

## 25<sup>th</sup> SEPTEMBER 2018 PLANNING COMMITTEE

5h	18/0739	Reg'd:	17.07.18	Expires:	11.09.18	Ward:	HV
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**LOCATION:** 23 Bullock Crescent, Woking, Surrey, GU22 9FW

**PROPOSAL:** Retrospective planning application for the change of use of open amenity land to private residential garden space and the erection of a 1.85m high fence to facilitate this.

**TYPE:** Full

**APPLICANT:** Mr J. Mendoza

**OFFICER:** Tanveer  
Rahman

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

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

### **RECOMMENDATION**

REFUSE planning permission and authorise formal enforcement proceedings.

### **PLANNING STATUS**

- Urban Area
- Adjacent to Green Belt
- Proposal Site
- Safeguarded Site
- Thames Basin Heaths SPA Zone B (400m-5km)

### **SITE DESCRIPTION**

The application site is located in a 9.34ha housing estate which is known as 'Moor Lane' within the Core Strategy. The estate contains detached, semi-detached, terraced and flatted dwellings. Green Belt land bounds the south and east of the estate. Quartermaine Avenue bounds the north of the estate. Westfield Common bounds part of the west and a small section of the south of the estate. Westfield Way bounds part of the west of the estate.

23 Bullock Crescent is a two-storey detached property located in a prominent corner plot in the south west corner of Bullock Crescent. The rear of the site slopes down towards Moor Lane.

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### RELEVANT PLANNING HISTORY

- AMEND/2015/0041: Non Material Amendment to PLAN/2014/0161 (Variation of conditions 1 (Plan numbers) and 17 (floor and ground levels) of PLAN/2013/0081 dated 10.06.2013 to allow alterations to approved site levels and relocation of approved play area.) - permitted 20.07.2015.
- COND/2015/0049: Discharge of Condition 46 of PLAN/2014/0161 (Variation of conditions 1 (plan numbers) and 17 (floor and ground levels) of PLAN/2013/0081 (demolition of all existing structures on site. Erection of 371 residential units (27x1 bed, 122x2 bed, 154x3 bed, 68x4 bed), and associated car parking (651 spaces), open space and landscaping, play areas and new access arrangements) dated 10.06.2013 to allow alterations to approved site levels and relocation of approved play area) - permitted 25.06.2015.
- COND/2014/0063: Discharge of conditions 6, 8 and 44 of PLAN/2014/0161 for the demolition of all existing structures on site. Erection of 371 residential units (27x1 bed, 122x2 bed, 154x3 bed, 68x4 bed), and associated car parking (651 spaces), open space and landscaping, play areas and new access arrangements - permitted 29.05.2015.
- COND/2015/0041: Approval of Condition 27 of PLAN/2014/0161 (Variation of conditions 1 (plan numbers) and 17 (floor and ground levels) of PLAN/2013/0081 (demolition of all existing structures on site. Erection of 371 residential units (27x1 bed, 122x2 bed, 154x3 bed, 68x4 bed), and associated car parking (651 spaces), open space and landscaping, play areas and new access arrangements) dated 10.06.2013 to allow alterations to approved site levels and relocation of approved play area) - permitted 28.05.2015.
- COND/2014/0132: Discharge of Condition 48 of PLAN/2014/0161 dated 23.06.2014 for Variation of conditions 1 (Plan numbers) and 17 (floor and ground levels) of PLAN/2013/0081 dated 10.06.2013 to allow alterations to approved site levels and relocation of approved play area - permitted 29.05.2015.
- COND/2014/0118: Discharge of conditions 13, 15 and 33 of PLAN/2014/0161 dated 23.06.2014 for Variation of conditions 1 (Plan numbers) and 17 (floor and ground levels) of PLAN/2013/0081 dated 10.06.2013 to allow alterations to approved site levels and relocation of approved play area - permitted 06.02.2015.
- COND/2014/0055: Discharge of condition 45 of PLAN/2013/0081 dated 04.12.2012 for the demolition of all existing structures on site. Erection of 371 residential units (27x1 bed, 122x2 bed, 154x3 bed, 68x4 bed), and associated car parking (651 spaces), open space and landscaping, play areas and new access arrangements - permitted 07.10.2014.
- PLAN/2014/0161: Variation of conditions 1 (Plan numbers) and 17 (floor and ground levels) of PLAN/2013/0081 dated 10.06.2013 to allow alterations to approved site levels and relocation of approved play area - permitted 23.06.2014.
- AMEND/2014/0018: Variation of Condition 3 of PLAN/2013/0081 dated 10.06.2013 for the demolition of all existing structures on site. Erection of 371 residential units (27x1 bed, 122x2 bed, 154x3 bed, 68x4 bed), and associated car

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parking (651 spaces), open space and landscaping, play areas and new access arrangements - permitted 23.04.2014.

