

26 JUNE 2018 PLANNING COMMITTEE

5a 18/0363 Reg'd: 06.04.18 Expires: 01.06.18 Ward: KNA
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LOCATION: 150 Robin Hood Road, Knaphill, Woking, GU21 2LS

PROPOSAL: Erection of two storey side extension, single storey rear extension, rear dormer roof extension and sub-division of x1 dwellinghouse (2 bedroom) into x3 flats (x2 1 bedroom and x1 2 bedroom) with associated vehicular access, parking, refuse/cycle store and landscaping (part retrospective) (amended plans received 11.06.2018).

TYPE: Full Application

APPLICANT: Sharaz Homes Limited

OFFICER: Benjamin Bailey

REASON FOR REFERRAL TO COMMITTEE

The proposal is of a development type which falls outside the Management Arrangements and Scheme of Delegations.

SUMMARY OF PROPOSED DEVELOPMENT

This is a part retrospective full planning application for the erection of a two storey side extension, single storey rear extension, rear dormer roof extension and sub-division of x1 dwellinghouse (2 bedroom) into x3 flats (x2 1 bedroom and x1 2 bedroom) with associated vehicular access, parking, refuse/cycle store and landscaping.

Site Area: 0.0354 ha (354 sq.m)
Existing units: 1
Proposed units: 3
Existing density: 28 dph (dwellings per hectare)
Proposed density: 84 dph

Amended plans were received on 11.06.2018 which made alterations to the internal layout in order to provide the two bedroom unit at ground floor level with direct access to, and exclusive use of, the rear amenity space. These amended plans made only internal layout alterations and did not alter the dwelling number, or dwelling mix, as initially proposed. It was therefore not considered necessary to undertake further public consultation on amended plans.

PLANNING STATUS

- Urban Area
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)

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RECOMMENDATION

Grant planning permission subject to recommended conditions and SAMM (TBH SPA) contribution secured by Legal Agreement.

SITE DESCRIPTION

The application site contains a two storey end-of-terrace dwelling situated within the Urban Area in the Knaphill area of the Borough. The dwelling is externally finished in brick below a tiled roof. The north-western area of the site is laid to gravel and utilised for car parking. The remainder of the residential curtilage is laid to a combination of lawn and patio hard surfacing. The site is enclosed to the northern boundary by close-boarded fencing beyond which is a pedestrian walkway which serves as access to the rear gardens of other dwellings within the subject terrace. Planning permission was granted under reference PLAN/2016/0516 for the erection of a two storey side extension and single storey rear extension.

RELEVANT PLANNING HISTORY

PLAN/2016/0516 - Proposed two storey side and single storey rear extension.
Permitted subject to conditions (24.06.2016)

PLAN/2015/1049 - Extension and alterations to existing 2 bed dwelling to create one additional 2 bed dwelling and alterations to existing access to create additional car parking.
Refused (10.12.2015) for the following reasons:

01. *The proposed development by reason of its proximity to the road boundary, overall bulk and scale, layout, siting, increase in hardstanding and lack of quality private amenity space would result in an overbearing, cramped and contrived form of development which would fail to make a positive contribution to the character and appearance of the area, contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), Policy HSG22 of the Woking Borough Local Plan (1999), Supplementary Planning Guidance 'Plot Subdivision - Infilling and Backland Development' (2000), National Planning Policy Framework (2012).*
02. *The proposal would fail to provide adequate private amenity space, which would create poor living conditions for future occupants of the proposed dwelling and occupiers of the existing dwelling at 150 Robin Hood Road. This would be contrary to Policy CS21 of the Woking Core Strategy (October 2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight (2008)' and a core principle of the National Planning Policy Framework.*
03. *It has not demonstrated that the access arrangements would not be detrimental to highway safety at this location which would be contrary to Policies CS18 and CS21 of the Core Strategy and the provisions of the National Planning Policy Framework.*
04. *In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards affordable housing, it cannot be determined that the proposed dwelling would make sufficient contribution towards affordable housing. The proposal is therefore contrary to Policy CS12 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Affordable Housing Delivery (2014)'.*
05. *In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the additional*

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dwelling would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Policy CS8 of the Woking Core Strategy (2012), the Thames Basin Heaths Avoidance Strategy (2010 - 2015) and saved Policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations").

CONSULTATIONS

County Highway Authority (CHA) (SCC) (Initial):

Commented that the fence on the northern boundary of the site partially restricts visibility for vehicles exiting the site and requested whether it would be possible that this fence could be lowered in height or moved back to improve visibility.

County Highway Authority (CHA) (SCC) (Second):

Following submission of amended proposed site plan removing section of fence to improve visibility no objection subject to recommended conditions 05, 06 and 07.

