

## 24 JULY 2018 PLANNING COMMITTEE

5h 18/0416 Reg'd: 17.04.18 Expires: 26.07.18 Ward: C  
Nei. 22.05.18 BVPI Minor Number 14 On No  
Con. Target dwellings -13 of Weeks Target?  
Exp: on Cttee'  
Day:

**LOCATION:** 41 Lambourne Crescent, Sheerwater, Woking, Surrey, GU21 5RG

**PROPOSAL:** Erection of a two storey dwelling attached to no. 41 Lambourne Crescent to create terrace of three.

**TYPE:** Full Planning Application

**APPLICANT:** Mr M Shah

**OFFICER:** William  
Flaherty

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### **REASON FOR REFERRAL TO COMMITTEE:**

The application has been referred to Planning Committee by Councillor Aziz for further discussion on the proposed amenity spaces and separation distances in the context of the wider Sheerwater Estate.

### **SUMMARY OF PROPOSED DEVELOPMENT**

The proposal is for the subdivision of the existing plot and the erection of a two storey bedroom dwelling attached to No. 41 Lambourne Crescent with the widening of the existing dropped kerb and the construction of an additional dropped kerb.

Site Area: 0.0583 ha (583.5sq.m)  
Existing units: 1  
Proposed units: 2  
Existing density: 17 dph (dwellings per hectare)  
Proposed density: 34 dph

### **PLANNING STATUS**

- Urban Area
- Thames Basin Heaths SPA ZoneB (400m-5km)

### **RECOMMENDATION**

REFUSE planning permission.

### **SITE DESCRIPTION**

The application site comprises of garden land at No. 41 Lambourne Crescent in the Sheerwater area of the Borough. No trees subject to Tree Preservation Orders (TPOs) are situated on site, the site is not situated in a Conservation Area and does not concern a listed building. The site is not located within fluvial Flood Zones 2 or 3, although fluvial Flood Zone 2 is identified within 10m of the site boundary to the rear. To the front of the application site,

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the road has been identified as an area of low probability of surface water flooding (1 in 1000 year).

The area is characterised by low-density, two-storey, publically-built post-war housing in terraces of four or pairs of semi-detached.

### **PLANNING HISTORY**

- PLAN/2017/1428 - Erection of a two storey two bedroom dwelling attached to No. 41 Lambourne Crescent, widening of existing dropped kerb and construction of an additional dropped kerb – Refused for the following reasons:

*'01. The proposed development, by reason of the proposed plot subdivision and the siting and design of the proposed dwelling would result in an unduly cramped and incongruous overdevelopment of the site which would detract from the spacious, open plan character of the area and would fail to reflect the prevailing grain, pattern and character of development in the area. The proposal would therefore cause unacceptable harm to the character of the surrounding area contrary to Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's landscape and townscape', Woking Development Management Policies DPD (2016) policy DM10 'Development on Garden Land', Supplementary Planning Documents 'Woking Design' (2015) and 'Plot Sub-Division: Infilling' and Backland Development' (2000) and Section 7 the NPPF (2012).*

*02. The proposed development would result in a loss of habitable room windows on the south elevation of existing No. 41 and the subdivided garden would be substandard in size when compared to the size of the existing family dwelling. Boundary treatment, the narrow garden width and the loss of habitable room windows would result in a loss of outlook, loss of daylight/sunlight and an undue sense of enclosure to No. 41. Furthermore, the narrow garden width, poor outlook to habitable rooms and the substandard bedroom size of the proposed dwelling would cumulatively result in a poor standard of accommodation for the proposed dwelling which would be contrary to Policy CS21 (Design) of the Council's Core Strategy (2012) and the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008).*

*03. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the proposed net 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").'*

- PLAN /2013/0780 - Proposed erection of a single storey rear extension and single storey front porch extension – Permitted

### **PROPOSED DEVELOPMENT**

The application seeks planning permission for the erection of a two storey, two bedroom dwelling attached to No. 41 Lambourne Crescent, the widening of existing dropped kerb and construction of an additional dropped kerb.

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### **CONSULTATIONS**

County Highway Authority: No objection subject to prior to occupation planning conditions.

