

26 JUNE 2018 PLANNING COMMITTEE

5b 18/0229 Reg'd: 23.03.18 Expires: 18.05.18 Ward: C
Nei. 18.04.18 BVPI Minor Number 14/8 On No
Con. 18.04.18 Target dwellings -13 of Weeks Target?
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LOCATION: 13 Kilrush Terrace, Woking, GU21 5EG

PROPOSAL: Subdivision of existing dwelling into 2x self-contained two bedroom flats and erection of a part two storey, part single storey rear extension, associated external alterations and bin store.

TYPE: Full Planning Application

APPLICANT: Mrs N. Naqvi

OFFICER: David Raper

REASON FOR REFERRAL TO COMMITTEE:

The application has been referred to Planning Committee by Councillor Chrystie. Councillor Chrystie considers the Officer's views on the application as subjective and the Committee may take a different view.

SUMMARY OF PROPOSED DEVELOPMENT

The proposal is for the subdivision of the existing three bedroom dwelling into 2x self-contained two bedroom flats. This would be facilitated by the erection of a part two storey, part single storey rear extension and re-positioning of the front door.

Site Area: 0.0143 ha (143sq.m)
Existing units: 1
Proposed units: 2
Existing density: 69.9 dph (dwellings per hectare)
Proposed density: 139.8 dph

PLANNING STATUS

- Urban Area
- Priority Place
- High Density Residential Area
- Thames Basin Heaths SPA ZoneB (400m-5km)

RECOMMENDATION

REFUSE planning permission.

SITE DESCRIPTION

The proposal relates to a two storey end-of-terrace dwelling dating from the early C20. Kilrush Terrace is a residential no-through road characterised by terraced housing of similar ages and styles. Parking is provided on-street and is arranged in both a parallel and diagonal arrangement. The surrounding area is generally characterised by terraced two storey family dwellings of similar ages and styles and is relatively high density in nature.

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PLANNING HISTORY

- PLAN/2018/0027 - Prior notification for a single storey rear extension to extend a maximum depth of 6.0m, maximum height of 3.0m and a maximum height of eaves of 2.8m – Prior Approval Not Required 31/01/2018
- PLAN/2011/0012 - Retrospective application for the retention of a wall at the end of Kilrush Terrace between nos. 13 and 14 – Permitted 23/06/2011

CONSULTATIONS

County Highway Authority: No objection subject to conditions.

REPRESENTATIONS

One representation has been received objecting to the proposal raising the following concerns:

- There is already considerable pressure on parking
- Proposal would worsen the parking situation and provide insufficient parking
- Although residents are supplied with 4x permits, 2x of these are intended for visitors
- There are only enough parking spaces for each household to have 2x permits

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

CS5 - Priority Places

CS7 - Biodiversity and nature conservation

CS8 - Thames Basin Heaths Special Protection Areas

CS10 - Housing provision and distribution

CS11 - Housing Mix

CS12 - Affordable housing

CS18 - Transport and accessibility

CS21 - Design

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

Development Management Policies DPD (2016):

DM11 - Sub-divisions, Specialist Housing, Conversions and Loss of Housing

Supplementary Planning Documents (SPDs):

Parking Standards (2018)

Woking Design (2015)

Affordable Housing Delivery (2014)

Outlook, Amenity, Privacy and Daylight (2008)

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Other Material Considerations:

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

Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015

BACKGROUND

Amended plans were received on 30/05/2018 which altered the layout of the first floor flat and identified a larger rooflight serving the ground floor bedroom. The proposal has been assessed based on these plans.

PLANNING ISSUES

Impact on Neighbours:

