

#### 4 SEPTEMBER 2018 PLANNING COMMITTEE

5h	16/1332	Reg'd:	13.03.2017	Expires:	09.05.17	Ward:	KNA
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**LOCATION:** 11 Brookwood Farm Drive, Woking, Surrey, GU21 2FT

**PROPOSAL:** Retrospective application for the erection of a summer house and shed in rear garden

**TYPE:** Householder

**APPLICANT:** Dr Hongfei Du

**OFFICER:** Claire Simpson

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

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

#### **SITE DESCRIPTION**

The application site is a detached two storey property set on the western side of Brookwood Farm Drive within a new development of similar properties. The land level is higher than that of the properties to the rear in Aberdeen Way.

#### **PROPOSED DEVELOPMENT**

The planning application seeks retrospective permission for the erection of a summerhouse and shed and has been submitted following an enforcement investigation. The summerhouse has a width of 4 metres, a depth of 3 metres and an overall height of 2.35 metres. The bike shed has a width of 2.85 metres, a depth of 1.3 metres and an overall height of 2 metres. Both structures would meet the requirements under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); however permitted development rights under this Class were removed on the granting of permission for the original development (PLAN/2012/0224).

#### **PLANNING STATUS**

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

#### **RECOMMENDATION**

**REFUSE** planning permission and authorise formal enforcement proceedings.

#### **PLANNING HISTORY**

PLAN/2012/0224 – Erection of 297No dwellings with open space, sports pitches, ancillary building and facilities, allotments, access road, car parking and landscaping – permitted 29.04.2013.

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ENF/2016/00013 – Enforcement enquiry

### **CONSULTATIONS**

Flood/Drainage Engineer

### **REPRESENTATIONS**

Two letters of objection were received, raising the following main points:

- Out of character
- Flooding

### **RELEVANT PLANNING POLICIES**

*National Planning Policy Framework (2018):*

Section 12 – Achieving well-designed places

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

*Woking Core Strategy (2012):*

CS9 – Flooding and water management

CS21 – Design

*Supplementary Planning Documents:*

*Woking Design SPD (2015)*

*Outlook, Amenity, Privacy and Daylight (2008)*

### **PLANNING ISSUES**

1. The main planning considerations in the determination of this application are:

- Impact on the Character of the Area
- Impact on Neighbouring Amenity
- Impact on Private Amenity Space
- Impact on Flooding
- Local finance consideration

Impact on Character of the Area:

2. The single storey outbuildings are situated in the rear garden of the property and are not visible within the street scene. Accordingly it is considered that the proposal does not have a detrimental impact on the character of the area and in this regard would comply with policy CS21 of the *Woking Core Strategy (2012)*. The lack of an objection to the application on these grounds does not outweigh the other objections to the proposal.

Impact on Neighbouring Amenity:

3. 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.
4. The summerhouse is sited in the south-east corner of the plot, within one metre from the shared boundaries with No.9 Brookwood Farm Drive to the south-east and No.6 Aberdeen Way to the south-west (rear). Its height of 2.35 metres is not considered to result in an unacceptable impact on sunlight/daylight levels or appear unacceptably overbearing towards these neighbouring occupiers. The summerhouse is considered to

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be sufficiently distant from the shared boundary with the other neighbour at No.13 Brookwood Farm Drive to not result in any adverse impacts.

5. The shed is sited immediately to the rear of the attached garage, approximately 1.5m from the shared boundary with No.13 Brookwood Farm Drive to the north-west and approx. 5.7m from the rear boundary with No.6 Aberdeen Way. Its height of 2 metres is not considered to result in an unacceptable impact on sunlight/daylight levels or appear unacceptably overbearing towards these neighbouring properties. It is considered to be sufficient distant from the shared boundary with the other neighbour at No.9 Brookwood Farm Drive to not result in any adverse impacts.
6. It is considered that the siting, scale, massing and design of the outbuildings do not unacceptably impact sunlight/daylight levels, do not create unacceptable overlooking issues and do not appear unacceptably overbearing towards neighbouring properties. The proposal therefore complies with policy CS21 of the *Woking Core Strategy* (2012) in this regard.

#### Impact on Private Amenity Space:

7. Woking Borough Council's SPD *Outlook, Amenity, Privacy and Daylight* (2008) recommends that family dwellings with two or more bedrooms and a gross floor area between 65-150sqm should have private amenity space that is at least equal in area to the footprint of the house and is also in scale with the house. According to the submitted drawings the proposed development would leave the dwelling with a footprint of approximately 68.5sqm, a gross floor area of approximately 106.25sqm and a rear garden with an area of approximately 61.75sqm. In reality this area is reduced to an area of approximately 42sqm as a low gate has been installed between the shed and the summerhouse thereby dividing the rear amenity space.

