

12 APRIL 2023 PLANNING COMMITTEE

6e PLAN/2022/1025

WARD: Heathlands

LOCATION: Hillcrest, Pyle Hill, Sutton Green, Woking, Surrey, GU22 0SR

PROPOSAL: Erection of a single storey rear extension, raising of the ridge height to form first floor accommodation, rear rooflights and a front canopy (part retrospective)

APPLICANT: Mr J Milligan

OFFICER: Brooke
Bougnague

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 Delegation.

SUMMARY OF PROPOSED DEVELOPMENT

Erection of a single storey rear extension, raising of the ridge height to form first floor accommodation, rear rooflights and a front canopy (part retrospective).

PLANNING STATUS

- Green Belt
- Thames Basin Heaths SPA ZoneB (400m-5km)
- Area Tree Preservation Order

RECOMMENDATION

REFUSE planning permission and authorise enforcement action.

SITE DESCRIPTION

Hillcrest, Pyle Hill is a single storey detached dwelling. Pyle Hill is characterised by large, individually designed detached dwellings in generously sized plots which gives a spacious and verdant appeal to the area. The proposal site is within the Green Belt.

PLANNING HISTORY

7933: Single storey extension to west elevation. Permitted: 16.03.1955 – not implemented

15469: Single storey extension to west elevation. Permitted: 23.05.1962 – implemented

24332: Single storey extension to east elevation. Withdrawn

87/0360: Single storey rear elevation. Permitted: 02.06.1987 – implemented

90/0119: Single storey rear elevation. Permitted: 05.04.1990 – implemented

PLAN/2018/0585: Certificate of Proposed Lawful Development for the demolition of existing rear elevations and erection of a single storey rear extension, front porch and rear dormer to the existing roof. Withdrawn

PLAN/2018/1052: Prior notification for a single storey rear extension to a detached dwelling to extend a maximum depth of 7.02m, maximum height of 4m and a maximum height of eaves

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of 2.392m. Approved 23.11.2018 – Commenced, but not built in accordance with approved plans

PLAN/2019/0750: Erection of single storey rear extensions, roof alterations incorporating a rear roof extension and an increase in ridge height and a front porch canopy. Refused 03.10.2019

Refusal reasons:

01. The proposal represents inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Furthermore the proposal would significantly harm the openness of the Green Belt by virtue of the increased roof height and disproportionate extensions and alterations which result in a dwelling unequivocally larger than the original. The circumstances advanced in support of allowing disproportionate additions are not considered to amount to Very Special Circumstances which would outweigh the harm to the Green Belt by reason of its inappropriateness, harm to openness and harm resulting from the extent of the extended dwellings height and bulk which would result in a more prominent structure than the existing dwelling. The proposal is therefore contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the Development Management Policies DPD (2016) and Section 13 (Protecting Green Belt Land) of the National Planning Policy Framework (2019).
02. The proposed development would not reflect or respect the prevailing character or appearance of the existing dwelling or the surrounding area with the increased roof height, muddled array of roof forms and conflicting details of roof materials resulting in an incongruous and contrived form of development. The applicant has also failed to demonstrate that the proposed development would not harm protected trees of amenity value which contribute to the sylvan and agrestic character of Pyle Hill. The proposal is therefore contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies DPD (2016) and the National Planning Policy Framework (2019).
03. The applicant has failed to demonstrate through the submission of Arboricultural Information that the proposed development would not result in harm to protected trees on site which make a positive and important contribution to the sylvan and agrestic character of Pyle Hill. It has also not been demonstrated that the proposed development would not be prejudicial to the long term health and retention of the protected trees which may result in further loss of trees from the site. The proposed development could therefore result in significant harm to protected trees on site and would therefore be contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies DPD (2016) and the National Planning Policy Framework (2019).

PLAN/2021/1297: Prior notification for the proposed enlargement of one storey dwellinghouse by construction of an additional storey with a proposed ridge height of 8.59m (Part 1, Class AA). Refused 02.02.2022

CONSULTATIONS

Arboricultural Officer: *'As you indicate the application is retrospective, given this I am unable to approve this as we would have required Arb info prior to development to ensure trees were protected during construction, especially as these are trees are within a 2019 Area TPO .*

By approving this application from an arboricultural perspective, we would be sanctioning possible damage to protected trees. So therefore, it is unacceptable.'

