

11th APRIL 2023 PLANNING COMMITTEE

6a PLAN/2022/0643

WARD: Knaphill

LOCATION: Garvan, Bagshot Road, Woking, Surrey, GU21 2SG

PROPOSAL: Proposed detached garage and retrospective vehicular access and gates to rear of site from Ivydene

APPLICANT: Salvatore Decicco

OFFICER: Josey Short

REASON FOR REFERRAL TO COMMITTEE

The application was called to the Committee by Cllr Whitehand (December 2022) and Cllr Akberali (February 2023) if officers were minded to approve due to the impact on the area and neighbouring amenity.

PROPOSED DEVELOPMENT

Proposed detached garage and retrospective vehicular access and gates to rear of site from Ivydene and a new boundary fence to the north side elevation.

The application follows planning application PLAN/2019/1028 for a detached chalet bungalow on the land to the south of Ivydene, allowed at appeal for (appeal reference; APP/A3655/W/20/3249620) and subsequently built out with a portion of the host site being sold to provide an access drive to the new dwelling.

The proposed garage would have a width and depth of 6 metres and would be set centrally within the sites rear garden, 2.05 metres from north and south side boundaries. Due to the tapered angle of the sites rear boundary, the garage would be set approximately 5.2 metres from the rear boundary at its closest point (measured from the proposed south east corner) and 7.4 metres at its furthest point (measured from the proposed north east corner). The garage would have an eaves height of 2.5 metres and ridge height of 4 metres, encompassing a roof light on each of the roofs 4 pitches. The garage would encompass 2 x single garage doors to the east elevation which would front the sites rear boundary, and a single door to the south side elevation. The garage would be used for the storage and restoration of the applicants classic cars, which are currently stored on the dwellings driveway to the front of the house.

The new boundary fence on the north side boundary of the rear most part of the site to mirror that of the boundary fence on the rear boundary.

The vehicular access gates from Ivydene have already been inserted and as such this element of the works is retrospective. The gates are 3.55 metres wide and positioned centrally within the rear boundary. The gates open inwards towards the site.

PLANNING STATUS

- TBH SPA Zone B (400m-5km)
- Urban Areas

RECOMMENDATION

GRANT planning permission.

SITE DESCRIPTION

The application site is located on the eastern side of Bagshot Road within the developed area of Knaphill, Woking. The site comprises a detached dwelling with a linear garden to the rear. The rear boundary of the site backs onto Ivydene with the access to No. 11 Ivydene (subject of application PLAN/2019/1028) being from the bell-mouth of Ivydene to the front of the site. At the time of the site visit on the 23.03.2023, the steel frame of gates were in place on the rear boundary with fence panels to the rear of these propped up by pieces of wood and the gates were not in use.

PLANNING HISTORY

A planning history search of the site indicates that the permitted development rights for the dwelling remain in tact.

It is noted that there is no relevant planning history relating to the application site alone, however the nearby new dwelling (No. 11 Ivydene) is relevant to the assessment of this application;-

PLAN/2019.1028 - Erection of a 1 ½ storey detached dwelling (4x bed) on land south of Ivydene and associated vehicular access, parking and landscaping (Amended Plans). – ***Allowed at appeal subject to the following conditions;-***

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.*
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. A-001 (Amended Plan) (23.01.20); Drawing No. A-004 (Amended Plan) (23.01.20); Drawing No. B-002 (Amended Plan) (23.01.20); Drawing No. B-001 (Amended Plan) (23.01.20).*
- 3. Samples of the external facing materials to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any works on site above damp proof course level are commenced. The development shall then be built in accordance with these approved samples.*
- 4. The high level rooflights in the northern, eastern, southern and western roof slopes should have a minimum internal cill height of 1.7 metres above finished floor level.*
- 5. The first floor window in the northern elevation of the new dwelling hereby permitted shall not be glazed otherwise than fully with obscured glass and with a fixed pane arrangement other than at greater than 1.7 metres above finished floor level, and shall thereafter permanently retained as such.*
- 6. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Classes A, B, C, E and F of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any orders amending or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) or the provision of any other building or hardstanding within the curtilage other than as expressly authorised by this permission shall be carried out without planning permission being first obtained from the Local Planning Authority.*
- 7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no means of enclosure or other alteration permitted by Class A of Part 2 of Schedule 2 of that Order shall be*

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erected on the application site without the prior written approval of the Local Planning Authority of an application made for that purpose.