Note: As the Council's Flood Risk & Drainage Officer had no comments to make on the previous application and the current planning application would not be significantly different to what has previously been assessed, the Flood Risk & Drainage Officer has not been consulted. It was noted on the site visit for the previous application that there is no longer an overhead power line running above the site, therefore National Grid have not been consulted.

### **REPRESENTATIONS**

1 letter of objection was received raising the following comments:

- The proposed dwelling would encroach on the land of neighbouring No. 39, there is not enough room for the proposed dwelling within the application site;
- The location of the rubbish bin storage and door would encroach on neighbouring land;
- The proposal would result in a loss of privacy to No. 39 due to overlooking and a loss of light and increased noise;
- The southern wall and associated windows and door would be extremely close to the boundary;
- The proposal would result in nuisance, annoyance and trespass during the construction phase.

### **RELEVANT PLANNING POLICIES**

National Planning Policy Framework (NPPF) (2012):  
Section 6 - Delivering a wide choice of high quality homes  
Section 7 – Requiring Good Design

Woking Borough Core Strategy (2012):  
CS1 - A Spatial strategy for Woking Borough  
CS8 - Thames Basin Heaths Special Protection Areas  
CS9 - Flooding and water management  
CS10 - Housing provision and distribution  
CS11 - Housing mix  
CS18 – Transport and Accessibility  
CS21 – Design  
CS22 – Sustainable Construction  
CS24 – Woking's Landscape and Townscape  
CS25 – Presumption in favour of sustainable development

Supplementary Planning Documents:

Woking Design (2015)  
Outlook, Amenity, Privacy and Daylight (2008)  
Parking Standards (2018)  
Climate Change (2013)  
Affordable Housing Delivery (2014)

Development Management Policies DPD (2015)

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DM2 – Trees and Landscaping  
DM7 – Noise and Light Pollution  
DM10 – Development on Garden Land  
DM11 – Sub-Divisions, Specialist Housing, Conversions and Loss of Housing

### Supplementary Planning Guidance (SPG):

Plot Sub-Division, Infilling and Backland Development (2000)

### Other Material Considerations:

Technical Housing Standards – National Described Space Standard 2015 (as amended)

Waste and recycling provisions for new residential developments

NPPF Planning Practice Guidance (2014)

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

Thames Basin Heaths Special Protection Area Avoidance Strategy

WBC Strategic Flood Risk Assessment (November 2015)

## **BACKGROUND**

Amended drawings were received on 11/06/2018 which altered the garden layout for both properties. The proposal has been assessed based on these plans.

## **PLANNING ISSUES**

1. The main issues to consider in determining this application are: the principle of development, design considerations and the impact of the proposal on the character and appearance of the surrounding area, standard of accommodation, impact on residential amenity, highways and parking implications, sustainability, affordable housing, local finance considerations, the impact on the Thames Basin Heaths Special Protection Area and any other matters having regard to the relevant policies of the Development Plan, including whether the reasons for refusal of Planning Application PLAN/2017/1428 have been adequately addressed..

### Principle of Development

2. The NPPF (2012) and Core Strategy (2012) Policy CS25 promotes a presumption in favour of sustainable development. Paragraph 17 of the NPPF sets out that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The site lies within the designated Urban Area and within the 400m-5km (Zone B) Thames Basin Heaths Special Protection Area (SPA) buffer zone.
3. The proposed development would result in the subdivision of the existing plot and the addition of a 1x2 bedroom dwelling. The dwelling would occupy garden space and the site is therefore considered to comprise of garden land. The development of greenfield land for additional dwellings can be acceptable provided that the proposal respects the overall grain and character of development in the area.
4. Woking DPD 2016 Policy DM10 'Development on Garden Land' permits the subdivision of existing plots and the erection of new dwellings providing the proposed development "...does not involve the inappropriate sub-division of existing curtilages to a size significantly below that prevailing in the area", "the means of access is appropriate in size and design to accommodate vehicles and pedestrians safely and prevent harm to the amenities of adjoining residents and is in keeping with the character of the area" and "suitable soft landscape is provided for the amenity of each

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*dwelling appropriate in size to both the type of accommodation and the characteristic of the locality”.*

5. The principle of an additional dwelling in the urban area is acceptable in principle subject to further materials considerations set out in this report.