REPRESENTATIONS

x6 letters of objection have been received raising the following main points:

- Insufficient car parking for the x3 dwellings proposed
- Will result in additional on-street parking
- High density of over-development
- Overlooking and loss of privacy to No.150A Robin Hood Road
- Substandard visibility for vehicles accessing and egressing the site
- Rear dormer is not shown correctly on the submitted plans
(Officer Note: The existing rear dormer is unauthorised (although had not progressed beyond the timber frame as of 01.05.2018); the rear dormer proposed is reduced in width in comparison to the rear dormer as partly constructed. In the event planning permission is granted the existing rear dormer would have to be altered in order to comply with approved plans or would be liable to planning enforcement action)
- Rear dormer is imposing and out of character
- The previously granted application for extensions to produce a 4 bedroom dwelling was a much more sensible arrangement
(Officer Note: The Local Planning Authority has a statutory duty to determine planning applications. Each planning application must be determined on its own individual merits)
- Front landscaping and amenity areas are tiny and hardly worthy of the description
(Officer Note: Only the rear amenity area has been taken into account as this is the only area which is considered useable)
- The cycle and refuse area, which were similarly listed on the plans for No.142 Robin Hood Road are unlikely to be used
- There are parts of Robin Hood Road with no pavement which makes it more dangerous when walking

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RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2012)

Core planning principles

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 10 - Meeting the challenge of climate change, flooding and coastal change

Section 11 - Conserving and enhancing the natural environment

Woking Core Strategy (2012)

CS1 - A spatial strategy for Woking Borough

CS8 - Thames Basin Heaths Special Protection Area

CS9 - Flooding and water management

CS10 - Housing provision and distribution

CS11 - Housing mix

CS12 - Affordable housing

CS18 - Transport and accessibility

CS21 - Design

CS22 - Sustainable construction

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

Development Management Policies Development Plan Document (DMP DPD) (2016)

DM7 - Noise and Light Pollution

DM11 - Sub-divisions, specialist housing, conversions and loss of housing

Supplementary Planning Documents (SPD's)

Design (2015)

Outlook, Amenity, Privacy and Daylight (2008)

Parking Standards (2018)

Climate Change (2013)

Affordable Housing Delivery (2014)

Other Material Considerations

Planning Practice Guidance (PPG)

South East Plan (2009) (Saved policy) NRM6 - Thames Basin Heaths Special Protection Areas

Thames Basin Heaths Special Protection Area Avoidance Strategy

Community Infrastructure Levy (CIL) Charging Schedule (2015)

Woking Borough Council Strategic Flood Risk Assessment (November 2015)

PLANNING ISSUES

01. The main planning issues to consider in determining this application are:

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring amenity
- Amenities of future occupiers
- Highways and parking implications
- Thames Basin Heaths Special Protection Area (TBH SPA)
- Affordable housing
- Other matters

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

Principle of development

02. The NPPF (2012) and Policy CS25 of the Woking Core Strategy (2012) promote a presumption in favour of sustainable development. Policy CS10 of the Woking Core Strategy (2012) identifies that the Council will make provision for an additional 4,964 net additional dwellings in the Borough between 2010 and 2027. The reasoned justification text to Policy CS10 states that new residential development within the Urban Area will be provided through redevelopment, change of use, conversion and refurbishment of existing properties or through infilling.
03. The application site is within the Urban Area, outside of fluvial flood zones, and outside of the 400m (Zone A) exclusion zone of the Thames Basin Heaths Special Protection Area (TBH SPA), where the impacts of new residential development upon the TBH SPA are capable of mitigation through the provisions of the adopted TBH SPA Avoidance Strategy.
04. The proposal relates to the extension and sub-division of an existing single dwellinghouse into x3 flats. Policy DM11 (Sub-divisions, specialist housing, conversions and loss of housing) of the Development Management Policies DPD (2016) states that:

General criteria

Proposals for:

the sub-division of existing dwellings of an appropriate size to two or more dwellings, including flats; will be permitted provided the following criteria are met:

- (i) the proposal does not harm the residential amenity or character of the area;*
- (ii) a good quality of accommodation is provided by meeting any relevant housing standards;*
- (iii) there would be no detrimental impact on the visual appearance of the area or that of the building itself;*
- (iv) any proposed alterations, extensions or additional areas of hard surfacing required to enable the conversion of the dwelling are appropriate in scale, form and extent to the site and its surroundings;*
- (v) maximum tree cover, mature planting, and screening is retained;*
- (vi) boundary treatment to the street frontage of the property is retained and a sufficient area of amenity space is retained or provided;*
- (vii) there is adequate enclosed storage space for recycling/refuse;*
- (viii) access is acceptable and parking (including for cycles) is provided on site in accordance with the Council's standards. Car parking (including drop-off points if relevant) will not be permitted in rear gardens or in locations which might cause a nuisance to adjoining residential properties;*
- (ix) the traffic impacts of the proposal are considered acceptable;*
- (x) the internal layout of the rooms within the proposed conversion will not cause undue disturbance to adjoining residential properties in the building;*
- (xi) an appropriate contribution is made to avoid harm to the Thames Basin Heaths Special Protection Areas, as set out in Core Strategy Policy CS8, where relevant;*
- (xii) there is a safe access and egress route during flood events.*

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Dwelling sub-divisions

In addition to the 'General Criteria' above, the sub-division of dwellings of an appropriate size to two or more dwellings will only be permitted where:

- (i) the proposal would not result in an overall loss of a family home; and*
- (ii) each proposed dwelling has access to a suitable area of private amenity space.*