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REPRESENTATIONS

None received

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2021)

Section 12 – Achieving Well-Designed Places

Section 13 – Protecting Green Belt Land

Woking Core Strategy (2012):

CS6 – Green Belt

CS21 – Design

Development Management Policies Development Plan Document (2016):

DM2 – Trees and Landscaping

DM13 – Buildings in and Adjacent to the Green Belt

Supplementary Planning Documents (SPDs):

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2022)

Parking Standards (2018)

BACKGROUND

1. Prior approval (ref: PLAN/2018/1052) approved a single storey rear extension. The single storey extension has not been built in accordance with the plans approved under prior approval (ref: PLAN/2018/1052). The ridge height of host dwelling has also been increased. This application is for the retention of the single storey rear extension and raising the ridge of the dwelling and also seeks planning permission for 4 rear rooflights and a front canopy.

PLANNING ISSUES

Impact on Green Belt

2. The application site is located within the Green Belt. Paragraph 149 of the National Planning Policy Framework (2021) identifies that “*the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*” does not constitute inappropriate development within the Green Belt. Policy CS6 of the Woking Core Strategy (2012) reflects the position of the current National Planning Policy Framework (2021) regarding Green Belt.
3. Policy DM13 of the DM Policies DPD (2016) expands further, the Council’s position is ‘*disproportionate additions over and above the size of the original building as it existed at 1 July 1948 or if it was constructed after the relevant date, as it was first built*’. Moreover it further states that ‘*acceptable, proposals will be within the range of 20-40% above the original volume of the building*’.
4. Policy DM13 of the DM Policies DPD (2016) also states ‘*the NPPF does not provide any guidance as to what may be regarded as ‘proportionate’ or ‘disproportionate’ addition in the context of a building extension or alteration. The Council considers that different locations and forms of development present different site specific characteristics. In this regard, the details of any application will be judged on its own individual merits*’. The NPPF (2012) referred to in Policy DM13 of the DM Policies DPD (2016) has been superseded by the NPPF (2021), the NPPF (2021) does not provide any guidance as to what

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may be regarded as 'proportionate' or 'disproportionate' addition in the context of a building extension or alteration.

- There is a long planning history for the site although some previous extensions and alterations appear to have been undertaken without planning permission. These extensions and alterations have all added to the footprint, floor area and volume of the original dwelling (for the purposes of Green Belt policy, the NPPF regards the 'original' building as being as it existed on 1st July 1948). The Green Belt calculations submitted with the application do not appear to be correct. The application has been assessed using the below figures. The original and existing figures have been taken from planning application PLAN/2019/0750. As set out in figure 1 below the existing extensions and alterations have already resulted in approximately a 162% increase in volume. Any further extensions would therefore represent disproportionate additions to the host dwelling.

	Original dwelling	Existing dwelling (excluding unauthorised extensions)	Current application	Percentage change on original
Volume	267.1m ³	701.2m ³ (+162%)	873m ³	227%
Floor area	70.6m ²	294m ² (+316.43%)	276.75m ²	292%
Footprint	79m ²	174.8m ² (+121.2%)	210.76m ²	167%
Height	5.5m	5.5m 0%	6.6m	20%

Figure 1 – Green belt Calculations

- The single storey rear extension has a maximum depth of approximately 5m and width of approximately 15m. The roof of the single storey rear extension has been subdivided into three and the pitched roofs have a ridge height of approximately 5.4m. The ridge height of the main dwelling has increased from 5.5m to approximately 6.6m. The depth of the dwelling has also increased from approximately 7.2m to 12.3m resulting in an approximate 70% increase in the depth of the dwelling. As set out in figure 1 above the extensions have added further volume and footprint to the dwelling and resulted in a 227% uplift in volume and 167% uplift in footprint and the proposal is therefore considered to be inappropriate development within the Green Belt.
- The single storey rear extension and increase in ridge height of the main dwelling has substantially increased the bulk, massing and volume and has further increased the footprint of the dwelling. There is no justification for allowing this further extension and roof alteration to the dwelling which has already been substantially and disproportionately extended.
- The proposal represents inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Furthermore, the proposal would significantly harm the openness of the Green Belt by virtue of the increased roof height and disproportionate extensions and alterations which result in a dwelling which is materially larger than the original.
- Paragraph 147 of the NPPF (2021) goes on to state that "*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*". Paragraph 148 of the NPPF (2021) states '*When considering any planning application, local planning authorities should ensure that substantial weight is given to any*

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harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations". As such it must be established whether any 'very special circumstances' clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.