### Design Considerations and the Impact of the Proposal on the Character and Appearance of the Surrounding Area

6. Policy CS24 of the Woking Core Strategy 2012 states that *‘development will be expected to...respect the setting of, and relationship between, settlements and individual buildings within the landscape’* and to *‘conserve, and where possible, enhance townscape character’*. Policy CS21 states that new developments should *‘respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land’*. This advice is echoed in Paragraph 59 of the National Planning Policy Framework where it points out that the overall scale, density, layout, materials etc. of development should be guided by neighbouring buildings and the local area. The Woking Design SPD (2015) sets out design guidance for a range of development types, including residential extensions.
7. The proposal site comprises of an existing semi-detached dwelling and detached garage with the proposed dwelling to be attached to existing No. 41. The resultant development would change the existing pair of semi-detached properties into a terrace of three properties. The proposed dwelling itself would have a maximum width of approximately 4.7m, a hipped roof height with a ridge height of 7.1m and an eave height of approximately 5.2m (both the ridge and eaves height to match those of No. 41). The roof would be tiled to match existing, walls would be brick to match existing while fenestration would be white uPVC to match existing also. The side elevation of the proposed dwelling would be set back from the site boundary with No. 39 by 1.35m.
8. Dwellings immediately to the north and south of the application site comprise of semi-detached dwellings, although Officers noted on their site visit that there are terraces in the wider area. The separation distance between the principal side elevations of Nos. 41 and No. 39 to the south is approximately 12.3m. Officers note that this separation distance is not typical of development in the wider area and is likely due to the presence of overhead power lines in the past. Separation distances between properties (both semi-detached and terraces) in the area are typically in excess of 4m. The existing garden would be subdivided with the proposed dwelling having a garden space of 88sqm and the original dwelling having a private amenity space of 160.8sqm. The private amenity space for the proposed dwelling would have a maximum garden width of 6.085m and a minimum width to the rear of approximately 4.5m.
9. In order to address the character and design reason for refusal (Refusal Reason 1 above), the applicant has submitted a ‘Garden Area’ Plan to show garden widths and sizes in the wider area and has amended the proposal in the following ways: an additional set-back from the site boundary with No. 39 of 0.35m. There have been some minor alterations to the proposal such as moving the location of the front porch and internal alterations such as removing the separate utility room at the ground floor. The amended plans received on 11 June have revised the garden layouts and sizes for each dwelling.
10. The simple, traditional architectural style of the dwelling is considered to be appropriate for the site, however, notwithstanding the additional set-back of 0.35m it is considered

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that the minimal set back from the site boundary with No. 39 would be uncharacteristic of the area. Were neighbouring No. 39 to undertake a similar form of development the separation distance between the properties would be just 2.7m (compared to the existing 12.3m between the properties). It is also noted that neighbouring semi-detached dwellings Nos. 43 and 45 have a separation distance of 4.1m (as scaled off the submitted plans), Nos. 47 and 49 approximately 8.4m (between front elevations), Nos. 35 and 37 approximately 4.8m. The contents of the 'Garden Area' plan are noted, however, it is considered that this does not address the previous reason for refusal regarding the subdivision and resultant plot widths being contrary to the urban grain of the area. The contrived rear garden arrangement which shows the garden of the host dwelling No. 41 wrap around the rear garden of the proposed dwelling demonstrates the cramped and contrived nature of the proposal which requires this unorthodox arrangement to provide adequate private amenity space for the existing large family dwelling.