05. Family accommodation is defined within the Woking Core Strategy (2012) as 2+ bedroom units, which may be houses or flats, exceeding 65 sq.m in floorspace. Policy CS11 of the Woking Core Strategy (2012) states that *"the Council will not permit the loss of family homes on sites capable of accommodating a mix of residential units unless there are overriding policy considerations justifying this loss"*.
06. Prior to the commencement of works on site the application property provided x2 bedrooms, measured approximately 80 sq.m in floorspace (excluding the attached external stores) and therefore constituted 'family accommodation' and a 'family home' for the purposes of Policy DM11 of the Development Management Policies DPD (2012) and Policy CS11 of the Woking Core Strategy (2012). Planning permission reference PLAN/2016/0516 granted planning permission to extend the existing single dwellinghouse to provide x4 bedrooms and approximately 151 sq.m floorspace. Whilst x2 one bedroom flats are proposed to be provided across first and second floor levels a two bedroom flat would be provided at ground floor level. The proposed two bedroom flat would measure 82.0 sq.m in floorspace and therefore constitute 'family accommodation' for the purposes of Policy DM11 of the Development Management Policies DPD (2012) and Policy CS11 of the Woking Core Strategy (2012). The proposal would therefore not result in the loss of a family home.
07. Policy CS10 of the Woking Core Strategy (2012) sets out an indicative density range of between 30 - 40 dph (dwellings per hectare) for infill development within the rest of the Urban Area (ie. those areas outside of Woking Town Centre, West Byfleet District Centre and Local Centres), as in this instance, stating that density will not be justified at less than 30 dph unless higher densities cannot be integrated into the existing urban form.
08. The existing density of the application site is 28 dph. The resulting density would be 84 dph. Whilst it is acknowledged that the resulting density would exceed the indicative upper limit of 40 dph this factor alone is not determinative of planning harm. It is also a significant material consideration in this instance that the opposing end property of the subject terrace (No.142 Robin Hood Road) has benefitted from a relatively recent, and subsequently implemented, grant of planning permission for extension and sub-division into x3 dwellings (PP Ref: PLAN/2014/1195) which results in a density of 94 dph at this property. Furthermore the existing density of the x3 mid-terraced dwellings is 82 dph. Taking these combined factors into account it is considered that the resulting density of 84 dph would reflect, and integrate into, the existing density of the immediate area.
09. Overall therefore the principle of development is considered to be acceptable subject to meeting the relevant criteria of Policy DM11 of the Development Management Policies DPD (2016), and other relevant Development Plan policies, compliance with which will be assessed in further detail within the paragraphs below.

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Design and impact upon the character of the area

10. One of the core principles of the NPPF (2012) is to seek to secure high quality design. Furthermore Policy CS21 of the Woking Core Strategy (2012) states that buildings should respect and make a positive contribution to the street scene and the character of the area paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
11. The two storey side extension and single storey rear extension largely follow the parameters of the development (as a householder extension) permitted under planning permission reference PLAN/2016/0516, which forms a very significant material consideration in determination of the current application, in terms of design and the impact upon the character of the area, of the extensions. The two storey side extension is identical to that permitted under PLAN/2016/0516 bar the exception that it measures approximately 300mm greater in width. The increase in width of 300mm is not considered to result in material planning harm. The combination of the 2.0m set back from the front elevation and the set-down of the maximum height from that of the host dwelling is considered to result in a sufficiently subordinate appearance. The resulting side gable profile of the two storey side extension is also contained wholly within the previous side gable profile of the host property.
12. The single storey rear extension also largely follows the parameters of the development permitted under PLAN/2016/0516 although terminates in a monopitched roof to the western elevation as opposed to the small gable formation permitted under PLAN/2016/0516. Whilst the design, proportions and location of fenestration differs to that permitted under PLAN/2016/0516 these are considered, on balance, to be acceptable.
13. A rear dormer roof extension is proposed to serve the two bedroom flat which would be split across the first and second floors. Whilst no rear dormer roof extension was permitted under PLAN/2016/0516 the proposed rear dormer would be relatively modest, set down from the maximum height of the host property and would not extend sideways beyond the rear roof slope of the 'original' host property. Furthermore a similar scale and form of rear dormer was permitted at the opposing end property of the terrace (No.142 Robin Hood Road) under planning permission reference PLAN/2014/1195. Rear dormers of the scale and form proposed are also relatively common within established residential areas such as Robin Hood Road and are commonly undertaken as 'permitted development'. Whilst the rear dormer is somewhat undesirable in design and character terms, and it is acknowledged that the rear dormer at the application property would be more apparent in views obtainable from the public realm than that at No.142 Robin Hood Road, it is not considered that this element would be capable of substantiating a single defensible reason for refusal.
14. Two front rooflights and a single side rooflight would be inserted into roof slopes. These rooflights are very modest in size with the two front rooflights located towards the ridge whereby they would be less apparent from street level views. The addition of rooflights as proposed would represent a minor alteration and is not considered to appear harmful.
15. A reconfigured parking area would be formed to the north-west section of the application site to accommodate x3 parking spaces and associated manoeuvring area. The majority of the space on which this reconfigured parking area is proposed is utilised for parking provision as existing and laid to gravel. The resulting parking area would appear adjacent to the frontage of No.150A Robin Hood Road (to the north)

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which is partly laid to gravel for the provision of off street car parking. Soft landscaping is proposed to the south and south-west of the host property, alongside soft landscaped 'buffer zones' outside of the living room windows serving proposed flat 2 and communal amenity space provided to the rear.