1. One of the core planning principles of the NPPF (2012) is to ensure a good standard of amenity for all existing and future occupants of land and buildings and Core Strategy (2012) policy CS21 'Design' requires development proposals to '*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*'. The neighbour potentially most affected by the proposed development is the attached neighbour at No.11 Kilrush Terrace.
2. The proposal includes a part single storey, part two storey rear extension. The single storey element would measure 6m in depth and is flat-roofed but includes a pitched roof element where the extension meets the original dwelling. The single storey element would be positioned on the boundary with the attached neighbour which features a habitable room window at ground floor level, the centre of which is approximately 1.5m from the boundary. This neighbour would be presented with a 6m deep flank wall positioned on the boundary measuring from 3.5m at its highest point to 2.4m at the flat-roofed element. This is considered to represent in an unacceptably overbearing relationship with the attached neighbour. This effect would be compounded by the presence of an existing single storey projecting element at No.11 which would add to the overbearing impact and sense of enclosure arising from the proposed extensions when viewed from the ground floor rear-facing window of this neighbour. The two storey element would be set-in 1.8m from the boundary and is not considered to result in an acceptably overbearing impact itself.
3. The single storey element of the extension fails the '45° test' as set out in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) in plan form but just passes in elevation form and the two storey element fails the test in elevation form but passes in plan form. On balance the proposal is not therefore considered to result in an unacceptable loss of light impact. However the proposal is considered to result in an unacceptable overbearing impact as outlined above.
4. It is acknowledged that that the applicant has obtained Prior Approval under the Prior Notification scheme for larger home extensions for a 6m deep single storey rear extension (see Planning History). However the extension has not been built and the Prior Approval process relates to domestic extensions to a single dwellings; it would only therefore be lawful to erect a 6m deep extension in relation to a single dwelling. Furthermore, the extension was only granted Prior Approval on the basis that no neighbour representations were received and so the potential impact on neighbours was not assessed by Officers. It is not therefore considered a sufficient fall-back position as the extension has not been erected and any extensions erected in

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association with a proposed subdivision into separate dwellings would require planning permission in their own right.

5. The proposed development, by reason of the size, bulk, mass and scale of the proposed rear extension would result in a significant and unacceptable overbearing impact on the attached neighbour at No.11 Kilrush Terrace, contrary to Core Strategy (2012) policy CS21 'Design', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the NPPF (2012).

Impact on Character:

6. Core Strategy (2012) policy CS21 'Design' requires development proposals to *"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 and land"*. Section 7 of the National Planning Policy Framework (2012) states that *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"* and requires proposals to *"respond to local character and history, and reflect the identity of local surroundings and materials..."*. Furthermore, Woking DMP DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing' states that the subdivision of existing dwellings to flats should only be considered acceptable where, among other criteria, *"The proposal does not harm the residential amenity or character of the area"*.
7. The proposal includes the erection of a part single storey, part two storey rear extension and alterations to the front elevation. The two storey element of the proposed extension would be 3m in depth with a hipped roof design and the single storey element would be 6m in depth and predominately flat-roofed. A rear dormer window has recently been erected under 'Permitted Development' rights. Although sited to the rear, the proposed extensions would nonetheless be visible from Kingsmead and Kings Road to the south-west.
8. The proposed two storey element would include a hipped roof which would integrate with the existing dormer window which is relatively large and box-like; this is considered to result in an awkward and contrived appearance and the combination of the two extensions is considered to overwhelm and dominate the character of the host building. The rear facing window on the two storey extension would have a horizontal emphasis whereas the host building is characterised by fenestration with a strong vertical emphasis; the proposal is considered to result in a discordant arrangement of window openings on the rear elevation which fails to respect the character of the host building. Furthermore, the proposed internal layout would necessitate the removal of the existing front door and its relocation closer to the bay window. This is considered to result in a contrived appearance and an incongruous alteration which would fail to respect the character of Kilrush Terrace which is characterised by terraced dwellings of consistently designed front elevations.
9. The combination of the above factors is considered to result in extensions and alterations which unduly harm the character and appearance of the host building and surrounding area and this is considered indicative of a contrived overdevelopment of the site. The proposal is therefore contrary to Core Strategy (2012) policy CS21 'Design', Woking DMP DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing', Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2012).

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Standard of Accommodation:

10. One of the core planning principles of the NPPF (2012) is to ensure a good standard of amenity for all future occupants of land and buildings. The Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) seeks to ensure satisfactory levels of outlook and natural daylight for all residential development. Furthermore, Woking DMP DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing' states that the subdivision of existing dwellings to flats should only be considered acceptable where, among other criteria, *'a good quality of accommodation is provided by meeting any relevant housing standards'*.
11. Whilst the Council has no minimum dwelling size policy requirement, the National Technical Housing Standards (2015) provide a useful guide to reasonable minimum internal floor areas for different types of accommodation; for example a minimum of 61m² for two bedroom flats housing three people. The first floor flat would have two bedrooms and would be split-level with an internal floor area of 66m² and habitable rooms would face to the front and rear with relatively open outlooks; this flat can be considered acceptable in terms of the size and quality of accommodation.
12. The proposed ground floor unit however would have two bedrooms with a total internal floor area of only 56m² which falls short of the recommended minimum. Furthermore, the second bedroom in the ground floor flat would be positioned in the middle of the floor plan and would be served only by a rooflight in the roof of the proposed extension. This is considered to offer a very poor quality of outlook to this bedroom, to the detriment of future occupants of the ground floor flat. In terms of amenity space, the applicant has identified the division of the rear amenity space into two separate areas to serve the two flats. The rear area of amenity space however could only be accessed by a shared footpath leading behind Kilrush Terrace which is approximately 88m from the front door of the development; this is considered an unsuitable arrangement which severely limits the usability and quality of the amenity space. These factors are also considered indicative of a contrived overdevelopment of the site.
13. The combination of the above factors is considered to result in an unacceptably poor standard of accommodation for future residents of the ground floor flat, contrary to Core Strategy (2012) policy CS21 'Design', Woking DMP DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and the NPPF (2012).

Transportation Impact:

14. The Council's current Parking Standards SPD (2018) sets minimum parking standards for new developments. The minimum parking standard for the existing dwelling (3x bed) is two spaces and the minimum standard for two bedroom flats is one space per unit. Kilrush Terrace is a private road where on-street parking is controlled and managed by a private company. Frontages of dwellings on the road are not sufficient in depth to accommodate off-street parking and parking bays are arranged in diagonal bays on the east side of the road and parallel bays on the west side of the road. Parking along Kilrush Terrace and surrounding roads is relatively constrained with high demand for spaces, however bearing in mind that the minimum parking standard for the proposed flats would be the same as the existing dwelling (two spaces) and the parking controls on the road and on surrounding roads, the proposal is not considered to result in an unacceptable impact on parking. The County Highway Authority has been consulted and raises no objection subject to conditions.

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Overall the proposal is therefore considered to have an acceptable transportation impact.

Housing Mix:

15. Core Strategy (2012) policy CS11 states that residential proposals are expected to provide a mix of dwelling types and sizes to address the nature of local needs as evidenced in the Strategic Housing Market Assessment (SHMA). The overall need set out in the policy is 19% one bed, 28% two bed, 39% three bed and 14% four+ bed. There is therefore an identified need for family accommodation; in particular three bed units followed by two bedroom units. Furthermore the proposal site is within a 'Priority Place' as identified by Core Strategy (2012) policy CS5, in which planning decisions are expected to seek to redress identified issues, including housing, in the Maybury and Sheerwater areas. This policy seeks to redress the tenure imbalance in the area by providing more family accommodation (two bed and above).
16. As the proposal would deliver 2x two bedroom flats, the proposal would not technically result in the loss of a family dwelling, although as discussed above, the quality of accommodation is poor. Notwithstanding this, the proposal is considered acceptable in terms of the proposed housing mix.

Impact on the Thames Basin Heaths Special Protection Area (SPA):

17. The SPAs in this area are internationally-important and designated for their interest as habitats for ground-nesting and other birds. Core Strategy (2012) policy CS8 requires new residential development beyond a 400m threshold, but within 5km of the SPA boundary, to make an appropriate contribution towards the provisions of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM).
18. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL) however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The required SAMM contribution in this case would be £682 in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 as a result of the net gain of a two bedroom dwelling which would arise from the proposal.
19. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards avoidance measures, it cannot be determined that the additional dwelling would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Core Strategy (2012) policy CS8, the Thames Basin Heaths Avoidance Strategy (2010 - 2015), saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations").

Affordable Housing:

20. Following the Court of Appeal's judgment of 11th May 2016, wherein the Secretary of State for Communities and Local Government successfully appealed against the judgment of the High Court of 31st July 2015 (West Berkshire and Reading Borough Council v Secretary of State for Communities and Local Government), officers accept that, subsequent to the Court of Appeal's judgment, the policies in the Written Ministerial Statement of 28th November 2014 by the Minister of State for Housing and Planning which sets out specific circumstances where contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and

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self build development, must once again be treated as a material consideration in development management decisions.