Summary of 11 Brookwood Farm Drive area:

Existing house footprint	68.5 sqm
Existing house floor area	106.25 sqm
Existing amenity area	77.45 sqm
Proposed amenity area	61.75 sqm

8. It is therefore considered that the outbuilding has an unacceptable impact on the level of private amenity space for the dwelling which would be harmful to the amenities of the occupiers and contrary to policy CS21 of the *Woking Core Strategy* (2012), Supplementary Planning Documents *Outlook, Amenity, Privacy and Daylight* (2008) and *Woking Design* (2015) and the National Planning Policy Framework (2018).

#### Impact on Flooding:

9. Paragraph 155 of the National Planning Policy Framework (2018) states that *"inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."*
10. Policy CS9 of the *Woking Core Strategy* (2012) requires *"all significant forms of development to incorporate appropriate sustainable drainage systems (SUDS) as part of any development proposals."*
11. Concern was raised in neighbour representations with regards to flooding of their properties since the construction of the outbuildings. It was noted at the time of the site visit that the area of land to the rear of the garage had been fully paved with paving slabs. This would fall under the requirements of Schedule 2, Part 1, Class F of The

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Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); however permitted development rights under this Class were removed on the granting of permission for the original development (PLAN/2012/0224).

12. The Council's Flood and Drainage Engineer was subsequently consulted and has advised *"The surface water drainage system for the development at Brookwood Farm was designed to cope with the proposed hardstanding that was approved as part of the original application (PLAN/2012/0224) for the 1 in 100 plus climate change rainfall event. No allowance was given for urban creep (an increase in proposed hardstanding areas). Any extensions to properties within the boundary of the original application will lead to an increase in surface water runoff from the property which in turn will lead to an increase to surface water flood risk to the site and the surrounding area."*
13. As evidenced by the neighbour representations, surface water runoff from the property has increased as a result of the proposal and the unauthorised paving. The Brookwood Farm development is therefore considered to not comply with policy CS9 of the *Woking Core Strategy* (2012) and the National Planning Policy Framework (2018).

#### Local Finance Consideration:

14. The Council introduced the Community Infrastructure Levy (CIL) on 1 April 2015. As the proposed development would not lead to additional floor space of more than 100 sqm it is not liable for a financial contribution to CIL.

#### Expediency of taking Enforcement Action:

15. Given the harm identified above with regards to the increased surface water flood risk and loss of amenity space, it is considered expedient and in the public interest to take enforcement action in respect of this unauthorised development.

#### **CONCLUSION**

16. The summerhouse and shed, by reason of their size and position on the site, result in an unacceptable loss of private amenity space and division of the garden into two separate areas. This, in conjunction with the additional unauthorised hardstanding, also creates an increase in surface water runoff from the property and hence an increase in surface water flood risk. The development is harmful to the amenities of existing and future occupiers of the property contrary to policies CS9 and CS21 of the *Woking Core Strategy* (2012), Supplementary Planning Documents *Outlook, Amenity, Privacy and Daylight* (2008) and *Woking Design* (2015) and the National Planning Policy Framework (2018) and is recommended for refusal.

#### **BACKGROUND PAPERS**

Site Visit Photographs (taken 18.05.2018)  
Decision Notice PLAN/2012/0224

#### **RECOMMENDATION**

Refuse for the following reasons:

1. The summerhouse and shed, by reason of their size and position on the site, result in an unacceptable loss of private amenity space and division of the garden into two separate areas. The development is harmful to the amenities of existing and future occupiers of the property contrary to policy CS21 of the *Woking Core Strategy* (2012), Supplementary Planning Documents *Outlook, Amenity, Privacy and Daylight* (2008) and *Woking Design* (2015) and the National Planning Policy Framework (2018).

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2. The summerhouse and shed, in conjunction with the additional unauthorised hardstanding, has led to an increase in surface water runoff from the property and hence an increase in surface water flood risk contrary to policy CS9 of the *Woking Core Strategy* (2012) and the National Planning Policy Framework (2018).

It is further recommended that:

- a) Enforcement action be authorised to remedy the breach of planning control by the removal of the unauthorised outbuildings and hardstanding. This is to be completed within three months of the issue of the Enforcement Notice.

**Informatives:**

The plans hereby refused are untitled and received by the Local Planning Authority on 25.11.2016 and 13.03.2017.