

16 JULY 2024 PLANNING COMMITTEE

PLAN/2024/0033

WARD: Maybury and Sheerwater

LOCATION: 266 Albert Drive Sheerwater Woking Surrey GU21 5TX

PROPOSAL: Erection of a two storey dwelling with single storey front and rear projections following the demolition of the existing dwelling and garage (amended description).

APPLICANT: Mrs Shahzana

OFFICER: Hannah Dale

REASON FOR REFERRAL TO COMMITTEE:

The application has been referred to Planning Committee by a former Councillor (Cllr Aziz) for a wider discussion on the merits of the application and to ensure consistency in decision making.

SUMMARY OF PROPOSED DEVELOPMENT

Erection of a two-storey dwelling with single storey front and rear projections following the demolition of the existing dwelling and garage (amended description).

In terms of size, the proposed dwelling would have maximum ground floor dimensions of 12.7m in width by 15.75m in depth, with a front porch of 2m in depth (with a further 1m canopy porch). At two storey level the overall width of the replacement dwelling would be 12.7m along the front elevation and 11.7m along the rear elevation. The two storey depth of the dwelling would be 10.2m. The ridge and eaves height of the replacement dwelling would match the existing (and the attached neighbouring dwelling). The proposed materials are to match those in the existing dwelling. A rear patio is proposed and off-street parking for three vehicles within the front garden is also shown.

The proposed works follow the demolition of all internal and external walls except for the party wall and one internal ground floor and one external first floor wall. The proposal also sees the demolition of the garage, which is currently attached to the neighbours garage at No.264 Albert Drive.

PLANNING STATUS

- Urban Area
- Medium and High Surface Water Flood Risk Area
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)

RECOMMENDATION

REFUSE planning permission.

SITE DESCRIPTION

The application site is a two-storey semi-detached dwelling with a brick face under a tiled roof. The application site has a detached single garage which adjoins the garage of the neighbouring dwelling No.264 Albert Drive, with an existing wall projecting further towards the host dwelling with a side access gate. The dwelling is set back on its plot with a generous front garden and there is no boundary treatment between the front gardens of the application site and the attached neighbour No.268 Albert Drive. The host dwelling has a

16 JULY 2024 PLANNING COMMITTEE

generous amount of rear amenity space with boundary treatments to the side and rear consisting of fencing.

This part of Albert Drive features semi-detached and detached dwellings with large frontages.

RELEVANT PLANNING HISTORY

There is no planning history since the original dwelling was constructed.

CONSULTATIONS

West Byfleet Neighbourhood Forum (the very rear part of the site adjoins the neighbourhood area): No comments received.

SCC Lead Local Flood Authority: In the event that planning permission is granted by the Local Planning Authority, a suitably worded condition should be applied to ensure that a suitable surface water drainage scheme is properly implemented and maintained throughout the lifetime of the development to ensure the proposals would not increase surface water flood risk downstream of the site.

REPRESENTATIONS

In respect of the originally submitted application 3no. representations (2no. were the same letter) were received. The 2no. identical letters raised objection/concerns in respect of the proposal. A summary of the main comments made is as follows:

- Out of scale with the surroundings.
- Overbearing effect on immediate neighbours, particularly rear garden of No.264 Albert Drive.
- Cause loss of light to the gardens of Nos.264 and 268.
- Concerned that the demolition of the garage will compromise the structure and security of garage at No.264 (which is attached to the application garage), particularly as the garage shows demolition of the party wall. Would like assurances that the garage would be left structurally sound, weatherproof and secure as a condition, before rebuilding can commence. [*Officer note: The duty of care in respect of these matters lies with the builder/applicant*]
- Drains for 4 dwellings converge in garden of No.264 and clearance is their responsibility. Seek assurance that the volume has been considered in light of the increase in flow to be expected from such a large development. [*Officer note: As this proposal is for minor development had the application been otherwise considered acceptable a condition would have been imposed relating to surface water drainage.*]

The third letter states support subject to confirmation of second bullet point below. A summary of the main comments made is as follows:

- Not sure whether to raise concern relating to sunlight to family/garden room due to two storey building at rear. If the plan is following current Council guidelines then absolutely fine.
- If any damage happens to No.268 during building work then it needs to be rectified immediately. Drainage pipes and internet hubs are shared between 2 houses. Request consider this caveat if approving application.
- Applicants spouse removed boundary hedge of No.268 (in front garden) without permission. Was proposed to be rectified by building boundary wall but this has not

16 JULY 2024 PLANNING COMMITTEE

yet been done and the property is rented out. Consider the planting was removed so the application form could advise that there are no hedges on the property.

