

16 JULY 2024 PLANNING COMMITTEE

6c PLAN/2024/0193

WARD: KNA

LOCATION: 21 Oak Tree Road, Knaphill, Woking, Surrey, GU21 2RW

PROPOSAL: Retrospective Variation of Condition 1 (Approved Plans) of PLAN/2023/0792 (Retrospective Variation of Condition 2 (Approved Plans) of PLAN/2022/0547 (Demolition of existing dwelling and erection of replacement dwelling)) to increase the height of the single storey rear element, increase the height of the two-storey front projection and alterations to fenestration.

APPLICANT: Mr Tamur Khawaja

OFFICER: Claire Bater

REASON FOR REFERRAL TO COMMITTEE

The decision on whether to take enforcement action falls outside the scope of delegated powers.

PROPOSED DEVELOPMENT

The planning application is made under S.73 to vary the 'approved plans' condition attached to permission PLAN/2023/0792 and seeks retrospective permission for amendments to that permission to increase the height of the single storey rear element, increase the height of the two-storey front projection and alterations to fenestration.

PLANNING STATUS

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

RECOMMENDATION

REFUSE planning permission and authorise formal enforcement proceedings.

SITE DESCRIPTION

The application site is a two-storey semi-detached house currently under construction on the western side of Oak Tree Road opposite the junction with the Bagshot Road.

PLANNING HISTORY

PLAN/2023/0792 – Retrospective Variation of Condition 2 (Approved Plans) of PLAN/2022/0547 (Demolition of existing dwelling and erection of replacement dwelling) to change the utility room window to a door and add two windows in the ground floor north (side) elevation. – Permitted 13.12.2023

PLAN/2023/0732 – Variation of Condition 2 (Approved Plans) of PLAN/2022/0547 (Demolition of existing dwelling and erection of replacement dwelling) to increase the size of the single storey rear element and alterations to fenestration. – Refused 18.10.2023

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PLAN/2023/0273 – Erection of rear decking area and shed including retention of existing concrete hardstanding. – Permitted 18.07.2023

PLAN/2023/0112 – Erection of a single storey outbuilding to create a home office – Withdrawn 22.02.2023

PLAN/2022/0547 – Demolition of existing dwelling and erection of replacement dwelling. – Permitted 18.01.2023

PLAN/2021/1125 – Proposed part single/part two storey rear extension with room in the roof space, first floor front extension and hip to gable roof extension with rear dormer window following demolition of existing single storey rear extension and part existing single storey front extension. – Permitted 15.02.2022

PLAN/2017/1412 – Proposed single storey outbuilding. – Refused 06.02.2018

CONSULTATIONS

None.

REPRESENTATIONS

Three (3) representations have been received raising the following summarised comments:

1. Overlooking from new first floor side window
2. Increased light pollution from new second floor side window
3. Loss of privacy from cumulative effect of side facing doors/windows
4. Height of main ridge increase not shown on submitted drawings
5. Overbearing effect from single storey rear extension on No.19
6. Rear 2nd storey projection higher than shown on submitted plans
7. Rear dormer is much higher, wider and deeper than indicated on the amended plans
8. Rear dormer will create overlooking effect to rear amenity space of No.19
9. Solar panels have been installed on the flat roof which are not shown on the submitted plans. The orientation of these will result in solar dazzle/glare into the rear facing rooms of No.19

Where these comments relate to material planning considerations, they are addressed as appropriate below.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2021)

Section 12 - Achieving well-designed places

Woking Core Strategy (2012)

CS21 – Design

CS24 – Woking's Landscape and Townscape

Supplementary Planning Documents (SPD's)

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2021)

Parking Standards (2018)

PLANNING ISSUES

The principal considerations with the proposed revisions to the previously approved scheme are their impact on the amenity enjoyed by the neighbouring properties at Nos.19 and 23 Oak Tree Road and the impact on character.

It is noted that the orientation of the elevations is erroneously annotated on the submitted plans. The assessment of the application has been made taking into account the correct orientations.

Background

1. Planning permission was granted (retrospectively) under PLAN/2022/0547 for the erection of a replacement house following demolition of the existing house and subsequently amended under PLAN/2023/0792. The current application differs from the approved scheme as follows:

Front Elevation

- Alterations to style and position of windows including insertion of front roof light
- Increase in pitch and height of two-storey front projection by approx. 0.3m
- Increase in height of single-storey side element by approx. 0.35m
- Increase in height of the pitched roof of the main house (not shown on the submitted plans)

Side Elevation (facing No.23 Oak Tree Road)

- Alteration to style of 2nd floor window
- Insertion of first floor window
- Alterations to position and size of windows at ground floor

Rear Elevation

- Reduction in width and increase in depth and height of rear dormer
- Alterations to style and position of windows
- Increase in height of single-storey side/rear element by approx. 0.35m
- Increase in width of the shorter section of the single-storey rear element

It is these elements only which are under consideration by the submitted application.