8. *No part of the development shall be first occupied unless and until the proposed vehicular access to Ivydene has been constructed and provided in accordance with the approved plans and thereafter shall be kept permanently maintained.*
9. *The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning area shall be retained and maintained for its designated purpose.*
10. *Before any works on site above damp proof course level are commenced a detailed landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority which specifies species, planting sizes, spaces and numbers of trees/ shrubs and hedges to be planted. All Appeal Decision APP/A3655/W/20/3249620 5 landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development (in that phase) whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.*

It is noted that this application include the exchange of part of the rear of the rear garden of the application site to provide vehicular access to No. 11 Ivydene which was secured by legal agreement.

Applications Subsequent to PLAN/2019/1028

COND/2021/0092 - Discharge of condition 3 to PLAN/2019/1028 (Erection of a 1 ½ storey detached dwelling (4x bed) on land south of Ivydene and associated vehicular access, parking and landscaping (Amended Plans). (Allowed on Appeal Ref: APP/A3655/W/20/3249620) – Permitted – 09.08.2021

COND/2021/0192 - Approval of details relating to condition 10 of PLAN/2019/1028 (Erection of a 1 ½ storey detached dwelling 4xbed on land south of Ivydene and associated vehicular access, parking and landscaping). Submission of a detailed landscaping scheme which specifies species of trees/ shrubs and hedges to be planted. – Permitted – 02.12.2021

CONSULTATIONS

SCC Highways – (received by the LPA on 08.02.2023) The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who having assessed the application on safety, capacity and policy grounds, recommends the following conditions be imposed in any permission granted:

The development hereby approved shall not be utilised unless and until the available parking space is provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason The above condition is required in recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2021.

REPRESENTATIONS

Thirty-nine (39) letters of objection were received from nineteen (19) neighbouring dwellings. It is noted that nine (9) of these letters did not include an address. The letters raise concerns for:-

- Use of the driveway is restricted to vehicular access associated with No. 11 Ivydene. Use for any other reasons is therefore not permitted and use of the proposed garage uses part of this driveway.
This is false. Planning permission PLAN/2019/1028 did not restrict the use of the driveway to No. 11 Ivydene. Irrespective of this, it is noted that the ownership of the driveway is not that of the applicant and therefore, the applicant would require permission to cross this land from the land owner, regardless of the outcome of a planning application. However, this is a civil matter and would not form a material planning consideration in the assessment of this application.
- Several points raise concern for the proposal not complying with the planning conditions of permission PLAN/2019/1028
The planning conditions of PLAN/2019/1028 relate to the site identified within the red line on the proposed site plan (Dwg No. A-004). Whilst it is noted that the application site and other neighbouring properties are included on this site plan, they are not bound by the planning conditions of the aforementioned planning permission. With this taken into account, the proposed works will be assessed on their individual merit.
- The garage will be more than twice the height of the fence posts which is not in character with the locality as there are no other sheds or outbuildings of this scale in the area.
Please see impact on visual amenity section of the report.
- The proposal worsens the living conditions and visual amenity of the land fronting Ivydene.
Please see impact on visual amenity and impact on neighbouring amenity sections of the report.
- The gravel drive is noisy and the additional traffic to and from the proposed garage will increase the noise.
Please see impact on neighbouring amenity section of the report.
- There will be additional light pollution from the garage roof windows, especially if used in the evenings.
Please see impact on neighbouring amenity section of the report.
- Vehicles will not be able to enter and leave the site in forward gear, which in turn will generate more noise and disturbance from multiple manoeuvres
Please see impact on highways section of the report.
- The proposal would result in increase traffic movement on Ivydene and there is a lack of visibility on the exits from the garage into the driveway
Please see impact on highways section of the report.
- The loss of natural green soakaway will exacerbate the flooding problem in the locality
Please see flooding and drainage section of the report.
- The workshop will cause non-continuous industrial noise in a residential setting. This would adversely affect the living conditions of local residents during the day and into the evenings and weekends. There is an additional question of safety.
Please see impact on neighbouring amenity section of the report.

