

15 APRIL 2025 PLANNING COMMITTEE

6c PLAN/2024/0685

WARD: KNA

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

PROPOSAL: Retrospective Variation of Conditions 1 (Approved Plans), 6 (Soft Landscaping), 7 (Hard Landscaping) and 8 (EV Charging Point) of planning permission 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, two-storey front projection and ridge height and alterations to fenestration. Alterations to landscaping and EV charger and addition of solar panels.

APPLICANT: Mr Tamur Khawaja

OFFICER: Claire Bater

REASON FOR REFERRAL TO COMMITTEE

The planning application was considered by the Planning Committee at its meeting on 11 March 2025. The officer's recommendation to approve the application, subject to conditions, was voted upon and did not carry. Members discussed grounds to refuse the application but there was not a motion put forward, seconded and voted on as regards an alternative recommendation. The application is therefore brought back to Committee for a vote/decision. Consideration of the application will continue from the point at which the item closed on 11 March 2025. This means the application will not be re-introduced by officers, nor will any speakers be able to address the meeting again.

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. Further retrospective amendments include the addition of solar panels and alterations to landscaping and EV charger.

PLANNING STATUS

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

RECOMMENDATION

GRANT planning permission subject to conditions.

SITE DESCRIPTION

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

15 APRIL 2025 PLANNING COMMITTEE

PLANNING HISTORY

PLAN/2024/0193 – 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. – Refused 24.07.2024 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).*

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

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

Arboricultural Officer (comment on original plans) – No landscape plan submitted and only soft landscaping indicated is grass.

(Officer note: The application was subsequently revised to include the originally approved landscaping plans).

15 APRIL 2025 PLANNING COMMITTEE

REPRESENTATIONS

Five (5) representations from 4 different people have been received raising the following summarised comments:

1. The detailed drawings of the capping fail to give any vertical measurement to ascertain its final height. (*Officer note: regardless of the fitting it would need to accord with the overall height shown in the submitted elevations*)
2. The height would still have a significant unacceptable overbearing impact on the adjoining neighbouring property at No.19 Oak Tree Road.
3. Plans do not show the removal of roof light to the single storey extension which would result in an extremely poorly lit room adjoining the kitchen.
4. Plan SP.100 shows a plot totally devoid of any planting.
5. Soft and hard landscaping is not as previously approved.
6. The extension has significant overbearing impact on us as it extends right to our boundary and is already 1.6 metres longer than it should be.
7. Finished height of ground floor extension not shown (*Officer note: drawings are submitted to a recognised scale and height can be taken from this*).
8. Loss of light impact to No.19 Oak Tree Road – fails 45 degree test.
9. Lack of supporting technical information for sunlight/daylight impact.
10. Plans are inaccurate.
11. Proposals conflict with development plan policies.
12. A development should not be approved that would never have been allowed in the first place.

Where these comments relate to material planning considerations, they are addressed as appropriate below. It should be noted that validation of this planning application was delayed whilst officers ensured that as accurate as possible plans were submitted, where there are minor inaccuracies (such as annotations on orientation) they do not directly cause issue with the determination of the planning application.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2024)

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 (2022)

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 of the proposals on the character and appearance of the streetscene.

15 APRIL 2025 PLANNING COMMITTEE

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. 0.2m
- Increase in height of the pitched roof of the main house by approx. 0.07m

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. 0.2m
- Increase in width of the shorter section of the single-storey rear element
- Removal of rooflights to the single storey element
- Solar panels have been added to the roof of the single-storey element

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

The application as initially submitted also included retention of the existing hard and soft landscaping which does not comply with Conditions 6 and 7 of PLAN/2023/0972. Amended plans/information have been received during the determination of the planning application to reflect the originally approved conditions.

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.