Impact on Character of the Area

2. Section 12 of the *National Planning Policy Framework* (2021) states that “*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve*” and that “*Good design is a key aspect of sustainable development...*” and requires proposals to “*add to the overall quality of the area...*”, to be “*visually attractive as a result of good architecture...*” and “*sympathetic to local character and history, including the surrounding built environment and landscape setting...*”.
3. Policy CS21 of the *Woking Core Strategy* (2012) 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*” whilst Policy CS24 requires development proposals to provide a ‘positive benefit’ in terms of townscape character.

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4. Supplementary Planning Document *Woking Design* (2015) sets out guidance for domestic extensions and states that “*significant extensions to the street façade will usually be resisted where there is a well established building line*” and “*extensions should not result in unbalanced or disproportionate frontages...The additional mass should respect the existing building proportion, symmetry and balance*”.
5. The existing building is a replacement two-storey semi-detached house constructed of red multi-stock bricks under a pitched roof of red concrete tiles. The street scene is comprised of two-storey semi-detached houses constructed of red/brown bricks with concrete tiled roofs of similar style and white window frames.
6. Planning permission was granted for the replacement house under PLAN/2022/0547 and materials subsequently conditioned to include white uPVC windows. This was re-iterated under planning permission ref: PLAN/2023/0792 which retrospectively granted permission for new window openings in the side elevation of the single storey element. It was noted at the site visit that grey uPVC windows had been installed in contravention of Condition 2 of PLAN/2023/0792. It is considered that these are not in keeping with the character of the host dwelling and the wider street scene.
7. A roof light has been inserted into the front roof slope and the height of the two-storey front projection increased by approx. 0.3m. This increase in height has been caused as a result of the steeper pitch of the cat-slide roof on this element. It was also noted on site that the ridge height of the house was slightly higher than that of the adjoining semi-detached property (not shown in the submitted plans). Notwithstanding this increased height, it is considered that the proposal is in keeping with the character of the street scene and wider area in this regard.
8. It is considered that, by the use of grey uPVC windows, the development fails to respect and make a positive contribution to the street scene and the character of the area. The proposal is therefore considered to be contrary to policies CS21 and CS24 of the *Woking Core Strategy* (2012), Supplementary Planning Document *Woking Design* (2015) and the *National Planning Policy Framework* (2023).

Impact on Neighbouring Amenity:

9. Policy CS21 of the *Woking Core Strategy* (2012) advises that proposals for new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook.
10. In terms of impacts on light, Woking Council's SPD *Outlook Amenity, Privacy and Daylight* (2022) contains a 45° test to determine whether development to the rear of the property would have an acceptable impact on the sunlight/daylight levels received by the rear windows of adjoining and adjacent properties. The application proposes the increase in height of the single storey side/rear element from 2.8m to 3.15m (0.35m). The submitted drawings also depict the relationship in terms of depth of this element with regards to the single storey rear extension on the adjoining property at No.19 Oak Tree Road and also reflect the increased distance to the side boundary from the longer section.
11. In applying the 45 degree test, the single storey side/rear element would fail the test in plan form but pass in elevation. Therefore, on balance, the proposal is not considered to result in a significantly harmful loss of light impact to no. 19. The proposal passes this test in both plan and elevation in respect to no.23 Oak Tree Road.

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12. However, the proposed development would result in a 3.3m deep single-storey, flat-roofed element being positioned directly on the boundary with the attached neighbour at No.19. This would have a height of 3.15m. (i.e. approximately 1.35m. higher than the boundary treatment at this location). The scale and proximity of this unrelieved wall is considered to result in a significantly harmful overbearing and enclosing impact on this neighbour. This impact would be exacerbated by the fact that it would be immediately adjacent to the main private rear sitting out/patio area enjoyed by no. 19.
13. Concern has been raised in neighbour representations with regards to a loss of privacy caused by the proposed amendments. The rear dormer has been increased in depth by approx. 0.15m than that which was approved under PLAN/2022/0547 and its window has been reduced in size. This window would serve an ensuite and whilst there is potential for some overlooking of the neighbouring property at No.19 Oak Tree Road it is considered this would be no different to a typical urban setting and accordingly a significant unacceptable overlooking impact would not occur.
14. New windows have been inserted at first floor and above in the side elevation facing No.23 Oak Tree Road. The submitted floor plans show that these would serve an ensuite and a stairwell and would be obscure glazed. Were the proposed development otherwise to be considered acceptable a condition would be imposed requiring these windows to be obscure-glazed in perpetuity and non-openable under 1.7m from finished floor level in order to prevent an unacceptable overlooking impact towards this neighbouring property.
15. Overall, the proposal is considered to have an acceptable impact on the amenities of neighbours in terms of overlooking and loss of light impacts but would cause a significant unacceptable overbearing impact towards the neighbouring property at No.19 Oak Tree Road. The development would accordingly be contrary to policy CS21 of the *Woking Core Strategy (2012)*, Supplementary Planning Document *Outlook, Amenity, Privacy and Daylight (2022)* and the *National Planning Policy Framework (2023)*.

