

26 SEPTEMBER 2017 PLANNING COMMITTEE

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LOCATION: 48 Cavell Way, Knaphill, Woking, Surrey, GU21 2TJ

PROPOSAL: Retrospective application for the erection of a single storey outbuilding at the rear of the property

TYPE: Householder

APPLICANT: Mr Stephen Donnell

OFFICER: Claire Simpson

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 within a cul-de-sac of similar properties. The front of the property faces a locally listed building (Hall St Lukes House) which is used as a nursery.

PROPOSED DEVELOPMENT

The planning application seeks retrospective permission for a detached outbuilding within the rear garden of the property and has been submitted following an enforcement investigation. It has a width of 3 metres, a depth of 4 metres and an overall height of 2.5 metres and 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.

PLANNING STATUS

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

RECOMMENDATION

REFUSE planning permission and authorise formal enforcement proceedings.

PLANNING HISTORY

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PLAN/1998/0561 – Reserved matters application for the erection of 152 dwellings and associated roads and public open space including siting, means of access, design, external appearance and landscaping – permitted 04.02.1999.

PLAN/2004/0279 – Erection of a conservatory on rear elevation – permitted 21.01.2005

ENF/2017/00051 – Enforcement enquiry

CONSULTATIONS

Not applicable

REPRESENTATIONS

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

- High-over density of development
- Out of character
- Overlooking
- Overdevelopment

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2012):
Section 7 – Requiring good design

Woking Core Strategy (2012):
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
 - Local finance consideration

Impact on Character of the Area:

2. The single storey outbuilding is situated in the rear garden of the property and is not visible within the streetscene. 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 objection 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

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significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook.

4. The detached outbuilding is sited in the south-west corner of the plot, within one metre from the shared boundaries with No.47 Cavell Way to the west and No.38 Cavell Way to the south (rear). Its height of 2.5 metres is not considered to result in an unacceptable impact on sunlight/daylight levels or appear unacceptably overbearing towards these neighbouring occupiers. The detached outbuilding is considered to be sufficiently distant from the shared boundaries with the other neighbours at Nos.49 and 37 Cavell Way to not result in any adverse impacts. Concern has been raised in neighbour representations about overlooking towards No.38 Cavell Way; no windows are present in the rear or right hand side elevation of the outbuilding and accordingly is not considered to create unacceptable overlooking issues towards neighbouring properties.
5. It is considered that the siting, scale, massing and design of the outbuilding does not unacceptably impact sunlight/daylight levels, does not create unacceptable overlooking issues and does 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:

6. Policy CS21 of the *Woking Core Strategy* (2012) reflects the National Planning Policy Framework and states that development should provide an appropriate level of private amenity space. *Woking Borough Council's SPD Outlook, Amenity, Privacy and Daylight* (2008) states that "All dwellings designed for family accommodation need to provide a suitable sunlit area of predominantly soft landscaped private amenity space, appropriate in size and shape for the outdoor domestic and recreational needs of the family it is intended to support. For example, this will include space for sitting out, children's play, drying clothes and plant cultivation. Private amenity space is best provided as an enclosed garden to the rear or side of the property where it is clearly separate from more public areas of the site. Such areas should be overlooked by the accommodation and have secure boundaries to allow children to play in safety."
7. The original house had a footprint of 85 sqm and a private rear amenity space of 118 sqm. In 2004 permission was granted for the existing rear conservatory, the policies in force at that time predating the current *Outlook, Amenity, Privacy and Daylight* Supplementary Planning Document. The addition of the outbuilding has resulted in the private amenity area effectively being divided into two separate areas with a pinch point created between the south-west corner of the conservatory and the north-east corner of the outbuilding. In addition the outbuilding further results in the loss of private amenity space as detailed in the table below such that it is significantly below the floor space and footprint of the dwelling.

Summary of 48 Cavell Way area:

Existing house footprint	105 sqm
Existing house floor area	178 sqm
Existing amenity area	99 sqm
Proposed amenity area	87 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),

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Supplementary Planning Documents *Outlook, Amenity, Privacy and Daylight* (2008) and *Working Design* (2015) and section 7 of the National Planning Policy Framework (2012).

Local Finance Consideration:

9. 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.

CONCLUSION

10. The detached single storey outbuilding, by reason of its size and position on the site, results 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 *Working Core Strategy* (2012), Supplementary Planning Documents *Outlook, Amenity, Privacy and Daylight* (2008) and *Working Design* (2015) and the National Planning Policy Framework (2012) and is recommended for refusal.

BACKGROUND PAPERS

Site Visit Photographs (dated 27.07.2017)

RECOMMENDATION

Refuse for the following reason:

1. The detached single storey outbuilding, by reason of its size and position on the site, results 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 *Working Core Strategy* (2012), Supplementary Planning Documents *Outlook, Amenity, Privacy and Daylight* (2008) and *Working Design* (2015) and the National Planning Policy Framework (2012).

It is further recommended that:

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

Informatives:

The plans hereby refused are titled Block Plan and Cabin Scheme floor plan & elevations received by the Local Planning Authority on 06.06.2017.