16. A refuse/cycle store is proposed adjacent to the northern application site boundary and would measure a maximum of 2.35m in height, therefore below the maximum height (2.50m) of ancillary structures, such as sheds, which can be constructed within residential curtilages as 'permitted development' under the provisions of Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This structure would be located approximately 11.0m from the western site boundary with Robin Hood Road and would therefore not appear prominently within this street scene having regard to its relatively modest 2.35m height. Furthermore this structure would be timber clad; a factor which would reinforce its appearance as a typical ancillary outbuilding and assimilate it into the resulting plot.
17. Overall, taking all of the above factors into account, the proposal is not considered to harm the character of the area, is considered to result in no detrimental impact on the visual appearance of the area or of the host property itself; the alterations, extensions and additional areas of hard surfacing required to enable the conversion of the host property are considered to be appropriate in scale, form and extent to the site and its surroundings. No tree cover would be lost or material mature planting and screening removed.
18. Overall the development is considered to respect and make a positive contribution to the street scene of Robin Hood Road and the character of the area more generally, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM11 of the Development Management Policies Development Plan Document (DMP DPD) (2016), SPD Design (2015) and the provisions of the National Planning Policy Framework (NPPF) (2012).

Impact upon neighbouring amenity

19. 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. Policy CS21 also advises that new developments should be designed to avoid significant harm to the environment and general amenity resulting from noise. Policy DM7 of the Development Management Policies DPD (2016) also relates to noise implications. More detailed guidance, in terms of neighbouring amenity, is provided by SPD Outlook, Amenity, Privacy and Daylight (2008).
20. The key neighbouring amenity considerations in this instance are those of No.150A Robin Hood Road, No.148 Robin Hood Road and Nos.85 and 87 Robin Hood Road. Having regard to the scale, form and relationship of the development to properties other than those stated it is not considered that material neighbouring amenity impacts occur to properties other than those stated.

No.150A Robin Hood Road:

21. No.150A Robin Hood Road is located to the rear (north) and set on slightly higher

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ground in comparison to the application property, and the wider subject terrace. No.150A is orientated at an approximate 90° angle in comparison to the application property, which results in its front elevation facing west, its rear elevation facing east and a rear-to-side relationship with the application property. The area to the frontage (west) is largely laid to gravel and utilised for on-site car parking, with views of this frontage appreciable from the public realm of Robin Hood Road.

22. Between the rear (north) boundary of the application site and the southern boundary of the curtilage of No.150A is a pedestrian walkway which provides access to the rear gardens of the subject terrace, and demarcated on both sides by close-boarded fencing. The area between the southern boundary of the curtilage of No.150A and the side (south) elevation of this dwelling is laid to gravel and does not appear to function as the primary outdoor amenity space of this dwelling, which is located to the rear (east). The side (south) elevation of No.150A contains a small single first floor level window, which is obscure-glazed and shown to serve a bathroom within the approved plans for this dwelling. The side (south) elevation of No.150A contains only a door at ground floor level, which is largely solid, although appears to accommodate a vertical strip of obscure-glazing.
23. The rear dormer would be located approximately 11.4m from the northern application site boundary, although, due to the intervening pedestrian walkway, the resulting separation distance to the southern boundary of the curtilage of No.150A is increased to approximately 12.4m. It is acknowledged that the rear dormer would be sited directly opposite the side (south) elevation of No.150A however, taking these resulting separation distances into account, together with the slight rise in ground level which occurs between the application property and No.150A, the absence of habitable room fenestration within the side (south) elevation of No.150A and the absence of primary amenity space to the side of No.150A, it is not considered that the rear dormer would result in significantly harmful impact, by reason of potential loss of daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook, to No.150A.
24. Whilst it is acknowledged that the rear dormer would demonstrate a clear-glazed window serving as single aspect to a habitable room (flat 3 bedroom), taking the resulting separation distances into account, together with the slight rise in ground level which occurs between the application property and No.150A, the absence of habitable room fenestration within the side (south) elevation of No.150A and the absence of primary amenity space to the side of No.150A, it is not considered that the rear dormer would result in significantly harmful loss of privacy to No.150A. Whilst it is acknowledged that views from the rear dormer towards the rear amenity space of No.150A are likely to be achievable, such views would occur at a somewhat oblique angle, and at approximately 17.0m distance, such that any loss of privacy is not considered to be significantly harmful to No.150A, particularly taking into account the existing relationship between No.150A and the subject terrace.
25. The two storey side extension and single storey rear extension largely follow the parameters of the development (as a householder extension) permitted under planning permission reference PLAN/2016/0516, which forms a very significant material consideration in determination of the current application, in terms of impact upon neighbouring amenity. Having regard to the scale, form and resulting separation distances between these elements and No.150A it is not considered that these elements give rise to significantly harmful impact, by reason of potential loss of privacy, daylight or sunlight, or overbearing effect due to bulk, proximity or loss of outlook, to No.150A.