- COND/2013/0108: Discharge of Condition 6 of PLAN/2013/0081 dated 10.06.2013 for the demolition of all existing structures on site. Erection of 371 residential units (27x1 bed, 122x2 bed, 154x3 bed, 68x4 bed), and associated car parking (651 spaces), open space and landscaping, play areas and new access arrangements - permitted 11.04.2014.
- COND/2013/0075: Discharge of conditions 4, 5, 7, 10, 12, 18 and 47 of PLAN/2013/0081 dated 04.12.2012 for the demolition of all existing structures on site. Erection of 371 residential units (27x1 bed, 122x2 bed, 154x3 bed, 68x4 bed), and associated car parking (651 spaces), open space and landscaping, play areas and new access arrangements - permitted 19.11.2013.
- COND/2013/0073: Discharge of conditions 6, 9, 16, 26, 28, 29, 35, 36, 37, 38, 39, 40, 42 & 47 of PLAN/2013/0081 (Demolition of all existing structures on site. Erection of 371 residential units (27x1 bed, 122x2 bed, 154x3 bed, 68x4 bed), and associated car parking (651 spaces), open space and landscaping, play areas and new access arrangements) - 19.11.2013.
- PLAN/2013/0081: Demolition of all existing structures on site. Erection of 371 residential units (27x1 bed, 122x2 bed, 154x3 bed, 68x4 bed), and associated car parking (651 spaces), open space and landscaping, play areas and new access arrangements - permitted 10.06.2013.
- PLAN/2013/0197: Variation of Conditions 3 and 9 of PLAN/2012/0825 (Formation of three vehicular and pedestrian access points to reserved housing land at Moor Lane, Westfield (Resubmission of PLAN/2009/0764) - permitted 18.04.2013.

### **PROPOSED DEVELOPMENT**

This retrospective application seeks permission to change the use of an approximately 58sqm parcel of open amenity land (this use is confirmed by approved site plans submitted as part of PLAN/2013/0081 and PLAN/2014/0161) to the west of the property's rear garden to private amenity space which has been annexed to the original rear garden. In order to facilitate this 1.85m high close board timber fencing has been erected along the north and west boundaries of this parcel of land.

### **CONSULTATIONS**

None.

### **NEIGHBOUR REPRESENTATIONS**

One letter of objection was received which made the following main statements:

- The loss of this open space would negatively impact the character of the wider development as it is the only such space in Bullock Crescent.
- The submitted planning statement incorrectly states the open space could only be viewed from 25 Bullock Crescent as it could actually be viewed from the junction with Reed Street.
- The property already had a large garden which did not need to be extended.

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- The land did not fall within residential curtilage and does not therefore have permitted development rights.

### **RELEVANT PLANNING POLICIES**

#### National Planning Policy Framework (2018):

Section 11 - Making effective use of land  
Section 12 - Achieving well-designed places  
Section 13 - Protecting Green Belt land

#### Woking Core Strategy (2012):

CS6 - Green Belt  
CS21 - Design  
CS24 - Woking's Landscape and Townscape

#### Development Management Policies DPD (2016):

DM13 - Buildings in and Adjacent to the Green Belt

#### Supplementary Planning Documents

*Woking Design SPD (2015)*  
*Outlook, Amenity, Privacy and Daylight (2008)*  
*Parking Standards (2018)*

### **PLANNING ISSUES**

The main issue to consider in determining this application is the impact on character and the expediency of enforcement action having regard to the relevant policies of the Development Plan.

#### Impact on character

1. Policy CS21 of the Core Strategy states that new development should respect and pay due regard to the "*scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land*". The existing cul-de-sac has been designed as having open plan frontages.
2. Given the number of buildings and hardstanding within the estate its areas of open amenity land provide key functions for the estate in terms of giving it landscape qualities, creating a sense of openness and preventing it from appearing too urbanised and overdeveloped. This is recognised in paragraph 60 of the Officer's report for the original permission for the estate PLAN/2013/0081 which states that "*The proposal incorporates an extensive landscaping scheme which would give a softer edge to the development*" and paragraph 77 which states that "*native planting and the level of landscape proposed are considered to positively enhance the character of the development. These features would enhance the public realm and help to provide a verdant character for the development*".
3. The development to which this retrospective application relates to is located in a prominent location within the street scene of Bullock Crescent. Given this location it is considered that this area of open amenity land played a vital

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function in creating landscape qualities, creating a sense of openness and preventing the area from appearing overdeveloped. It is considered that the loss of this open amenity space by the erection of the 1.85m high close boarded timber fencing has had an unacceptable impact on the character of Bullock Crescent and the wider Moor Lane development. This is contrary to Section 12 of the NPPF, Policy CS21 of the Core Strategy *and Woking Design SPD* (2015).

### Expediency of enforcement action

4. It appears to the Local Planning Authority that the enclosure of the area of the open amenity land and its resulting change of use constitutes a breach of planning control. It is considered expedient to issue an Enforcement Notice, having regard to the provisions of the Development Plan, and to any other material considerations, because of the harm to the character of the area.

### CONCLUSION

The development has an unacceptable impact on the character of Bullock Crescent and the wider Moor Lane development. This is by way of the close board timber fencing having resulted in the loss of a prominent area of open amenity land which has reduced the landscape qualities, reduced the sense of openness and made the area appear overdeveloped. This development is therefore contrary to Section 12 of the NPPF, Policy CS21 of the Core Strategy *and Woking Design SPD* (2015).

### BACKGROUND PAPERS

Site visit photographs (10.08.2018)

### RECOMMENDATION

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

1. The development has an unacceptable impact on the character of Bullock Crescent and the wider Moor Lane development. This is by way of the close board timber fencing having resulted in the loss of a prominent area of open amenity land which has reduced the landscape qualities, reduced the sense of openness and made the area appear overdeveloped. This development is therefore contrary to Section 12 of the NPPF, Policy CS21 of the Core Strategy *and Woking Design SPD* (2015).

It is further recommended:

- a) That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of The Town & Country Planning Act 1990 (as amended) in respect of the above land requiring the remedy of the breach of planning control to be achieved through the removal of the close board timber fencing within two months of the Enforcement Notice taking effect.

### Informatives

01. The drawings relating to this decision are:

- 1:1250 location plan Drwg no.BC/P003 (received by the LPA on 13.07.2018)
- 1:100 block plan Drwg no.BC/P002 (received by the LPA on 13.07.2018)