11. Neighbouring semi-detached dwellings of a similar size have much larger garden sizes than is proposed at the application site (No. 37 – 270sq.m, No. 39 – 375.7sq.m, No. 43 – 322sq.m, No. 45 – 237.4sq.m). Garden widths for terraces in the wider area have been shown, however, the application site is a semi-detached large family dwelling with semi-detached properties of this type in the area having garden widths of between 9-14m (No. 39 to south has a maximum garden width of 14m; adjoining No. 43 has a maximum garden width of 9.6m).
12. The Council's Outlook, Amenity, Privacy & Daylight Supplementary Planning Document (SPD) (2008) sets out guidance for minimum garden amenity areas. For a large family dwelling (e.g. over 150sq.m gross floor space) such as the existing dwelling which has a gross internal area (GIA) of 164.7sq.m, the private amenity space should be greater than the gross floor area of the building. The resultant private amenity space (as amended by the revised drawings) would be 160.8sq.m (a shortfall of 3.9sq.m). While some of the terraced properties in the wider area have smaller gardens, these properties invariably are smaller than those semi-detached dwellings (for example, No. 31 has an original footprint of 35sq.m, a likely GIA of 70sq.m and has a garden of 87.5sq.m as shown on the submitted 'Garden Area' plan). It is therefore considered that the proposal would result in unduly small plots which would not respect the prevailing grain and pattern of development.
13. While it is considered that the plot sizes and arrangement would not reflect those of the wider area, it is also noted that the resulting terrace of 3x dwellings of variable sizes is not a feature of the area with terraces in the wider area comprising of 4x purpose built dwellings or more with purpose built amenity space which is proportionate to the dwelling sizes. The proposed terrace would appear incongruous with the proposed dwelling having an unbalancing effect which would disrupt the symmetry typically associated with terraces.
14. As stated above, the set-back of 1.35m from the site boundary is considered to be insufficient and if neighbouring No. 39 were to undertake a similar form of development the combined effect of the extensions would result in a terracing effect which would cause harm to the character and appearance of the existing dwellings and the street scene.
15. Officers note that two-storey side extensions have been built at Nos. 35 and 37 to the south, however, it is considered that the substantial set backs from the front elevations of these properties and angled orientation of these plots ensures that there is no significant adverse impact in terms of terracing effect on the street scene or the overriding character of the area as distinguished by the two types of houses. The

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proposed hardstanding and additional parking proposed for the existing dwelling would detract from the character and appearance of the area, however, Officers note that neighbouring properties have converted their front gardens to hardstanding and that this could be achieved through permitted development in any case.

16. Considering the points discussed above, it is considered that the proposed development, by reason of the proposed plot subdivision, siting and lack of set back from the site boundary to No. 39 would result in an unduly cramped and incongruous overdevelopment of the site which would detract from the spacious, open plan character of the existing dwelling and the surrounding area and would fail to reflect the prevailing grain, pattern and character of development in the area. The proposal would fail to provide suitable soft landscaping to provide for the amenity of each dwelling appropriate in size to both the type of accommodation and characteristic of the locality. The proposal would therefore cause unacceptable harm to the character of the surrounding area and would be contrary to Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's landscape and townscape', Woking DPD (2016) policy DM10 'Development on Garden Land', Supplementary Planning Documents 'Woking Design' (2015), 'Plot Sub-Division: Infilling' and Backland Development' (2000) and Section 7 the National Planning Policy Framework (2012).

### Impact on the Amenities of Neighbouring Properties

17. Policy CS21 (Design) of the Council's Core Strategy (2012) sets out 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.
18. The Council's Outlook, Amenity, Privacy & Daylight Supplementary Planning Document (SPD) (2008) sets out guidance on how proposed development should achieve suitable outlook, amenity, privacy and daylight in new residential developments whilst safeguarding those attributes of adjoining residential areas. The main dwellings to consider when assessing the impact of the proposal on neighbouring residential amenity are No. 41 Lambourne Crescent to the north and No. 39 to the south.
19. The second reason for refusal (Residential Amenity) is as follows:

*"02. The proposed development would result in a loss of habitable room windows on the south elevation of existing No. 41 and the subdivided garden would be substandard in size when compared to the size of the existing family dwelling. Boundary treatment, the narrow garden width and the loss of habitable room windows would result in a loss of outlook, loss of daylight/sunlight and an undue sense of enclosure to No. 41. Furthermore, the narrow garden width, poor outlook to habitable rooms and the substandard bedroom size of the proposed dwelling would cumulatively result in a poor standard of accommodation for the proposed dwelling which would be contrary to Policy CS21 (Design) of the Council's Core Strategy (2012) and the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008)."*
20. In terms of daylight/sunlight, a number of south facing kitchen habitable room windows at No. 41 would be blocked up as part of the proposal. The Outlook, Amenity, Privacy & Daylight Supplementary Planning Document (SPD) (2008) sets out that rooms over 5m deep will always be difficult to light adequately from a single elevation and that very deep floor plates are unlikely to achieve acceptable levels of daylighting without some

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form of supplementary light capture. While an additional ground floor roof light is proposed for the ground floor kitchen, it is considered that the loss of these south facing habitable room windows and the depth of the kitchen (7.3m at its deepest point) would detract from the standard of accommodation for No. 41 with an unacceptable loss of daylight/sunlight to No. 41 (the kitchen is of such a size that it is considered to be a habitable room capable of being a general living area).