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26. Whilst a parking area for x3 cars would be provided within close proximity of No.150A this area would be separated from the curtilage of No.150A by the intervening pedestrian walkway and existing close-boarded fencing, and would occur opposite the area of the frontage of No.150A which, as existing, is laid to gravel and utilised for the provision of on-site car parking for this dwelling. Furthermore this north-western section of the application site is already utilised for vehicle parking, providing approximately x3 spaces, and is therefore subject to some level of noise and disturbance associated with vehicle movement. Whilst this existing north-western car parking area would be reconfigured it is not considered that any material increase in the level of noise and disturbance associated with vehicular movement would arise in comparison to the existing situation such that significantly harmful impact would arise to No.150A.
27. A refuse/cycle store is proposed adjacent to the northern application site boundary and would be separated from the curtilage of No.150A by the intervening pedestrian walkway and existing close-boarded fencing. This refuse/cycle store structure would measure a maximum of 2.35m in height and is therefore below the maximum height (2.50m) of ancillary structures, such as sheds, which can be constructed within residential curtilages as 'permitted development' under the provisions of Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The projection above the height of the intervening fencing (approximately 1.8m) would be limited, in measuring approximately 0.5m. For these combined reasons the proposed refuse/cycle store is not considered to give rise to significantly harmful impact, by reason of potential loss of privacy, daylight or sunlight, or overbearing effect due to bulk, proximity or loss outlook. Overall the impact upon the neighbouring amenity of No.150A Robin Hood Road is considered to be acceptable.

No.148 Robin Hood Road:

28. No.148 Robin Hood Road is the adjoined terraced dwelling to the east. The extensions do not project, at either ground floor or first floor level, beyond the pre-existing ground and first floor rear building lines adjacent to the common boundary with No.148. Therefore no harmful impact, by reason of potential loss of privacy, daylight or sunlight, or overbearing effect due to bulk, proximity or loss outlook, is considered to occur to No.148 as a result of the two storey side extension and single storey rear extension. Due to the scale and siting of the rear dormer within the roof slope this element is not considered to give rise to significantly harmful impact, by reason of potential loss of privacy, daylight or sunlight, or overbearing effect due to bulk, proximity or loss of outlook.
29. The proposed refuse/cycle store would be situated in excess of 7.0m from the common boundary with No.148. Taking into account the maximum 2.35m height this structure is not considered to give rise to harmful impact upon No.148.
30. The reconfigured parking area to the north-west of the site would be located approximately 10.0m from the common boundary with No.148, and partially screened from the common boundary by the intervening refuse/cycle store. Furthermore this north-western section of the application site is already utilised for vehicle parking, providing approximately x3 spaces, and is therefore subject to some level of noise and disturbance associated with vehicle movement. Whilst this existing north-western car parking area would be reconfigured it is not considered that any material increase in the level of noise and disturbance associated with vehicular movement would arise in comparison to the existing situation such that significantly harmful impact would arise

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to No.148.

Nos.85 and 87 Robin Hood Road:

31. Nos.85 and 87 Robin Hood Road is a semi-detached pair set on the opposing western side of Robin Hood Road and orientated with front elevations facing predominantly north-east towards the application site. Having regard to the scale, form and retained approximate 21.0m separation distance (at the closest point) between the side (western) elevation of the two storey side extension and the front elevations of Nos.85 and 87, together with the obliquely angled relationship between the application property and Nos.85 and 87, it is not considered that significantly harmful impact, by reason of potential loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook, would occur to Nos.85 and 87 Robin Hood Road.
32. Overall, for the reasons set out previously, the development is considered to achieve satisfactory relationships to adjoining properties, avoiding significant harmful impact, by reason of potential loss of privacy, daylight or sunlight, or overbearing effect due to bulk, proximity or loss of outlook, and to avoid significant harm to the environment and general amenity resulting from noise, and therefore to accord with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the Development Management Policies DPD (2016), SPD Outlook, Amenity, Privacy and Daylight (2008) and the provisions of the National Planning Policy Framework 2012 (NPPF).

Amenities of future occupiers

33. It is considered that a good standard of outlook and daylight would be achieved to all habitable rooms within the x3 proposed flats and a good level of sunlight achieved to the amenity area to the rear, which would serve the 2 bedroom flat proposed at ground floor level. Furthermore the living rooms of flat 1 (2 bedroom) and flat 3 (1 bedroom) would benefit from dual aspect which would enhance the amenity value of these main living areas.
34. The proposed flats would vary in gross floorspace between and 82.0 sq.m (flat 1) and 38.2 sq.m (flat 3). Although not locally adopted the gross floorspace of flat 1 and flat 3 would both exceed the relevant requirements of the Technical housing standards - nationally described space standard (March 2015) for both 2 bedroom 1 storey dwellings (61.0 sq.m) and 1 bedroom 1 storey dwellings (37.0 sq.m) and are therefore considered to provide a good standard of amenity. Flat 2 (1 bedroom) would be split across first and second floor levels with a staircase internally within the flat as a consequence. The gross floorspace of this flat would measure 43.8 sq.m. Whilst flat 2 would therefore not accord with the relevant requirement of the Technical housing standards - nationally described space standard (March 2015) for 1 bedroom 2 storey dwellings (58.0 sq.m) the internal layout of this flat is such that the main living area (including kitchen) would occur at first floor level with the bedroom (with en-suite shower room) at second floor level. This internal layout is considered, on balance, to achieve a good standard of amenity notwithstanding the shortfall in gross floorspace. It must also be noted that the Technical housing standards - nationally described space standard (March 2015) are not locally adopted and that this matter has to be balanced with the requirement to make efficient use of land within the Urban Area and with the standards of residential amenity which would be provided to both flat 1 and flat 3 in this instance.
35. The proposed flats generally stack vertically such that no harmful noise disturbance would occur between the proposed flats. Whilst the living room to flat 3 (at first floor

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level) would stack above bedroom 2 to flat 1 (at ground floor level) condition 08 is recommended to secure further details of acoustic insulation within the relevant section of party floor/ceiling to ensure that the potential for noise and disturbance conflict between these room uses is mitigated.