A second notification was undertaken following the re-registering of the application due to the change in the type of application (to propose a replacement dwelling rather than extensions to an existing dwelling) and a copy of the third letter (referenced above) was received which did not make any further comments other than those already summarised above.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2023):

Section 2 – Achieving Sustainable Development

Section 9 – Promoting Sustainable Transport

Section 11 – Making effective use of land

Section 12 – Achieving Well-Designed and Beautiful Places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and Enhancing the Natural Environment

Woking Core Strategy (2012):

CS1 – A Spatial Strategy for Woking Borough

CS7 – Biodiversity and nature conservation

CS9 – Flooding and water management

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 (SPDs):

Design (2015)

Outlook, Amenity, Privacy and Daylight (2022)

Climate Change (2013)

Parking Standards (2018)

Affordable Housing Delivery (2023)

Other Material Considerations:

Planning Practice Guidance (PPG)

Community Infrastructure Levy (CIL) Charging Schedule (2015)

The Conservation of Habitats and Species Regulations (2017)

PLANNING ISSUES

Impact on Character:

1. Section 12 of the NPPF (2023) states that “*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*” 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 while not preventing or discouraging appropriate innovation or change.*”

16 JULY 2024 PLANNING COMMITTEE

2. Policy CS21 of the Woking Core Strategy (2012) states that development “*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*”. Policy CS24 of 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*’.
3. The existing two storey semi-detached dwelling would be demolished and the dwelling itself is not considered to be of particular architectural merit and no objection is raised to its demolition. The proposed replacement dwelling would adopt a conventional design approach being two storey with a pitched roof on the main part of the dwelling. The two-storey rear projections would have double hipped roofs and the front and rear single storey projections would have mono-pitched roofs. At the front the single storey projection would have a further front porch and canopy which would be finished with a pitched roof.
4. The proposed replacement dwelling would sit within a residential plot with mature trees towards the rear boundary and the surrounding area features semi-detached dwellings of similar style and design. The application site forms one of a pair of semi-detached dwellings and sits within a row of two pairs of semi-detached dwellings all of which are modestly sized dwellings with good visual separation to one boundary.
5. The proposed replacement dwelling would be significantly larger than the existing dwelling with two storey side and rear projections and single storey front and rear projections, in comparison to the existing dwelling. The proposed replacement dwelling would be wider than the existing dwelling with the two storey width occurring with the same eaves and ridge height across the full width of the elongated dwelling. Although a 1.1m separation distance would be retained to the side boundary, the proposed dwelling would occupy the majority of the width of the plot and would appear significantly wider than the attached dwelling of this semi-detached pair. Furthermore the two storey rear projection would increase the depth of the replacement dwelling by 3m at first floor level, with an additional 3m depth at single storey level. Although the two storey rear projection would have a double hipped roof, there would be no design break in the new side elevation wall which would measure 10.2 in depth at two storey level. The overall depth of the dwelling at single storey level would be 15.7m in comparison to the existing depth of the dwelling of 7m.
6. The table below shows a comparison between the footprint and floorspace of the existing dwelling in comparison to the proposed replacement dwelling.

	Existing Dwelling (excluding garage = 12.8sqm)	Proposed Dwelling (excluding canopy porch)	Total increase above existing
Ground Floor Footprint (GEFA)	56 sqm	205.6sqm	149.6sqm
Floorspace (GEFA)	111.7 sqm	331.6sqm	219.9m

7. The above comparison shows the significant increase in the size and scale of the proposed replacement dwelling. The figures emphasise just how large the replacement dwelling would be in comparison to the existing dwelling, in addition to the visual assessment above. The proposed replacement dwelling would be

16 JULY 2024 PLANNING COMMITTEE

inappropriate in scale and form to the site and the surrounding area resulting in a significantly larger dwelling which would appear unduly disproportionate in its scale, bulk and massing on its plot and within the street scene and would be detrimental and harmful to the area.

8. The proposal would, by reason of its scale, bulk, mass and form, result in a significantly larger dwelling which would be inappropriate in scale and form to the site and its surroundings and detrimental to the character and appearance of the site and surrounding area. The proposed development would also fail to respect and make a positive contribution to the street scene and the character of the area in which it would be situated. The proposed development is therefore contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), and Supplementary Planning Document Design (2015) and the National Planning Policy Framework (NPPF 2023).