21. As identified with the previously refused planning application, it is considered that the subdivision of the garden and the resultant amenity space would be substandard in relation to the size of the existing family dwelling (160.8sqm private amenity space – 164.7sq.m floor area) and contrived to wrap around the plot to the rear of the new unit.. The proposed garden width and size and blocked up windows would harm the amenities of No. 41 in terms of loss of outlook, an undue sense of enclosure and loss of daylight/sunlight which would cumulatively result in an unacceptable impact of the amenities of the owner/occupiers of No. 41
22. With reference to No. 39 to the south, Officers noted the significant set back of No. 39 from the site boundary with the application site (approximately 6.3m). The 3 windows on the north facing side elevation at No. 39 would appear to serve a downstairs utility room, a stairwell/landing and a first floor bathroom. Considering that these windows are north facing and do not serve habitable rooms, it is considered that the proposal would not have any significant adverse impact in relation to these windows at No. 39. The proposed dwelling would pass the 45 degree test when considering loss of daylight/sunlight to the rear facing habitable room windows at No. 39 and, when considering the 6.3m set back from the site boundary, it is considered that there would be no other significant adverse impact on the amenities of No. 39 as a result of the development.
23. Concerns have been raised in a letter of representation that the proposal would increase noise in the area, however, it is considered that any impact would not be significant due to the residential nature of the proposal and the surrounding area. The proposed dwelling would, to an extent, appear overbearing and visually intrusive when viewed from within the rear garden of No. 39, however, it is considered that this impact would not be significant in of itself to warrant a refusal of planning permission. Notwithstanding this, the harm caused to No. 41 is considered to be significant and contrary to Policy CS21 (Design) of the Woking Core Strategy (2012).

### Standard of Accommodation

24. The proposed dwelling would have 2 bedrooms and an overall gross internal floor area (GIA) of 88sq.m which would exceed the minimum 79sqm for a dwelling of this type (as set out in the Technical Housing Standards – National Described Space Standard 2015 [as amended]). Most of the habitable rooms in the proposed dwelling would benefit from outlook to the front or rear, although are all single aspect, including effectively the deepest part of the living room and the kitchen/dining room which are only lit by the door and window on the south elevation of the ground floor located just 1.35m from the site boundary (which could be up to 2m in height under permitted development). The proposed outlook and levels of direct daylight/sunlight these areas are considered to be poor when viewed within the context of the existing dwelling and wider area.
25. The issue of bedroom sizes has been addressed by the applicant; the proposal would now accord with the Technical Housing Standards. The ground floor internal layout has been amended to remove a utility room and provide the open plan kitchen/dining room. It is considered that these amendments have largely addressed previous concerns with



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the proposed standard of accommodation and levels of daylight/sunlight at the proposed dwelling. However, the proximity to the site boundary and the narrow garden width are still considered to result in poor levels of outlook to the kitchen/dining area (especially when considering potential future development/extensions to the side of No. 39). The proposed amenity space would be acceptable in terms of area, however, it is considered that the narrow width would diminish from its value as amenity space.

26. The impact of the proposed development on the standard of accommodation of the existing dwelling at No. 41 has been considered above. However, to summarise, it is considered that the proposed development would result in substandard amenity space for the existing family dwelling, in terms of area and functionality, and would detract from the levels of direct daylight/sunlight to habitable rooms at this property.
27. For the reasons set out above, it is considered that the proposed dwelling would cause unacceptable harm the standard of accommodation of the existing dwelling at No. 41 in terms of substandard private amenity space for a large family dwelling of its size and loss of daylight/sunlight to the ground floor kitchen area. The amenity space for the proposed dwelling is considered to be of poor amenity value due to the narrow garden width and the narrow width, along with the proximity of habitable rooms to the site boundary to the south are considered to result in an unacceptable standard of accommodation.