15 APRIL 2025 PLANNING COMMITTEE

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. Grey uPVC windows have been installed in contravention of Condition 2 of PLAN/2023/0792, although those on the front elevation and at first/second floor on the side elevation have been painted white. The submitted plans indicate all window frames to be painted white – it is considered appropriate to impose a condition requiring this to take place within 3 months of the decision.
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. The ridge height of the house is very slightly higher than that of the adjoining semi-detached property. This increased height is not immediately apparent in the street scene and it is considered that the proposal is in keeping with the character of the street scene and wider area in this regard.
8. Solar panels have been installed on the roof of the single-storey rear element. These are concealed from ground level by the parapet wall detailing and are considered to have an acceptable impact on the host dwelling. These would also fall within the parameters and requirements of Schedule 2, Part 14, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Rooflights have been removed from the single-storey rear element and this is not considered to cause any unacceptable impacts.
9. Overall, the proposal is considered to have an acceptable impact on the character of the host dwelling and surrounding area.

Impact on Neighbouring Amenity:

10. 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.
11. 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 3.0m (0.2m). 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.

15 APRIL 2025 PLANNING COMMITTEE

12. In applying the 45 degree test, the single storey side/rear element would fail the test in plan form but pass in elevation. The SPD states “*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.*” The proposal is accordingly not considered to result in a significantly harmful loss of light impact to no. 19 and is acceptable in this regard. The proposal passes this test in both plan and elevation in respect to no.23 Oak Tree Road.
13. 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 Oak Tree Road. This would have a height of 3.0m. (i.e. approximately 1.2m. higher than the boundary treatment at this location). By way of background, the drawings submitted under PLAN/2022/0547 and PLAN/2023/0792 did not show the correct depth of the extension at No.19 Oak Tree Road – this has been corrected under the current planning application. The development refused under PLAN/2024/0193 proposed a height of 3.15m and was considered to have an overbearing impact on No.19. A recent site visit was undertaken to further assess the impact of the extension from this neighbouring property. Although the capping had not been installed (which would very marginally increase the extension height to take it to 3.0m) it was noted that there is not a significant unacceptable overbearing impact or loss of light caused towards No.19 Oak Tree Road. It was noted at the site visit that the property boundary within the garden of No.19 Oak Tree Road is heavily landscaped and that the offset of the proposed extension from the boundary with this property is such that the neighbour impacts from the currently as built single storey rear extension are not so significant that the application should be refused on neighbour impact. Whereas it is accepted that the height reduction from application PLAN/2024/0193 is 0.15m only, the overall height is very important as regards the level of impact. The reduction in height does also mean the extension is of more typical single storey extension height. It is considered that the resultant extension has an acceptable impact on neighbour’s amenity and would therefore be compliant with policy CS21 of the Woking Core Strategy.
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. It is accordingly considered appropriate to impose a condition 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. Subject to the aforementioned obscure glazing condition being imposed it is not considered that these additional window openings would have an unacceptable impact on neighbour’s amenity by virtue of overlooking or loss of privacy.
15. Overall, the proposal is considered to have an acceptable impact on the amenities of neighbours in terms of potential loss of light, overbearing and overlooking impacts.

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.

15 APRIL 2025 PLANNING COMMITTEE

17. It was noted at the site visit that, as shown on the submitted Site Plan, the hard and soft landscaping had not been implemented in accordance with Conditions 6 and 7 of PLAN/2023/0792. It is considered that the lack of biodiversity thus created is unacceptable and the applicant has subsequently indicated the approved landscaping scheme will be implemented and has submitted the relevant plans as confirmation. Accordingly, it is considered appropriate to impose a condition requiring the hard landscaping to be implemented within three months of the decision and the soft landscaping within one month of the decision (so it can be carried out in the current planting season).

Transportation Impact:

18. 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 new EV charging unit meets the requirements of Condition 8 of PLAN/2022/0547. The proposal is therefore considered acceptable in terms of parking provision.

Local Finance Considerations:

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

CONCLUSION

20. Overall, the proposal is considered to have an acceptable impact on the character of the host dwelling and surrounding area, and on the amenities of neighbours and in respect of other planning considerations as noted in this report. The proposal therefore accords with the relevant Development Plan policies, guidance and other material considerations as noted in this report and is recommended for approval subject to conditions.

