) which has since been completed. That this grant of planning permission has occurred, and development completed, since the substantial completion of the extension at No.54 strongly indicates that the current owners/occupiers of No.56 have no intentions of extending at first floor level at the rear of this dwelling. The harm that occurs to the closest first floor window within No.56 is therefore very unlikely to be resolved without Local Planning Authority enforcement action.
16. Overall the two storey element of the rear extension, by cumulative reason of its depth, height, bulk and proximity to adjacent No.56 Balmoral Drive, results in overbearing effect upon, and loss of outlook from, the closest first floor window within the rear elevation of No.56 Balmoral Drive which serves as single aspect to a bedroom, which is significantly harmful to the residential amenity of existing and future occupiers of this dwelling. The development is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight (2008)' and 'Design (2015)', and the provisions of the National Planning Policy Framework (NPPF) (2012).

Impact upon car parking provision

17. SPD 'Parking Standards (2018)' sets out minimum residential parking standards. For 4 bedroom houses, as in this instance, the minimum parking standard is 3 spaces. The host dwelling benefits from an existing frontage laid to hard surfacing for the on-site provision of car parking. This existing area of frontage hard surfacing is capable of accommodating the on-site parking of 3 cars in line with the requirement of SPD 'Parking Standards (2018)'. The impact upon car parking provision is therefore considered to be acceptable.

Impact upon amenity space provision

18. SPD 'Outlook, Amenity, Privacy and Daylight (2008)' sets out recommended minimum garden amenity areas, stating that for family dwellings (with two bedrooms or more and between 65 sq.m. and 150 sq.m. gross floorspace), as in this instance, a suitable area of private garden amenity in scale with the building but always greater than the building footprint should be provided.
19. The building footprint of the host dwelling as extended measures approximately 99 sq.m and, in measuring approximately 142 sq.m (once the existing outbuilding sited at the rear terminus of the garden is taken into account), the existing area of private garden exceeds the building footprint. Furthermore the existing area of private garden provides a suitable sunlit area of predominantly soft landscaped space, appropriate in size and shape for outdoor domestic and recreational needs, and which reflects the existing context of the area. The impact upon amenity space provision is therefore considered to be acceptable.

Other matters

20. Whilst the Council's Strategic Flood Risk Assessment (November 2015) identifies an area within the application site as being at a 1 in 1000 year risk of surface water flooding this area is restricted solely towards the terminus of the rear garden. The rear

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extension as constructed is located some distance (approximately 15 metres) from this area and therefore surface water flood risk is not considered to represent a constraint in planning terms. Whilst the application site is located within a Priority Place the provisions of Policy CS5 of the Woking Core Strategy (2012) are not considered relevant to householder extensions, as in this instance.

Expediency of Enforcement Action

21. The construction of a part two storey, part single storey rear extension at No.54 Balmoral Drive constitutes a breach of planning control consisting in the carrying out without planning permission of building operations. The unauthorised extension at No.54 was substantially completed at a point between August and November 2015 and therefore enforcement action is able to be taken because the end of the period of four years since substantial completion has not yet elapsed.
22. It is considered expedient to issue an Enforcement Notice, having regard to the provisions of the Development Plan, and to any other material considerations, because the two storey element of the rear extension, by cumulative reason of its depth, height, bulk and proximity to adjacent No.56 Balmoral Drive, results in overbearing effect upon, and loss of outlook from, the closest first floor window within the rear elevation of No.56 Balmoral Drive which serves as single aspect to a bedroom, which is significantly harmful to the residential amenity of existing and future occupiers of this dwelling.

LOCAL FINANCE CONSIDERATIONS

23. The extension as built does not exceed 100 sq.m in floorspace and is therefore not Community Infrastructure Levy (CIL) liable.

CONCLUSION

24. Overall the two storey element of the rear extension, by cumulative reason of its depth, height, bulk and proximity to adjacent No.56 Balmoral Drive, results in overbearing effect upon, and loss of outlook from, the closest first floor window within the rear elevation of No.56 Balmoral Drive which serves as single aspect to a bedroom, which is significantly harmful to the residential amenity of existing and future occupiers of this dwelling. The development is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight (2008)' and 'Design (2015)', and the provisions of the National Planning Policy Framework (NPPF) (2012). It is considered that the development is contrary to the Development Plan of the Borough and that planning permission should therefore be refused.

BACKGROUND PAPERS

1. Site visit photographs

RECOMMENDATION

Refuse planning permission for the following reason:

01. The two storey element of the rear extension, by cumulative reason of its depth, height, bulk and proximity to adjacent No.56 Balmoral Drive, results in overbearing

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effect upon, and loss of outlook from, the closest first floor window within the rear elevation of No.56 Balmoral Drive which serves as single aspect to a bedroom, which is significantly harmful to the residential amenity of existing and future occupiers of this dwelling. The development is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight (2008)' and 'Design (2015)', and the provisions of the National Planning Policy Framework (NPPF) (2012).

It is further recommended:

- a) That the Head of Democratic and 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 above land requiring the remedy of the breach of planning control to be achieved through the reversion of the unauthorised development undertaken to that shown on the approved plans of planning permission reference PLAN/2014/0681 dated 26.11.2014, and the associated removal of any spoil arising from such from the site, within twelve (12) months of the Enforcement Notice taking effect

Informatives

01. The plans relating to the retrospective planning application hereby refused are:

Unnumbered, untitled plan showing 1:1250 scale Location Plan and 1:200 scale Block Plan, received by the Local Planning Authority on 20.02.2018.

Unnumbered plan titled 'As Built', showing Ground Floor Plan, First Floor Plan, Roof Plan, Rear Elevation, Side Elevation N.E. and Side Elevation S.W., received by the Local Planning Authority on 20.02.2018.

02. 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 paragraph 186-187 of the National Planning Policy Framework (NPPF) (2012). The application is retrospective in nature, seeking to remedy a breach of planning control which is considered to constitute unacceptable development. It is not considered that the unauthorised development, which is complete, can be amended to result in an acceptable form of development without resulting in a materially different development.