### Highways and Parking Implications

28. The proposal would extend the existing dropped kerb which serves the site and an additional dropped kerb is proposed in front of No. 41. The proposal would therefore provide 2 off-street car parking spaces per dwelling.
29. The County Highway Authority has been consulted on the proposal and has assessed the application on highway safety, capacity and policy grounds and has raised no objection to the proposal subject to planning conditions requiring that the modified/additional vehicle access from the site to Lambourne Crescent is provided in accordance with approved plans prior to first occupation of the development; and, that the proposed car parking spaces are provided in accordance with the approved plans prior to first occupation of the development.
30. The Council's Parking Standards SPD (2018) has been adopted since the previous refusal of planning permission and sets out minimum car parking requirements for residential development. For the existing dwelling, a minimum of 2x car parking spaces are required while a minimum of 1x car parking space is required for the proposed dwelling. Although there would be a loss of on-site car parking to the existing dwelling, each dwelling would have 2x on-site car parking spaces which would accord with the Parking Standards SPD (2018). Subject to the above planning conditions, it is considered that the proposed development not result in any significant adverse impact in terms of highway safety or car parking provision.

### Sustainability

31. Following a Ministerial Written Statement to Parliament on 25 March, the Code for Sustainable Homes (aside from the management of legacy cases) has now been withdrawn. For the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans that require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015.

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32. The Council has therefore amended its approach and an alternative condition will now be applied to all new residential development which seeks the equivalent water and energy improvements of the former Code Level 4. It is considered that the proposal would be acceptable in terms of sustainability and had the application been otherwise considered acceptable a condition could have been imposed.

### Affordable Housing

33. 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.
34. However, following the Court of Appeal's judgment of 11th May 2016 (Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441), 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 district Council and Reading Borough Council v Department for Communities and Local Government [2015] EWHC 2222 (Admin)), it is acknowledged that the policies within the Written Ministerial Statement of 28th 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 once again be treated as a material consideration in development management decisions.
35. 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 gives 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 less, and which have a maximum combined gross floor space of no more than 1000sqm.
36. Whilst it is considered that 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). As the proposal represents a development of 10-units or less, and has a maximum combined gross floor space of no more than 1000sqm, no affordable housing financial contribution is therefore sought from the application scheme.

### Local Finance Considerations

37. Community Infrastructure Levy (CIL) is a mechanism adopted by Woking Borough Council which came into force on 1st April 2015 as a primary means of securing developer contributions towards infrastructure provisions in the Borough. In this case, the proposed residential development would incur a cost of £125 per sq.m which equates to a contribution of £11,713.41 (75.9sqm net additional Gross Internal Area).
38. In addition to CIL, the proposed dwelling is located within the Thames Basin Heaths Special Protection Area (SPA). The proposed development would result in a net

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increase of 1x2 bedroom dwelling on site which would require a Strategic Access Management and Monitoring (SAMM) payment of £682 to be secured by way of a Section 106 Legal Agreement.

### Impact on the Thames Basin Heaths Special Protection Area

39. The Thames Basin Heaths Special Protection Area (SPA) is classified for its internationally important bird breeding populations. The designation is made under the Habitats Regulations 2010. It is necessary to ensure that planning applications for new residential developments include sufficient measures to ensure avoidance of any potential impacts on the SPA.
40. The proposed development would result in a net increase of 1x 2 bedroom dwelling on site which would require a Strategic Access Management and Monitoring (SAMM) payment of £682. This financial contribution would be secured by a Section 106 Legal Agreement prior to the issuing of any grant of planning permission. As the application is considered to be unacceptable for other reasons, the applicant has not been requested to enter into a Unilateral Undertaking to secure a SAMM contribution which would be required in accordance with the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 as a result of the uplift of one dwelling.
41. In the absence of a Legal Agreement or other appropriate mechanism to secure a SAMM contribution, and in view of the above, the Local Planning Authority is unable to determine that the development would have no significant effect upon the Thames Basin Heaths SPA and the application is therefore contrary to Core Strategy (2012) Policy CS8 and the 'Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015', saved Policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI Ni. 490 - the "Habitats Regulations").

### Other Considerations

42. Concerns were raised in a written representation that: the application site is not big enough for the proposed dwelling, that the proposal would encroach on the land at No. 39, that the proposal would result in a loss of privacy, light and cause noise disturbance and that the proposal would result in nuisance, annoyance and trespass during the construction phase. With regards to land/boundary disputes and rights of access during the construction phase, these are not material planning considerations. In terms of loss of privacy, to No. 39, Officers consider that the impact of the development in this regard to be acceptable (as set out in the Residential Amenity section above). In terms of the points raised regarding the size of the proposed dwelling and its proximity to the site boundary, this has been addressed in the 'Character and Design' section of the report above.