RELEVANT PLANNING POLICY

National Planning Policy Framework (NPPF) (2021):

Section 2 – Achieving sustainable development

Section 4 – Decision making

Section 12 – Achieving well-designed places

Woking Core Strategy (2012)

CS9 – Flooding and Water Management

CS18 – Transport and Accessibility

CS21 - Design

CS25 – Presumption in favour of sustainable development

Development Management Policies DPD (2015):

DM6: Air and Water Quality

Policy DM7 - Noise and Light Pollution

Supplementary Planning Documents (SPDs):

Parking Standards (2018)

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2022)

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended):

Schedule 2 Permitted development rights; Part 1 (Permitted Development Rights), Class E (Buildings etc incidental to the enjoyment of a dwellinghouse)

Schedule 2 Permitted development rights; Part 2 (Minor Operations), Class A (Gates, fences, walls etc)

PLANNING ISSUES

1. The main considerations within the determination of this application comprise the impact on the visual amenity, impact on neighbouring amenity, impact on highways and parking, and impact on flooding.

Impact on Character of the Area

2. Section 12 of the NPPF (2021) states '*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, while not preventing or discouraging appropriate innovation or change (such as increased densities)*'.
3. 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 the 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.*'

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By virtue of the positioning of the proposed garage, fencing and gates, the works would be readily apparent when viewed from the public realm in Ivydene. The proposed garage would be built within the sites rear garden and would be set back from the dwellings rear boundary by a minimum of 5.2 metres at its closest point, and 2.05 metres from each of the side boundaries. Irrespective of this, given the eaves and ridge heights of the proposed garage, it would be visible above the existing 1.8 metre boundary fencing on the east and south elevations. The garage would have an eaves height of 2.5 metres which would not significantly extend above the fence line and a dual pitched roof which would concentrate the mass of the roof away from the boundaries towards the centre of the site. With this taken into consideration along side the set back from the boundaries of the site, it is considered that the scale of the garage would not have an overbearing impact on the character of the street scene or locality in general. It is also worth noting that the proposed garage would not appear inconsistent in the street scene as there are other examples of outbuildings readily apparent from Ivydene at Starlings, Bagshot Road and No. 24 Ivydene. Though it is noted that the outbuilding at Starlings is of a lower height, it has a greater width and is readily apparent from the public realm. The outbuildings to the front of the site at No. 24 Ivydene are of a similar height to that which is proposed. Additionally, it is noted that the materiality of the proposed garage would mirror that of the existing dwelling and thus would also remain in keeping with the existing dwellings on Ivydene too. With the above taken into account, it is considered that, given this distance, the visual level of spaciousness between the garage and nearest built form, and the similar material palette, this element of the works would not have an adverse impact on the character of the street scene or locality in general when viewed from the public realm. The proposal would not appear cramped or result in overdevelopment of the plot as a large amount of amenity space would remain to the rear and an acceptable distance to the side boundaries would be maintained.