Impact on Neighbouring amenity:

9. Woking 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"*. Paragraph 2.5 of SPD 'Outlook, Amenity, Privacy and Daylight' (2022) states that *"Outlook from a principal window will generally become adversely affected when the height of any vertical facing structure exceeds the separation distance from the window. When a structure is placed too close to a window so that it completely dominates the outlook it will have an overbearing impact"*.
10. In respect of daylight the SPD states that *"significant loss of daylight will occur if the centre of the affected window (or a point 1.6m in height above the ground for floor to ceiling windows/patio doors) lies within a zone measured at 45° in both plan and elevation"*. Where existing habitable room windows/openings are located directly opposite a proposed development the SPD (at para 5.9) identifies that suitable daylight is achieved where an unobstructed vertical angle of 25° can be drawn from a point taken from the middle of each of the existing window openings.
11. The SPD 'Outlook, Amenity, Privacy and Daylight' (2022) sets recommended minimum separation distances for different forms of development including 20m for 'rear-to-rear' relationships and 10m for 'front/rear-to-boundary' relationships at two storey level.
12. The nearest neighbours are those at No.264 and No.268 Albert Drive. No.268 Albert Drive is the attached dwelling. The proposed replacement dwelling would be located on the boundary with No.268 Albert Drive and 1.1m from the boundary of No.264 Albert Drive, which has one of the adjoined garages.
13. In respect of No. 268 Albert Drive, the single storey and two storey rear additions pass the 45 degree test along this boundary. The two storey rear addition is considered acceptable in terms of separation distance as it is set in from the boundary by 1m and no side windows are proposed. As the two storey rear addition is set away from the shared boundary and given its depth and the presence of an existing conservatory on the neighbours side, any overbearing effect would be mitigated. The neighbouring attached dwelling has side facing ground floor doors to a family facing the application site. The proposed two storey rear addition would not pass the 25 degree splayline drawn from this opening. However, as there is a further source of daylight to this room as it also has a rear facing window (which would be unaffected) the proposal would be considered acceptable as the loss of daylight to this room would not be considered

16 JULY 2024 PLANNING COMMITTEE

significant. Furthermore, the ground floor front extension also passes the 45 degree test from the attached neighbouring dwelling.

14. The proposal would also be located 1.1m from the boundary with the neighbouring dwelling No.264 Albert Drive. With regard to daylight, the two storey rear/side addition passes the 45 degree test (in elevation). It is noted that due to the depth of 11.5m, the ground floor element does not pass in plan. However, it does pass in elevation and therefore there would be no significant loss of daylight to the rear facing windows of this neighbouring dwelling. There is a ground floor side facing window in this neighbouring dwelling but this faces their own garage. There is also a first floor side facing window which faces the application site which would be partially impacted by the two storey side addition. During the site visit it was noted that this window was not obscurely glazed and would likely serve a habitable room. Although no detailed history is on file for this dwelling it is similar in style and design to the host dwelling which would indicate that this window would be the primary source of daylight to a habitable room with no secondary window. However the two storey side extension would only marginally project in front of this window and therefore the proposal is not considered to result in a significant reduction in daylight to this neighbouring window.
15. The proposed replacement dwelling would be sited closer to the shared boundary with No.264 Albert Drive than the existing dwelling. Although the existing dwelling is set further back on its plot than this neighbouring dwelling, it is set away from the shared boundary by around 4.5m which mitigates any overbearing impact. However the proposed larger sized replacement dwelling would be located much closer to the shared boundary than the existing dwelling and 8.9m of two storey structure would project beyond the rear elevation of No.264 Albert Drive. The single storey addition would project a further 2.7m. It is acknowledged that the existence of the neighbouring garage would mitigate some impact. However the combination of the projection of 8.9m at two storey level and of a further 2.7m at single storey level (i.e., of 11.6m overall) beyond the rear elevation of No.264, combined with the limited separation to the shared boundary, would give rise to a significant harmful sense of enclosure and be overbearing, due to bulk and proximity, in the outlook at the rear of No.264 Albert Drive. The outlook from the closest ground floor level rear-facing opening of No.264, and the rear garden of No.264 closest to the house (i.e., that most likely to be used for sitting out etc.), would be subject to an undue sense of enclosure and would be detrimental to the amenities of these neighbouring occupiers.
16. The proposal would feature 1no. first floor side-facing window along the south-west elevation, which would serve a non-habitable room (ensuite). This window has been labelled obscurely glazed and would be required to be obscurely glazed with restricted opening by condition had the proposal been otherwise considered acceptable. No first floor side windows are proposed in the north-east elevations.
17. The proposed replacement dwelling would be located 73.8m from the boundary with Foxwell, 3 Oak Park at the rear. The proposed dwelling would feature first floor facing habitable and non-habitable room windows. However, the separation distances to this neighbour means that the proposal is not considered to result in an undue overbearing, loss of light or overlooking impact to this neighbour.
18. The proposed replacement dwelling would have a front-to-front relationship with neighbours on the opposite side of Albert Drive at No.299 and No.297 Albert Drive. The proposal would be located in excess of 58m from the front elevations of these neighbours. The proposal is not therefore considered to result in an undue overbearing, loss of light or overlooking impacts to the amenities of these neighbouring occupiers.