### **Conclusion:**

43. The proposed development, by reason of the proposed plot subdivision, siting and design of the proposed dwelling would result in an unduly cramped and incongruous overdevelopment of the site which would detract from the spacious, open plan character of the area and would fail to reflect the prevailing grain, pattern and character of development in the area. The blocking up of existing habitable room windows, and associated loss of daylight/sunlight at No. 41 and the resultant narrow subdivided garden would not be proportionate in size to the existing dwelling and would not reflect the character of similar semi-detached properties in the wider area. The narrow garden and 1.8m high boundary treatment are considered to result in an undue sense of enclosure to the owner/occupiers of No. 41.

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44. It is considered that the amendments to the internal layout of the proposed dwelling would result in a satisfactory level of daylight/sunlight to ground floor habitable rooms, however, the narrow garden width and outlook from habitable room windows for the proposed dwelling are considered to be poor when viewed within the context of the existing dwelling. The applicant has addressed the issue of the substandard bedroom sizes previously raised in the second reason for refusal. On balance, it is considered that the narrow garden width and poor outlook from habitable rooms onto the neighbouring boundary and narrow garden would result in an unacceptable standard of accommodation for the proposed dwelling. When combined with the poor standard of accommodation for the existing dwelling No. 41, it is considered that the poor standard of accommodation for both dwellings would result in a significant adverse impact.
45. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the proposed net additional dwelling would not have a significant impact on the Thames Basin Heaths Special Protection Area.
46. For the reasons set out above, it is considered that the proposal would be contrary to Core Strategy (2012) policies CS8 'Thames Basin Heaths Special Protection Areas', CS21 'Design' and CS24 'Woking's landscape and townscape', Woking Development Management Policies DPD (2016) policy DM10 'Development on Garden Land', Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' (2008), 'Woking Design' (2015), 'Plot Sub-Division: Infilling' and Backland Development' (2000), 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") and the National Planning Policy Framework (2012). It is therefore recommended that planning permission is refused.

### **BACKGROUND PAPERS**

Site photographs: 08.02.2018

Response from County Highway Authority: 02.05.2018

### **RECOMMENDATION**

Refuse for the following reason(s):

01. The proposed development, by reason of the proposed plot subdivision and the siting and design of the proposed dwelling would result in an unduly cramped and incongruous overdevelopment of the site which would detract from the spacious, open plan character of the area and would fail to reflect the prevailing grain, pattern and character of development in the area. The proposal would therefore cause unacceptable harm to the character of the surrounding area contrary to Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's landscape and townscape', Woking Development Management Policies DPD (2016) policy DM10 'Development on Garden Land', Supplementary Planning Documents 'Woking Design' (2015) and 'Plot Sub-Division: Infilling' and Backland Development' (2000) and Section 7 the NPPF (2012).
02. The proposed development would result in a loss of habitable room windows on the south elevation of existing No. 41 and the subdivided garden would be substandard in size when compared to the size of the existing family dwelling. Boundary treatment, the narrow garden width and the loss of habitable room windows would result in a loss of outlook, loss of daylight/sunlight and an undue sense of enclosure to No. 41.

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Furthermore, the narrow garden width and poor outlook to habitable rooms of the proposed dwelling would cumulatively result in a poor standard of accommodation for the proposed dwelling which would be contrary to Policy CS21 (Design) of the Council's Core Strategy (2012) and the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008).

03. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the proposed net 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").

### **Informatives**

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

- L.201, Location Plan, dated 11.04.2018, received 16.04.2018
- B.201 Rev A, Block Plan, dated 11.06.2018, received 11.06.2018
- P.201, Rev A, Proposed Site Layout, dated 11.06.2018, received 11.06.2018
- P.202, Existing Plans and Elevations, dated 11.04.2018, received 16.04.2018
- P.203, Proposed Plans and Elevations, dated 11.04.2018, received 16.04.2018
- P.204, Rev A, Garden Area, dated 11.06.2018, received 11.06.2018

02. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework (2012). Unfortunately, it is considered that the proposed development within its unique site context is clearly contrary to the Council's Development Plan Policies and National Planning Policies such that the scheme could not be amended to be policy compliant.