36. SPD Outlook, Amenity, Privacy and Daylight (2008) states that “*dwelling specifically designed not to be used for family accommodation do not require any specific area to be set aside for each as private amenity space. This would apply to one and two bedroom flats and any other forms of dwelling less than 65sq.m. floorspace*”. Both of the x2 proposed flats (flats 2 and 3) across first and second floor levels would be one bedroom and less than 65 sq.m floorspace and therefore do not require any specific area to be set aside as private amenity space. The two bedroom flat, at ground floor level, would exceed 65 sq.m floorspace although would benefit from direct access to, and exclusive use of, the area of amenity space proposed to the rear which would measure approximately 37 sq.m in area. This two bedroom flat would also benefit from amenity areas to the front and side although these areas are considered to be secondary to the primary amenity space which would be provided to the rear and would serve as outlook more than recreational space. Condition 03 is recommended to secure further details of soft landscaping. Overall, taken as a whole, the development is considered to provide a good standard of amenity to future occupiers.

Highways and parking implications

37. A reconfigured parking area is proposed within the north-west section of the application site to accommodate x3 parking spaces and associated manoeuvring area. The majority of the space on which this reconfigured parking area is proposed is utilised for parking provision as existing and laid to gravel. It is noted that the existing parking area requires vehicles to reverse onto Robin Hood Road as turning within the site is not currently possible to enable vehicles to leave the site in a forwards gear. The reconfigured parking area would enable vehicles to turn and leave the site in forwards gear and therefore represent betterment, in highway safety terms, in comparison to the existing situation.
38. SPD Parking Standards (2018) sets a minimum on-site residential parking standard of 0.5 spaces for each 1 bedroom flat, apartment or maisonette and 1 space for each 2 bedroom flat, apartment or maisonette. The proposed development would therefore result in a minimum on-site parking standard of 2 spaces (ie. 0.5 spaces x 2 + 1 space). The proposed reconfigured parking area to the north-west section of the application site would be capable of accommodating the on site parking of 3 cars and would therefore exceed the relevant minimum parking standard.
39. The County Highway Authority (CHA) (SCC) initially commented that the fence on the northern boundary of the site partially restricts visibility for vehicles exiting the site and requested whether it would be possible that this fence could be lowered in height or moved back to improve visibility.
40. To address this initial CHA comment the applicant has submitted a revised proposed site plan which annotates the heights and extents of the fencing on the western section of the northern boundary. This revised proposed site plan also shows an existing 1.2m high fence (which occurs at an angle in the most north-westerly section of the site) to be removed to improve visibility when exiting the site. The CHA have commented that they are now satisfied that visibility can be improved to an acceptable level and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. Conditions 05 and 06 are

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recommended to secure the reconfigured parking layout, and improved visibility through the fence removal, prior to first occupation.

41. A refuse/cycle store is proposed to accommodate x3 cycles (x1 cycle space for each dwelling). Condition 07 is recommended to secure the provision of this cycle store prior to first occupation.
42. Overall the proposal is considered to result in an acceptable impact upon highway safety and car parking provision and accords with policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the National Planning Policy Framework (NPPF) (2012).

Thames Basin Heaths Special Protection Area (TBH SPA)

43. The Special Protection Areas (SPAs) in this area are internationally-important and designated for their interest as habitats for ground-nesting and other birds. Policy CS8 of the Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres, of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).
44. The Suitable Alternative Natural Greenspace (SANG) and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL) however the Strategic Access Management and Monitoring (SAMM) element of the SPA tariff is required to be addressed outside of CIL. The applicant has agreed to make a SAMM contribution of £1006 (ie. £503 x 2) in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy (April 2018 update) as a result of the uplift of x2 studio/one bedroom dwellings which would arise from the proposal.
45. In view of the above, the Local Planning Authority is able to determine that the development would have no significant effect upon the TBH SPA and therefore accords with Policy CS8 of the Woking Core Strategy (2012) and the 'Thames Basin Heaths Special Protection Area Avoidance Strategy'.

Affordable housing

46. Policy CS12 of the Woking Core Strategy (2012) states that all new residential development will be expected to contribute towards the provision of affordable housing and that, on sites providing fewer than five new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 10% of the number of dwellings to be affordable on site.
47. However, following the Court of Appeal's judgment of 11 May 2016 (*Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441*), it is acknowledged that the policies within the Written Ministerial Statement of 28 November 2014, as to the specific circumstances where contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and self build development, must be treated as a material consideration in development management decisions.
48. Additionally the Planning Practice Guidance (PPG) (Paragraph 031 - Revision date: 19.05.2016) sets out that affordable housing contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. Whilst it is considered that weight should still be

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afforded to Policy CS12 of the Woking Core Strategy (2012) it is considered that greater weight should be afforded to the policies within the Written Ministerial Statement of 28 November 2014 and the Planning Practice Guidance (Paragraph 031 - Revision date: 19.05.2016). The proposal represents a development of 10-units or less, and has a maximum combined gross floorspace of no more than 1000sqm, and therefore no affordable housing contribution is sought.