21. Additionally the Planning Practice Guidance (Paragraph 031 – Revision date: 19.05.2016) sets out that there are specific circumstances where contributions for affordable housing planning obligations should not be sought from small scale and self-build development. This follows the order of the Court of Appeal judgment dated 13th May 2016, which again gave legal effect to the policy set out in the Written Ministerial Statement of 28th November 2014 and should be taken into account. These circumstances include that contributions should not be sought from developments of 10 units or fewer, and which have a maximum combined gross floorspace of no more than 1000sqm.
22. Whilst weight should still be afforded to Policy CS12 'Affordable housing' of the Woking Core Strategy (2012) it is considered that greater weight should be afforded to the policies within the Written Ministerial Statement of 28th November 2014 and the Planning Practice Guidance (Paragraph 031 – Revision date: 19.05.2016). No affordable housing contribution is therefore sought under this application.

Community Infrastructure Levy:

23. The proposed increase in residential floor area does not exceed 100m² however as the proposal results in the creation of new dwellings, the proposal would be liable on the net increase in floor area of 57.5m² created by the proposal. This equates to a total of £5,324.28 including indexation.

CONCLUSION

24. The proposed development, by reason of the size, bulk, mass and scale of the proposed rear extension would result in a significant and unacceptable overbearing impact on the attached neighbour at No.11 Kilrush Terrace, contrary to Core Strategy (2012) policy CS21 'Design', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the NPPF (2012).
25. The proposed development, by reason of the unduly small and cramped size of residential units, the absence of a window serving Bedroom 2 of the proposed ground floor flat and the proposed amenity space arrangements, is considered to create an unacceptably poor residential environment for future occupants and a cramped and contrived overdevelopment of the site, to the detriment of the amenities of future occupants of the development. The proposal is therefore contrary to Core Strategy (2012) policy CS21 'Design', Woking DMP DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and the NPPF (2012).
26. The proposed development, by reason of the bulk, scale and design of the proposed extensions and alterations and the proposed amenity space arrangements, results in an unacceptably cramped and contrived overdevelopment of the site, to the detriment of character of the host building and the surrounding area. The proposal is therefore contrary to Core Strategy (2012) policy CS21 'Design', Woking DMP DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing', Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2012).
27. Furthermore, in the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards avoidance measures, it cannot be determined that the additional dwelling would not have a significant impact on the Thames Basin Heaths

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Special Protection Area, contrary to Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', 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").

28. The application is therefore recommended for refusal.

BACKGROUND PAPERS

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

RECOMMENDATION

REFUSE planning permission for the following reasons:

1. The proposed development, by reason of the size, bulk, mass and scale of the proposed rear extension would result in a significant and unacceptable overbearing impact on the attached neighbour at No.11 Kilrush Terrace, contrary to Core Strategy (2012) policy CS21 'Design', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the NPPF (2012).
2. The proposed development, by reason of the unduly small and cramped size of residential units, the absence of a window serving Bedroom 2 of the proposed ground floor flat and the proposed amenity space arrangements, is considered to create an unacceptably poor residential environment for future occupants and a cramped and contrived overdevelopment of the site, to the detriment of the amenities of future occupants of the development. The proposal is therefore contrary to Core Strategy (2012) policy CS21 'Design', Woking DMP DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and the NPPF (2012).
3. The proposed development, by reason of the bulk, scale and design of the proposed extensions and alterations and the proposed amenity space arrangements, results in an unacceptably cramped and contrived overdevelopment of the site, to the detriment of character of the host building and the surrounding area. The proposal is therefore contrary to Core Strategy (2012) policy CS21 'Design', Woking DMP DPD (2016) policy DM11 'Sub-divisions, Specialist Housing, Conversions and Loss of Housing', Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2012).
4. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards avoidance measures, it cannot be determined that the additional dwelling would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', 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").

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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 paragraph 186-187 of the National Planning Policy Framework 2012.
2. The plans relating to the development hereby refused are listed below:
 - KT-04 (Site Plan) received by the LPA on 01/03/2018
 - KT-02 (Existing Plans) received by the LPA on 01/03/2018
 - KT-01 Rev.C (Proposed Plans and Elevations) received by the LPA on 30/05/2018
 - Unnumbered plan showing a Block Plan received by the LPA on 22/03/2018
 - Unnumbered plan showing a Location Plan received by the LPA on 01/03/2018
3. The applicant is advised that the existing rear elevation on the submitted plans is drawn incorrectly as the existing single storey projecting element to the rear is positioned on the southern boundary of the plot rather than the northern boundary as indicated.