4. The proposed fence on the north boundary would mirror that of the existing boundary fence on the rear boundary and thus would harmonise in this respect. Similarly, the gates within the rear boundary are a similar height to the boundary fence, and whilst not yet completed, would be of a similar finish to the existing fence, so would also harmonise with the existing boundary treatment.
5. The gravel drive the proposal would use for access to the site is already in place, and as such, there would be no change to the street scene visually as a result of the works in this regard. Though it is noted that the driveway may be used more, it is considered that this would not be detrimental to the character of the area or locality in general. The rear access would be a secondary access to the dwelling to access the garage, with the dwellings main vehicular access remaining to the front of the site.
6. The permitted development rights at the host dwelling remain intact. Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) provides permitted development rights within the curtilage of a house for any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure whilst Schedule 2, Part 2, Class A provides permitted development rights for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. It is noted that development may or may not be considered permitted development subject to it meeting the relevant criteria set out within the aforementioned Classes. The relevant criteria for an outbuilding under Class E would be;
 - the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

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- any part of the building, enclosure, pool or container would not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
 - (d) the building would not have more than a single storey;
 - the height of the building, enclosure or container would not exceed 4 metres in the case of a building with a dual-pitched roof,
 - the height of the eaves of the building would not exceed 2.5 metres;
 - the building, enclosure, pool or container would not be situated within the curtilage of a listed building;
 - it would not include the construction or provision of a veranda, balcony or raised platform;
7. The relevant criteria for a fence and gates under Class A would be:-
- the height of any other gate, fence, wall or means of enclosure (not adjacent to a highway) erected or constructed would exceed 2 metres above ground level;
 - the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or
8. It is noted that the proposed garage, new fence, and gate all meet the relevant criteria set out within the relevant classes of the GPDO (and above) and therefore, the applicant could, in theory, carry out the works without planning permission as a fall back position to this application in the event of it being refused. With this taken into account, the proposed works would have no greater impact on the visual amenity of the locality or character of the area than that which could be carried out without formal confirmation or planning permission from the local planning authority in line with the permitted development rights set out in the GPDO.
9. With the above taken into account, it is considered that the proposed work would appear in keeping with the character of the street scene and locality in general and thus would comply with Section 12 of the NPPF, relevant local policies CS21 of the Councils Core Strategy and the Woking Design SPD.

Impact on Neighbour Amenity

10. The site's immediate neighbouring dwellings are; Wendover, Bagshot Road to the north, Burley, Bagshot Road to the south and Nos. 10 and 11 Ivydene and No.56 Chobham Road to the east.
11. By virtue of the scale, location and distance from the nearest neighbouring dwellings, the proposed works would not have a detrimental impact on the sunlight and daylight the nearest neighbouring dwellings currently receive. Similarly, given the single storey nature of the proposed garage and the boundary treatment which would sit between it and the nearest neighbouring dwellings, the works would not result in overlooking or a loss of privacy to the nearest neighbouring dwellings.
12. Particular concerns have been raised by neighbouring properties for the generation of noise caused by the additional use of the gravel drive and the use of the garage as a workshop and light pollution from the proposed rooflights of the garage.
13. Though it is noted that the works would facilitate an increased use of the driveway, it is not considered that the noise generated from this would be detrimental to the living conditions of the nearby neighbouring dwellings. It is also worth noting that the rear

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access would be a secondary access for the proposed garage with the main vehicular access remaining at the front of the site on Bagshot Road.

14. The letter from the applicant (received by the LPA on 26th January 2023) details that the garage would be for the storage of classic cars for a restoration project. This use would be ancillary to the main dwelling. As such, it is considered that the concerns for continuous noise disturbance from industrial use area unjust. It is noted that the use of the garage as a business would require planning permission, which this application is not seeking.
15. It is noted that the garage would encompass a rooflight to each roofslope, totalling 4 rooflights. As such, if the lights are on inside the garage after the sun has set, this would be visible from some neighbouring dwellings. However, an internal light being visible through a window would not tantamount to light pollution.
16. It is again worth noting that the works subject of this application meet the relevant criteria set out within Part 1, Class E and Part 2, Class A of the GPDO, and thus could be carried out without planning permission, or any formal confirmation from the planning department.
17. Overall, there would be no significant impact on the amenities of neighbouring properties to the detriment of their living conditions.