16 JULY 2024 PLANNING COMMITTEE

19. Overall, by reason of its scale, depth, bulk and proximity to the shared boundary with No.264 Albert Drive the proposal (where projecting beyond the rear elevation of No.264) would give rise to a significant harmful sense of enclosure and be overbearing in the outlook at the rear of No.264 Albert Drive. This would be significantly harmful to the amenities of the existing and future occupiers of No.264 Albert Drive. The proposal is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents Outlook, Amenity, Privacy and Daylight (2022) and the National Planning Policy Framework (NPPF 2023).

Standard of Accommodation:

20. The NPPF (2023) states that planning decisions should ensure that a high standard of amenity is achieved for existing and future residents. The Technical Housing Standards – Nationally Described Space Standard (NDSS) set minimum standards for internal floor areas for dwellings. The proposed replacement dwelling would have 4 bedrooms and would have a gross internal floor area (GIFA) of 301.8sqm, exceeding the NDSS space standard for a 4 bedroom 8 person two storey dwelling (GIFA 124sqm). In addition, all bedrooms would have windows facing front or rear providing a good outlook and standard of amenity for these rooms. In addition, the dwelling would retain a generous private rear amenity space in accordance with SPD Outlook, Amenity, Privacy and Daylight' (2022) guidance for private amenity space.

Impact on Trees:

21. The proposal site has a number of trees, predominately towards the rear boundary of the site, however none are protected by a Tree Preservation Order. Given the separation distance between the proposed works and the trees the proposal not considered to result in any adverse impact to the trees on the site.

Highways and Parking Implications:

22. The proposal would utilise the existing access onto Albert Drive and the submitted plans show sufficient space to the frontage for at least 3x on-site car parking spaces in accordance with the Council's 'Parking Standards' SPD (2018) for a dwelling with 4 bedrooms. It is therefore considered that the proposal would have no significant adverse impact in terms of on-site car parking provision or highway safety.

Drainage and Flood Risk

23. The proposal site is within Flood Zone 1 but the site falls within the medium risk and high risk designated surface water drainage areas. The Lead Local Flood Authority has been consulted and raises no objection to the proposal subject to a condition securing a sustainable drainage scheme to ensure that there is no increased risk of surface water flooding to the site and surrounding area. Had the application been otherwise considered acceptable then a condition would have been imposed to this effect to ensure compliance with Policy CS9 of the Woking Core Strategy (2012).

Sustainability:

24. Policy CS22 of the Woking Core Strategy (2012) seeks to require new residential development to achieve Code for Sustainable Homes Level 5 from 2016 onwards. The Planning and Energy Act 2008 allows LPAs to set energy efficiency standards in their Development Plan policies that exceed the energy efficiency requirements of the Building Regulations. However, such policies must not be inconsistent with relevant

16 JULY 2024 PLANNING COMMITTEE

national policies for England. A Written Ministerial Statement to Parliament, dated 25 March 2015, set out the Government's expectation that such policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the (now abolished) Code for Sustainable Homes; this is equivalent to approximately 19% above the requirements of Part L1A of the 2010 Building Regulations. This is reiterated in Planning Practice Guidance (PPG) on Climate Change, which supports the NPPF.

25. Therefore, notwithstanding the requirements of Policy CS22, standards have been 'capped' at the equivalent energy performance standards of Code Level 4. Part L of the Building Regulations was updated in June 2022 and now requires an energy performance improvement of 31% compared to the 2010 Building Regulations. The current Building Regulations therefore effectively require a higher energy performance standard than what policy CS22 would ordinarily require. Had the application been otherwise considered acceptable it would not have been necessary to attach a condition relating to energy performance as more stringent standards would have been required by separate legislation.
26. The LPA requires all new residential development to achieve as a minimum the optional requirement set through Part G of the Building Regulations for water efficiency, which requires estimated water use of no more than 110 litres/person/day. Had the application been otherwise considered acceptable a condition would have been imposed to secure this requirement in accordance with policy.