Impact on Private Amenity Space:

16. Woking Borough Council's SPD *Outlook, Amenity, Privacy and Daylight (2022)* recommends that large family dwelling houses (i.e. over 150 sqm in gross floorspace) should have a suitable area of private garden amenity that is in scale with the building (e.g. greater than the gross floor area of the building). The proposal would provide increased amenity space from that approved under PLAN/2022/0547 and accordingly is considered to be acceptable in this regard.

Transportation Impact:

17. The proposed development would not alter the required parking provision and sufficient space would remain to the frontage of the host dwelling for at least three vehicles in accordance with the Council's SPD *Parking Standards (2018)*. The proposal is therefore considered acceptable in terms of parking provision.

Local Finance Considerations:

18. The proposed development is a replacement house hence liable for CIL. Floor space of 234.54sqm is proposed; 96.16sqm would be demolished therefore the chargeable amount is 138.38sqm at a rate of £125/sqm plus indexation.

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CONCLUSION

19. Overall, the proposed use of grey uPVC windows is considered to be out of keeping with the character of the host dwellinghouse and fails to respect and make a positive contribution to the street scene and the character of the area. Additionally, the increased height of the single storey side/rear element would have a significant overbearing impact on the adjoining neighbouring property at No.19 Oak Tree Road. Accordingly the proposal is considered to be contrary to policies CS21 and CS24 of the *Woking Core Strategy* (2012), Supplementary Planning Documents *Woking Design* (2015), *Outlook, Amenity, Privacy and Daylight* (2022) and the *National Planning Policy Framework* (2023) and is recommended for refusal.

BACKGROUND PAPERS

Site visit photographs (dated 05.06.2024)

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

1. The development, by reason of the use of grey uPVC windows, is not in keeping with the character of the host dwellinghouse and fails to respect and make a positive contribution to the street scene and the character of the area contrary to policies CS21 and CS24 of the *Woking Core Strategy* (2012), Supplementary Planning Document *Woking Design* (2015) and the *National Planning Policy Framework* (2023).
2. The increased height of the single storey side/rear element would have a significant unacceptable overbearing impact on the adjoining neighbouring property at No.19 Oak Tree Road contrary to policy CS21 of the *Woking Core Strategy* (2012), Supplementary Planning Document *Outlook, Amenity, Privacy and Daylight* (2022) and the *National Planning Policy Framework* (2023).

In the event that the application is refused, the LPA will use its delegated powers to take enforcement action under S172/S187 of the Town and Country Planning Act 1990 (as amended) and remedy the breaches of conditions where it is expedient to do so.

Informatives

1. The plans hereby refused are:

Drawing titled "Location Plan" dated 08 Mar 2024 and received by the LPA on 11.03.2024
Drawing No: E.001 "Existing Elevations" dated 04/03/2024 and received by the LPA on 11.03.2024

Drawing No: GA.001 "Existing Layouts" dated 04/03/2024 and received by the LPA on 11.03.2024

Drawing No: SP.100 Rev A "Site Plan - Proposed" dated 27/04/2024 and received by the LPA on 30.04.2024

Drawing No: E.100 Rev E "Proposed Elevations" dated 18/06/2024 and received by the LPA on 19.06.2024

Drawing No: E.101 Rev D "Proposed Elevations in Compare to the Approved drawings - PLAN/2023/0792" dated 18/06/2024 and received by the LPA on 19.06.2024

Drawing No: GA.100 Rev E "Proposed Layouts" dated 18/06/2024 and received by the LPA on 19.06.2024

Drawing No: GA.101 Rev E "Proposed Layouts in Compare to the Approved drawings - PLAN/2023/0792" dated 18/06/2024 and received by the LPA on 19.06.2024

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2. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework (2023).