BACKGROUND PAPERS

Site visit photographs (dated 15.01.2025)

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

Drawing No: E.100 Rev I "Proposed Elevations" dated 22/10/2024 and received by the Local Planning Authority on 24.10.2024

Drawing No: E.101 Rev H "Proposed Elevations in Compare to the Approved drawings – PLAN/2023/0792" dated 22/10/2024 and received by the Local Planning Authority on 24.10.2024

Drawing No: GA.100 Rev H "Proposed Layouts" dated 22/10/2024 and received by the Local Planning Authority on 24.10.2024

Drawing No: GA.101 Rev H "Proposed Layouts in Compare to the Approved drawings – PLAN/2023/0792" dated 22/10/2024 and received by the Local Planning Authority on 24.10.2024

15 APRIL 2025 PLANNING COMMITTEE

Reason: For the avoidance of doubt and to ensure that the development is completed in accordance with the approved plans.

2. The proposed single storey rear extension should not exceed 3.0m in height.

Reason: To safeguard the amenities of the adjoining properties.

3. Within three (3) months of the date of this permission, all windows on the side and rear elevations shall be painted white to match those on the front elevation and permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the building and the visual amenities of the area.

4. Within three (3) months of the date of this decision written documentary evidence shall be submitted to the Local Planning Authority demonstrating that the development has:
 - a. Achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
 - b. Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of the notice given under Regulation 37 of the Building Regulations.

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources.

5. Within one (1) month of the date of this decision soft Landscaping shall be carried out in accordance with Drawing No: PL10-002b dated 11.05.2023 received 17.02.2025 unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to preserve and enhance the character and appearance of the locality.

6. The materials used for the 'hard' landscape works shall be as specified in Drawing No: PL10-002b dated 11.05.2023 and document titled "Hard Landscaping: Front/Back" both received 17.02.2025. The works shall be carried out in accordance with the approved details within three (3) months of the date of this decision and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

Reason: In the interests of amenity and to preserve and enhance the character and appearance of the locality.

6. The electric vehicle charging point shall be as specified in the submitted Solaxpower Smart EV Charger brochure received 24.10.2024. The works shall be carried out in

15 APRIL 2025 PLANNING COMMITTEE

accordance with the approved details within three (3) months of the date of this decision and maintained as such in perpetuity unless the Local Planning Authority subsequently agrees in writing to their replacement with more advanced technology serving the same objective.

Reason: In the interests of achieving a high standard of sustainability with regards to electric vehicle charging infrastructure requirements.

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 of that Order shall be erected on the application site without the prior written approval of the Local Planning Authority of an application made for that purpose.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of nearby properties and the character of the area and for this reason would wish to control any future development in accordance with Policy CS21 of the Woking Core Strategy 2012.

8. The windows in north elevation (shown as 'East' on Drawing No: E.100) hereby permitted shall be glazed entirely with obscure glass and non-opening unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Once installed the window shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining properties.

9. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Classes A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any orders amending or re-enacting that Order with or without modification), the flat roof area of the single storey rear projection hereby approved shall not be used as a balcony, roof terrace, sitting out area or similar amenity area nor shall any railings or other means of enclosure be erected on top of or attached to the side of this element without the grant of further specific planning permission by the Local Planning Authority.

Reason: In order to protect adjoining properties from overlooking and noise.

Informatives

1. 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 (2024).
2. The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00 a.m. - 6.00 p.m. Monday to Friday
8.00 a.m. - 1.00 p.m. Saturday
and not at all on Sundays and Bank Holidays.
3. The applicant is advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning

15 APRIL 2025 PLANNING COMMITTEE

conditions are being complied with in full. Inspections may be undertaken both during and after construction.

4. The provisions of the Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet, prepared by the Ministry of Housing, Communities and Local Government, and setting out your obligations, is available at the following address: <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance#explanatory-booklet>.
5. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within their ownership.
6. The term 'fixed' or 'non-opening' window refers to a window where the glazing is fitted directly into a permanent fixed frame which contains no opening or openable casement or other device or mechanism to permit opening. Fixing an openable casement with screws or bolts into the frame is not acceptable.
7. Where windows are required to be fitted with obscure glazing the glass should have a sufficient degree of obscuration so that a person looking through the glass cannot clearly see the objects on the other side. 'Patterned' glass or obscured self-adhesive plastic film are not acceptable.
8. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
9. The applicant is advised that the development hereby permitted is subject to a Community Infrastructure Levy (CIL) Liability. The Liability Notices dated 15 March 2023 and subsequent Demand Notice dated 7 September 2023 issued in relation to PLAN/2022/0547 remain extant.