Other matters:

49. Policy CS22 of the Woking Core Strategy (2012), relating to energy and water consumption, does not explicitly state that it relates to conversions of existing buildings. Therefore it is not considered reasonable or necessary to recommend any planning conditions relating to energy and water consumption.
50. The application site is located within Flood Zone 1 (low risk) and no issues relating to fluvial flood risk are raised. As the application site is not within a surface water flood risk area, there are no surface water drainage requirements. The development is considered to comply with Policy CS9 of the Woking Core Strategy (2012) and the provisions of the National Planning Policy Framework (NPPF) (2012).
51. Because the development has already commenced, and the application is part retrospective in nature, it is not considered necessary to recommend the standard three year time limit condition for commencement of development.

LOCAL FINANCE CONSIDERATIONS

52. The development would be liable for Community Infrastructure Levy (CIL) to the sum of **£14,352** (93 sq.m net floorspace) (including the April 2018 Indexation).

CONCLUSION

53. Overall the development is considered to be acceptable in principle, to respect and make a positive contribution to the street scene of Robin Hood Road and the character of the area more generally, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings. The proposal is also considered to result in an acceptable impact upon neighbouring amenity, to provide a good standard of amenity to future occupiers and to result in acceptable highways and car parking implications having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance. Thames Basin Heaths Special Protection Area (TBH SPA) mitigation will be addressed by way of Legal Agreement.
54. The proposal is therefore considered to be an acceptable form of development which complies with Policies CS1, CS8, CS9, CS10, CS11, CS12, CS18, CS21, CS22, CS24 and CS25 of the Woking Core Strategy (2012), Policies DM7 and DM11 of the Development Management Policies Development Plan Document (DMP DPD) (2016), Sections 4, 6, 7, 10 and 11 of the National Planning Policy Framework 2012 (NPPF), Supplementary Planning Documents Design (2015), Outlook, Amenity, Privacy and Daylight (2008), Parking Standards (2018), Climate Change (2013) and Affordable Housing Delivery (2014), South East Plan (2009) (Saved policy) NRM6, the Thames Basin Heaths Special Protection Area Avoidance Strategy and the Planning Practice Guidance (PPG). It is therefore recommended that planning permission is granted subject to conditions and legal agreement as set out below.

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BACKGROUND PAPERS

1. Site visit photographs
2. x2 Consultation responses from County Highway Authority (CHA) (SCC)
3. Letters of representation

PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	£1006 SAMM (TBH SPA) contribution.	To accord with the Habitat Regulations, Policy CS8 of the Woking Core Strategy (2012) and The Thames Basin Heaths Special Protection Area (TBH SPA) Avoidance Strategy.

RECOMMENDATION

Grant planning permission subject to the following conditions and SAMM (TBH SPA) contribution secured by way of Legal Agreement:

01. The development hereby permitted shall be carried out in accordance with the following approved plans:

18.645 L.01 (Location Plan), dated 10.02.18 and received by the Local Planning Authority on 03.04.2018.

18.645 B.01 (Block Plan), dated 10.02.18 and received by the Local Planning Authority on 03.04.2018.

14.490 P.02 (Existing Plans), dated 14.09.15 and received by the Local Planning Authority on 08.05.2018.

14.490 P.03 (Existing Elevations), dated 14.09.15 and received by the Local Planning Authority on 08.05.2018.

18.645 P.21 Rev E (Site Plan), dated 10.02.18 and received by the Local Planning Authority on 11.06.2018.

18.645 P.24 Rev C (Proposed Plans), dated 10.02.18 and received by the Local Planning Authority on 11.06.2018.

18.645 P.25 Rev C (Proposed Plans), dated 10.02.18 and received by the Local Planning Authority on 11.06.2018.

18.645 P.26 Rev D (Proposed Elevations), dated 10.02.18 and received by the Local Planning Authority on 11.06.2018.

18.645 P.27 (Proposed Refuse & Cycle Store), dated 10.02.18 and received by the Local Planning Authority on 08.05.2018.

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

02. The external finishes of the development hereby permitted shall match those used in the existing building in material, colour, style, bonding and texture.

Reason: To protect the character and appearance of Robin Hood Road and the visual amenities of the area in accordance with Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document Design (2015) and the provisions of the National planning Policy Framework (NPPF) (2012).

03. ++ Notwithstanding any details shown on the approved plan numbered/titled 18.645 P.21 Rev E (Site Plan), prior to the first occupation of the development hereby permitted a detailed soft landscaping scheme shall be 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 and any existing soft planting to be retained. All new soft landscaping shall be carried out in accordance with the approved soft landscaping scheme within the first planting season (November-March) following the first occupation of the development or the completion of the development, 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 first agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of Robin Hood Road and the visual amenities of the area and to ensure a good quality of amenity space to serve flat 1 at ground floor level in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies DPD (2016), Supplementary Planning Document Design (2015) and the provisions of the National Planning Policy Framework (NPPF) (2012).