10. The single storey rear extension and roof alterations do not fall under permitted development. Planning application ref: PLAN/2019/0750 for erection of single storey rear extensions, roof alterations incorporating a rear roof extension and an increase in ridge height and a front porch canopy was refused on 03.10.2019. The extension proposed under planning application ref: PLAN/2019/0750 resulted in a 249.8% increase in volume, 132.8% increase in footprint and 249.8% increase in floor area. The current planning application for the retention of the single storey rear extension and increase in ridge height has a reduced volume (61.5m³) and floor area (54.25m²) but increase in height (0.35m) and footprint (26.1m²) compared to refused planning application PLAN/2019/0750. However, the green belt calculations in figure 1 above show that the extension and alterations are considered to be inappropriate development within the Green Belt and have not overcome refusal reason 01 of planning application ref: PLAN/2019/0750.
11. Prior approval PLAN/2018/1052 has a comparable volume increase to the current planning application. However, the assessment of volume, footprint and floorspace figures is not the only determining factor in considering openness. The roof form of the single storey rear extension approved under PLAN/2018/1052 had a fully hipped roof with a 4m ridge height which provided a visual gap between the roof of the extension and main dwelling and reduced the overall bulk and mass of the extension. The current planning application includes a 1.1m increase in the ridge height of the main dwelling and the roof form the single storey rear extension is 1.6m higher with a gable end roof which is fully integrated into the roof of the main dwelling. There are a number of protected trees to the south (rear) of the site which would assist in screening the extension from the open field to the south of the site. The increase in the ridge height of the main dwelling would be visible from Pyle Hill. The proposed extensions would have a larger bulk and mass and greater impact on openness than the extensions approved under prior approval PLAN/2018/1052.
12. No very special circumstances have been submitted which would clearly outweigh the harm caused to the Green Belt by reason of the proposal inappropriateness.
13. It is considered that the proposed rooflights and front canopy would not result in disproportionate additions or have an impact on openness as they would not increase the footprint or volume of dwelling and are minor additions. However, the lack of any objection to the application on these grounds does not outweigh the other objections to the proposal.
14. The proposed development would result in disproportionate additions over and above the size of the original building. The proposal therefore represents inappropriate development in the Green Belt which would be harmful by definition and would impact detrimentally on the openness of the Green Belt. No very special circumstances are considered to exist which would clearly outweigh the harm caused to the Green Belt. The proposal would therefore be contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).

Character of the Area

15. Policy CS21 of the Woking Core Strategy (2012) states that new development should respect and make a positive contribution to the street scene and the character of the area within which it is located.

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16. Increasing the ridge height of dwelling from 5.5m to 6.6m has altered the pitch of the roof. It is considered that the alteration to the pitch and increase in ridge height has not resulted in a significant impact on the character and appearance of the host dwelling or streetscene.
17. The single storey rear extension has a maximum depth of approximately 5m and width of approximately 15m. The roof of the single storey rear extension has been subdivided into three and the pitched roofs have a ridge of approximately 5.4m. The ridge height of the main dwelling has increased from 5.5m to approximately 6.6m. It is considered the single storey rear extension has not resulted in a significant impact on the character and appearance of the host dwelling or streetscene.
18. The proposed roof lights and front canopy are considered minor alterations and would not have a significant impact on the character of the host dwelling or streetscene.
19. Overall, it is considered that the proposed extension would not detract from the character and appearance of the streetscene or host dwelling. The application is considered to accord with Policy CS21 of the Woking Core Strategy (2012) and the National Planning Policy Framework (2021).
20. However, the lack of any objections to the application on these grounds does not outweigh the other objection to the proposal.