Affordable Housing:

27. 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. However, paragraph 65 of the NPPF states that "*Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)*". Moreover, SPD Affordable Housing Delivery (2023) states (at para 5.2) that "*in taking account of the change to the NPPF and PPG as a material consideration, the council will therefore no longer require affordable housing or affordable housing financial contributions for sites of less than 10 dwellings unless the site is 0.5ha or larger.*"
28. Whilst it is considered that weight should still be afforded to Policy CS12 of the Woking Core Strategy (2012) it is considered that more significant weight should be afforded to paragraph 65 of the NPPF and SPD Affordable Housing Delivery (2023), both of which are more recent documents. The proposed development does not constitute 'major' development (as defined by the DMPO) and is not within a designated rural area. Therefore, no affordable housing contribution would be required.

Local Finance Considerations:

29. The proposal would be liable for a Community Infrastructure Levy (CIL) contribution of approximately £19,562.29 based on a proposed net internal floor area of 177.31sqm. The applicant has submitted a self-build exemption form claiming relief from CIL. If the proposal were otherwise considered acceptable, the LPA would have assessed the application for exemption separately following any grant of planning permission.

16 JULY 2024 PLANNING COMMITTEE

CONCLUSION

30. The proposed development would result in harm to the character and appearance of the site and surrounding area and the amenities of neighbouring occupiers. The proposal would therefore be contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), SPDs Design (2015), Outlook, Amenity, Privacy and Daylight (2022) and the NPPF (2023). These harms would bring the proposed development into conflict with the Development Plan and significant weight must be afforded to this conflict. Whilst the proposal would not result in any harm to the other matters considered in this report, these matters relate to an absence of harm and/or compliance with policy. Whilst a replacement dwelling would provide benefits in terms of upgrading one dwelling and the contribution construction brings to the economy, these benefits would be small and would attract only modest weight in favour of the proposal. Any proposed benefits resulting are not considered to outweigh the conflict with the Development Plan.
31. There are no material considerations which indicate that the application should be determined other than in accordance with the Development Plan. The application is therefore recommended for refusal as set out below.

BACKGROUND PAPERS

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

RECOMMENDATION

REFUSE for the following reason(s):

1. The proposal would, by reason of its scale, bulk, mass and form, result in a significantly larger dwelling which would be inappropriate in scale and form to the site and its surroundings and detrimental to the character and appearance of the site and surrounding area. The proposed development would also fail to respect and make a positive contribution to the street scene and the character of the area in which it would be situated. The proposed development is therefore contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), and Supplementary Planning Document Design (2015) and the National Planning Policy Framework (NPPF 2023).
2. By reason of its scale, depth, bulk and proximity to the shared boundary with No.264 Albert Drive the proposal (where projecting beyond the rear elevation of No.264) would give rise to a significant harmful sense of enclosure and be overbearing in the outlook at the rear of No.264 Albert Drive. This would be significantly harmful to the amenities of the existing and future occupiers of No.264 Albert Drive. The proposal is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents Outlook, Amenity, Privacy and Daylight (2022) and the National Planning Policy Framework (NPPF 2023).

Informatives

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

B.201B Block Plan
L.201 Location Plan

16 JULY 2024 PLANNING COMMITTEE

P.201 B Proposed Site Layout
P.202 Existing Ground Floor Plan
P.203 Existing First Floor Plan
P.204 Existing Roof Plan
P.205 A Existing Front and Rear Elevations
P.206 Existing Side Elevations
P.207 D Proposed Ground Floor Plan
P.208 D Proposed First Floor Plan
P.209 E Proposed Roof Plan
P.210 D Proposed Front and Rear Elevations
P.211 C Proposed Side Elevations

02. This statement is provided in accordance with Article 35(2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015. Woking Borough Council seeks to take a positive and proactive approach to development proposals. The Council works with applicants in a positive and proactive manner by:

- Offering a planning pre-application advice service; and
- Where possible officers will seek minor amendments and/or additional information to overcome issues identified during the application process.

In this instance the applicant did not seek planning pre-application advice from the Council prior to submission of the application. The application would have required more than minor amendments to overcome concerns identified during the application process. As such, the application was determined in the form in which it was initially submitted.