04. ++ Notwithstanding any details shown on the approved plan numbered/titled 18.645 P.21 Rev E (Site Plan), prior to the formation of any 'hard' landscape works full details and/or samples of the materials to be used for the 'hard' landscape works shall be submitted to and approved in writing by the Local Planning Authority. The 'hard' landscape works shall be carried out in accordance with the approved details and completed before the first occupation of the development hereby permitted and permanently retained thereafter.

Reason: To protect the character and appearance of Robin Hood Road and the visual amenities of the area in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies DPD (2016), Supplementary Planning Document Design (2015) and the provisions of the National Planning Policy Framework (NPPF) (2012).

05. The development hereby permitted shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plan numbered/titled 18.645 P.21 Rev E (Site Plan) 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 areas shall be permanently retained and maintained for their designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking

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Core Strategy (2012), Supplementary Planning Document Parking Standards (2018) and the provisions of the National Planning Policy Framework (NPPF) (2012).

06. The development hereby permitted shall not be first occupied unless and until the existing fencing has been removed in accordance with the approved plan numbered/titled 18.645 P.21 Rev E (Site Plan). Thereafter, and notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no fencing shall be reinstated in this position without planning permission being first obtained from the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the provisions of the National Planning Policy Framework (NPPF) (2012).

07. The development hereby permitted shall not be first occupied unless and until the refuse and cycle store as shown on the approved plans numbered/titled 18.645 P.21 Rev E (Site Plan) and 18.645 P.27 (Proposed Refuse & Cycle Store) has been completed and made available for the use of occupiers. This structure shall thereafter be permanently retained and maintained for use at all times.

Reason: To protect the character and appearance of Robin Hood Road and the visual amenities of the area in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies DPD (2016), Supplementary Planning Document Design (2015) and the provisions of the National Planning Policy Framework (NPPF) (2012).

08. ++ The development hereby permitted shall not be first occupied until details of measures to upgrade the acoustic performance of the party ceiling/floor between bedroom 2 at ground floor level (serving flat 1) and the living room at first floor level (serving flat 3) have been submitted to and approved in writing by the Local Planning Authority. Works to upgrade the acoustic performance of the party ceiling/floor shall be completed in accordance with the approved details prior to the first occupation of the development and thereafter be permanently maintained.

Reason: To protect the residential amenities of future occupiers of flat 1 and flat 3 from noise and disturbance between dwellings in accordance with Policy CS21 of the Woking Core Strategy (2012), Policies DM7 and DM11 of the Development Management Policies Development Plan Document (DMP DPD) (2016) and the provisions of the National Planning Policy Framework (NPPF) (2012).

Informatives

01. 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 applicant sought pre-application advice from the Local Planning Authority prior to submission of the application. The application was submitted in line with the pre-application advice and was therefore considered to be acceptable.
02. The applicants attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE RELEVANT TRIGGER POINT. Failure to

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observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance. You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.

03. The applicant is advised that the development hereby permitted is subject to a Community Infrastructure Levy (CIL) liability. The Local Planning Authority will issue a Liability Notice as soon as practical after the granting of this permission.

The applicant is advised that, if he/she is intending to seek relief or exemptions from the levy such as for social/affordable housing, charitable development or self-build developments it is necessary that the relevant claim form is completed and submitted to the Council to claim the relief or exemption. In all cases (except exemptions relating to residential exemptions), it is essential that a Commencement Notice be submitted at least one day prior to the starting of the development. The exemption will be lost if a commencement notice is not served on the Council prior to commencement of the development and there is no discretion for the Council to waive payment. For the avoidance of doubt, commencement of the demolition of any existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of CIL regulations. A blank commencement notice can be downloaded from:

http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf

Claims for relief must be made on the appropriate forms which are available on the Council's website at:

<https://www.woking.gov.uk/planning/service/contributions>

Other conditions and requirements also apply and failure to comply with these will lead to claims for relief or exemption being rendered void. The Local Planning Authority has no discretion in these instances.

For full information on this please see the guidance and legislation here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

<http://www.legislation.gov.uk/all?title=The%20Community%20Infrastructure%20Levy%20Regulations%20>

Please note this informative provides general advice and is without prejudice to the Local Planning Authority's role as Consenting, Charging and Collecting Authority under the Community Infrastructure Levy Regulations 2010 (as amended).

04. 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.
05. The applicant's attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and the associated British Standard Code of Practice BS 5228 : 1984 "Noise Control on Construction and Open Sites" (with respect to the statutory provision relating to the control of noise on construction and demolition sites). If work is to be carried out outside normal working hours, (i.e. 8 am to 6 p.m. Monday to Friday, 8 am to 1 p.m. Saturday and not at all on Sundays or Bank Holidays) prior consent should

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be obtained from the Council's Environmental Health Service prior to commencement of works.

06. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. Please see:
www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs
07. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
08. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
09. This decision notice should be read in conjunction with the related Legal Agreement.
10. The applicant is reminded that flats do not benefit from 'permitted development' rights and therefore that any potential future alterations and/or extensions will require planning permission.