Impact on Neighbours

21. 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 outlook.
22. Kaimosi, Pyle Hill is sited to the north of the application site. There is an approximate 28m separation distance to the front boundary with Kaimosi, Pyle Hill. Due to the separation distance it is considered that the extensions and alterations have not resulted in a significant loss of daylight, overbearing impact or loss of privacy to Kaimosi, Pyle Hill.
23. Monterey Cottage, Pyle Hill is sited to the west of the application site. There is an approximate 17m separation distance to the west boundary with Monterey Cottage, Pyle Hill. Due to the separation distance it is considered that the extensions and alterations have not resulted in a significant loss of daylight, overbearing impact or loss of privacy to Monterey Cottage, Pyle Hill.
24. Brush House, Pyle Hill borders the east and south boundaries of the application site. There is an approximate 22m separation distance to the east boundary and 25m to the south boundary. There would be an approximate 30m separation distance between the proposed rooflights and south boundary. Due to the separation distance it is considered that the extensions and alterations have not resulted in a significant loss of daylight, overbearing impact or loss of privacy to Brush House, Pyle Hill.
25. Overall, the proposal is therefore considered to have an acceptable impact on the amenities of neighbours in terms of loss of light, overlooking and overbearing impacts and accords with Policy CS21 of the Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2022) and the policies in the NPPF.
26. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

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Impact on parking

27. Supplementary Planning Document 'Parking Standards' (2018) requires a dwelling with 4 or more bedrooms to provide minimum of 2 onsite parking spaces. There is sufficient space within the site to provide two off street parking spaces
28. Overall the proposal is therefore considered to have an acceptable impact on parking and accords with Supplementary Planning Document 'Parking Standards' (2018) and the policies in the NPPF.
29. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

Impact on trees

30. Policy CS21 of the Woking Core Strategy 2012 states "*Proposals for new development should... Incorporate landscaping to enhance the setting of the development, including the retention of any trees of amenity value, and other significant landscape features of merit, and provide for suitable boundary treatment/s*".
31. Policy DM2 of the DM Policies DPD 2016 states that "*Trees, hedgerows and other vegetation of amenity and/or environmental significance or which form part of the intrinsic character of an area must be considered holistically as part of the landscaping treatment of new development. When considering development proposals, the Council will...require landscape proposals for new development to retain existing trees and other important landscape features where practicable...require any trees which are to be retained to be adequately protected to avoid damage during construction...require adequate space to be provided between any trees to be retained and the proposed development (including impervious surfaces)*".
32. The application information text to Policy DM2 states (at para 3.21) that "*Where trees are present within the application site, or within close proximity to the site that could influence or be affected by the development (including street trees), information will be required about which trees should be retained and how they will be protected during construction works. Full guidance is provided in British Standard 5837 'Trees in relation to design, demolition and construction – Recommendations' (or any future equivalent) on the tree survey, arboriculture implications assessment, and arboriculture methods statement (which would include a tree protection plan) that should be provided with an application*".
33. Paragraph 131 of the NPPF (2021) states that "*Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning...decisions should ensure...that existing trees are retained wherever possible*".
34. There is an area Tree Preservation Order (ref: TPO/0010/2019) which covers the whole of the application site. There are mature protected trees on the site that have a high amenity value and contribute to the sylvan and rural character of Pyle Hill. It is noted that planning application PLAN/2019/0750 was refused as it had not been demonstrated through the submission of Arboricultural Information that the proposed development would not result in harm to protected trees on site which make a positive and important contribution to the sylvan and agrestic character of Pyle Hill.
35. The current planning application has not been supported by any Arboricultural or tree protection information. The Council's Arboricultural Officer raises an objection to the and advised '*by approving this application from an arboricultural perspective, we would be sanctioning possible damage to protected trees. So therefore, it is unacceptable*'.

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36. Overall, in the absence of arboricultural information the applicant has not demonstrated that the single storey rear extension results in acceptable arboricultural impacts and that the mature protected trees within the site, which are of high public amenity value, are capable of being retained, nor whether/how retained trees were/would be protected during construction works and whether adequate space is provided between retained trees and the single storey rear extension. The proposal is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).