Flooding and Drainage

Fluvial Flood Zone	Flood Zone 1
Surface Water Flood Risk Level	Medium Risk – 1 in 1000 Years

18. The surface water flood risk area is located immediately to the rear of the sites dwellinghouse and does not cover the rear most part of the garden. Consequently, the proposed detached garage would not be constructed within the surface flood risk area.

Highways and Parking

19. The Parking Standards SPD (2018) sets out the minimum on site vehicle parking spaces required per dwelling (table 3) and also states that "*Garages only contribute 50% towards overall parking provision*" and "*The minimum size of a garage, when contributing towards parking provision, should be 6m x 3m*" and "*sizes are net internal floorspace.*"
20. The proposed works would construct a detached garage within the rear garden to be accessed via the rear access on Ivydene. The existing dwelling has hardsurfacing to the front which provides ample off-street parking provision for the dwellinghouse which is accessed from Bagshot Road and it is noted that this parking provision would not be altered by the proposal. With this taken into account, whilst the dimensions of the proposed garage (6 metres x 6 metres externally) would be less than the minimum set out within the parking strategy, as the proposed parking would not contribute towards the minimum off street parking provision, this would be acceptable.
21. There is an existing driveway from the end of Ivydene which leads to No. 11 Ivydene, which would provide the rear access to the application site. Though it is noted that concerns were initially raised by SCC Highways (received 21st December 2022) for the turning area of the proposal, and thus requested a plan to be submitted which demonstrated that vehicles can enter and leave the gates in forward gear, without relying on the third part land for turning. Amended plans were received on the 25.01.2023 which set the garage further back within the rear garden of the site, allowing the space to the

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front of the garage for the turning of vehicles. It is noted that SCC Highways reviewed these amendments (comments received 08.02.2023) raising no concerns for this layout or visibility splays.

22. it is noted that additional concerns were raised by neighbouring dwellings with regards to the traffic generation in Ivydene. It is considered that the additional vehicle movements would not be detrimental to the highway users
23. It is noted that the highways comments included a recommendation for a condition requiring a EV charging point to be installed prior to the commencement of the works, however it is not considered that it would be reasonable or necessary to condition that in this instance given the nature of the proposed works and therefore, this will not be included if planning permission were granted in this instance.

Local Finance Considerations

16. The Community Infrastructure Levy (CIL) is a mechanism adopted by Woking Borough Council which came into force on 1st April 2015, as a primary means of securing developer contributions towards infrastructure provision in the Borough. The proposed new build residential floor space would not exceed 100m² and thus would not be liable for a financial contribution under the Community Infrastructure Levy (CIL).

CONCLUSION

Overall, the proposal is considered to be appropriate in scale and character to the host building and surrounding area and is considered to have an acceptable impact on the amenities of neighbours. The proposal therefore accords with Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' (2022) and 'Woking Design' (2015) and the National Planning Policy Framework and is recommended for approval.

BACKGROUND PAPERS

Site Photographs dated 23rdth March 2023.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:

01. The development hereby permitted shall be commenced not later than three years from the date of this permission.

Reason: To accord with the provisions of Section 91 (1) of The Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

02. The external finishes of the extension hereby permitted shall be implemented and thereafter retained in accordance with the specified details in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the building and the visual amenities of the area.

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03. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

- Proposed Garage Floor Plans –dated June 2022 and received by the Local Planning Authority 25.01.2023
- Proposed Garage Elevations— dated June 2022 and received by the Local Planning Authority 25.01.2023
- Proposed Block Plan – dated June 2022 and received by the Local Planning Authority 25.01.2023

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

1. 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 2021.
2. 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.
3. 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.