Impact on flooding

37. Policy CS9 of the Woking Core Strategy (2012) relates to flooding and water management. The application site is located within Flood Zone 1 (low risk) and no issues relating to fluvial flood risk are therefore raised. The Strategic Flood Risk Assessment (November 2015) identifies part of the application site as being at medium (1 in 1000 year), high (1 in 100 year) and very high (1 in 30 year) risks of surface water flooding.
38. The extension has increased the footprint of the host dwelling by approximately 35sq.m. The application is not supported by details of a sustainable drainage scheme to dispose of surface water. In the absence of such information, it has therefore not been demonstrated that the proposal would not increase surface water flood risk on site or to neighbouring properties contrary to Policy CS9 of the Woking Core Strategy (2012) and the provisions of the NPPF.

Community Infrastructure Levy (CIL)

39. The Council introduced the Community Infrastructure Levy (CIL) on 1 April 2015. As the proposed development would not result in new build gross floor space of more than 100 sqm it is not liable for a financial contribution to CIL.

CONCLUSION

40. The proposed development would result in disproportionate additions over and above the size of the original building. The proposal therefore represents inappropriate development in the Green Belt which would be harmful by definition and would impact detrimentally on the openness of the Green Belt. No very special circumstances are considered to exist which would clearly outweigh the harm caused to the Green Belt. The proposal would therefore be contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).
41. In the absence of arboricultural information the applicant has not demonstrated that the single storey rear extension results in acceptable arboricultural impacts and that the mature protected trees within the site, which are of high public amenity value, are capable of being retained, nor whether/how retained trees were/would be protected during construction works and whether adequate space is provided between retained trees and the single storey rear extension. The proposal is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).
42. It has not been demonstrated that the single storey rear extension would not increase the risk of surface water flooding to the site or adjacent contrary to Policy CS9 of the Woking Core Strategy (2012) and the National Planning Policy Framework (2021).
43. For the above reasons the single storey rear extension and increased ridge height constitute a breach of planning control and it is considered expedient to take enforcement action against the unauthorised development and issue an Enforcement Notice.

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44. It is therefore recommended that planning permission is refused and enforcement proceedings authorised.

45. 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

RECOMMENDATION

Refuse planning permission for the following reasons:

01. The proposed development would result in disproportionate additions over and above the size of the original building. The proposal therefore represents inappropriate development in the Green Belt which would be harmful by definition and would impact detrimentally on the openness of the Green Belt. No very special circumstances are considered to exist which would clearly outweigh the harm caused to the Green Belt. The proposal would therefore be contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).
02. In the absence of arboricultural information the applicant has not demonstrated that the single storey rear extension results in acceptable arboricultural impacts and that the mature protected trees within the site, which are of high public amenity value, are capable of being retained, nor whether/how retained trees were/would be protected during construction works and whether adequate space is provided between retained trees and the single storey rear extension. The proposal is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).
03. It has not been demonstrated that the single storey rear extension would not increase the risk of surface water flooding to the site or adjacent contrary to Policy CS9 of the Woking Core Strategy (2012) 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 with the Notice 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.

Enforcement action be authorised to issue an Enforcement Notice in respect of the above land requiring the following within six (6) months of the Notice taking effect:

- i. To restore the single storey rear extension and roof of the dwelling to its previous condition before the breach of planning control took place so that it accords with

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existing floorplans and roof plans (ref: A-103P) and existing elevations (ref: A-201P) submitted with planning application (ref: PLAN/2022/1025).

- ii. To remove from the Land all materials, rubble, debris and paraphernalia associated with and arising from compliance with requirement (i) above.

Informatives

1. The plans relating to the development hereby refused are listed below:

A-101P received by the Local Planning Authority on 03.11.2022

A-102P received by the Local Planning Authority on 03.11.2022

A-103P received by the Local Planning Authority on 03.11.2022

A-104P received by the Local Planning Authority on 03.11.2022

A-201P received by the Local Planning Authority on 03.11.2022

A-202P received by the Local Planning Authority on 03.11.2022