

26 FEBRUARY 2019 PLANNING COMMITTEE

6i 18/1199 Reg'd: 08.11.18 Expires: 03.01.19 Ward: C
Nei. 14.12.18 BVPI 13 Number >8 wks On No
Con. 14.12.18 Target (Minor of Weeks Target? No
Exp: dwellings) on Cttee' Day:

LOCATION: 34 Monument Road, Woking, GU21 5LT

PROPOSAL: Retention of change of use from office (Class B1(a)) to residential (Class C3) at ground floor, the retention of single storey rear extension and rear roof dormer to facilitate an extension to existing flat and proposed new front dormer window to facilitate the creation of x1 additional flat (total x2 two bedroom flats) (part retrospective), including submission of details pursuant to conditions 04, 05, 06 and 09 of PLAN/2017/1212 dated 29.10.2018.

TYPE: Full Application

APPLICANT: Mr S Mahmood

OFFICER: Benjamin Bailey

REASON FOR REFERRAL TO COMMITTEE

The decision on whether to issue an Enforcement Notice falls outside the Management Arrangements and Scheme of Delegations.

SUMMARY OF PROPOSED DEVELOPMENT

This is a full planning application for the retention of change of use from office (Class B1(a)) to residential (Class C3) at ground floor, the retention of single storey rear extension and rear roof dormer to facilitate an extension to existing flat and proposed new front dormer window to facilitate the creation of x1 additional flat (total x2 two bedroom flats) (part retrospective), including submission of details pursuant to conditions 04, 05, 06 and 09 of PLAN/2017/1212 dated 29.10.2018.

Site Area: 0.0183 ha (183 sq.m)
Existing units: 1
Proposed units: 2 (+1)
Existing density: 55 dph (dwellings per hectare)
Proposed density: 110 dph

PLANNING STATUS

- Urban Area
- High Density Residential Area
- Priority Place
- Thames Basin Heaths Special Protection Area (SPA) Zone B (400m-5km)
- Surface Water Flood Risk (1 in 1000 year / 1 in 100 year - Partial)

RECOMMENDATION

Refuse planning permission and authorise formal enforcement proceedings.

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SITE DESCRIPTION

The application site occurs relatively centrally within a two storey terrace fronting Monument Road containing seven properties. There is a further two storey terrace fronting Monument Road, containing dwellinghouses, to the north. The subject terrace contains varied uses at ground and first floor levels. To the rear of the application site is a vehicular accessway, which runs essentially north-to-south between the rear boundaries of properties fronting Monument Road, and the rear boundaries of properties fronting Walton Terrace. The application site is situated within the Urban Area. The rear of the site is laid to hardstanding and a single storey garage structure exists to the rear of the application site, which is accessed via an unmade surface off of Walton Road.

RELEVANT PLANNING HISTORY

The application property has a relatively extensive planning history. The below is the most recent:

PLAN/2017/1212 - Change of use from office to residential at ground floor, proposed erection of single storey rear extension and formation of rear roof dormer to facilitate an extension to existing flat and creation of 1no additional flat (total: 2 no 2 bed units). Permitted subject to conditions and S106 legal agreement (29.10.2018)

PLAN/2013/0357 - Erection of single storey rear extension.
Permitted subject to conditions (14.06.2013)

PLAN/2004/1027 - Change of use from residential to office at ground floor.
Permitted subject to conditions (07.10.2004)

PLAN/2000/0559 - Alterations to the front of property from a shop to dwelling.
Permitted subject to conditions (22.06.2000)

PLAN/1997/1019 - Change of use of the property from a ground floor shop with flat above to a single dwelling house.
Permitted subject to conditions (31.12.1997)

CONSULTATIONS

County Highway Authority (CHA) (SCC): No objection subject to condition securing facilities for the secure parking of bicycles.

Drainage and Flood Risk Team (Initial): No Flood Risk Assessment (FRA) has been submitted as part of the present application (the previous application had an agreed FRA), the submitted Flood Risk Management Plan is not acceptable and requires further information to be added, and the submitted Flood Risk Measures proposed requires more detail.

(Officer Note: In response to these comments the applicant submitted an amended Flood Warning and Evacuation Plan document on 28 January 2019, which includes sections on flood risk, design strategies, evacuation, recovery and emergency contact details. Further comments from the Council's Drainage and Flood Risk Team are awaited on this document and will be reported at Planning Committee on 26 February.)

Natural England: Natural England have no comments to make on this application, as long as the relevant avoidance and mitigation measures specified in the Appropriate Assessment are secured.

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REPRESENTATIONS

None received

BACKGROUND

On 13 June 2018 PLAN/2017/1212 was resolved to be granted, under delegated powers, subject to conditions (some of which were pre-commencement conditions) and the prior completion of a S106 legal agreement to secure the SAMM (TBH SPA) contribution of £682, as is required for any development resulting in net additional dwellings within the Borough.

On 19 July 2018 the applicant submitted an application (Ref: COND/2018/0118) to 'discharge' conditions 04, 05, 06 and 09 of PLAN/2017/1212. However discharge of conditions applications are unable to be processed until the relevant planning permission to which they relate has been issued.

The requisite S106 legal agreement was subsequently completed on 23 October 2018, and the planning permission was issued on 29 October 2018. Building Control records indicate that development was commenced on 20 August 2018, prior to the planning permission being issued (on 29.10.2018) and prior to pre-commencement conditions attached to PLAN/2017/1212 being 'discharged'.

The present application has been submitted to regularise the development undertaken in light of this, however also differs to approved PLAN/2017/1212 in the following ways:

- Includes a front (east) dormer roof extension facing onto Monument Road
- Includes an 'L-shaped' rear (west) dormer roof extension which spans onto the two storey rear 'outrigger' element (the approved rear dormer did not span onto the 'outrigger' element)
- Includes a parapet wall to the southern elevation of the single storey rear extension, in addition to a slight increase in height of the single storey rear extension and slight alteration to the angle of pitch of the roof of this element

The present application also includes the details which would have been submitted pursuant to conditions 04 (acoustic performance of party ceilings/floors and walls), 05 (flood risk management plan), 06 (flood resilience and resistance measures) and 09 (waste and recycling storage) of PLAN/2017/1212.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2018)

Section 2 - Achieving sustainable development

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well-designed 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

CS5 - Priority Places

CS8 - Thames Basin Heaths Special Protection Areas

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CS9 - Flooding and water management
CS10 - Housing provision and distribution
CS11 - Housing mix
CS12 - Affordable housing
CS18 - Transport and accessibility
CS21 - Design
CS22 - Sustainable construction
CS25 - Presumption in favour of sustainable development

Development Management Policies Development Plan Document (DMP DPD) (2016)
DM19 - Shopfronts

Supplementary Planning Documents (SPD's)

Design (2015)
Parking Standards (2018)
Outlook, Amenity, Privacy and Daylight (2008)
Climate Change (2013)
Affordable Housing Delivery (2014)

Other Material Considerations

Planning Practice Guidance (PPG)
South East Plan (2009) (Saved policy) NRM6 - Thames Basin Heaths Special Protection Area
Thames Basin Heaths Special Protection Area Avoidance Strategy
Woking Borough Council Strategic Flood Risk Assessment (November 2015)
Community Infrastructure Levy (CIL) Charging Schedule (2015)
Waste and recycling provisions for new residential developments
Technical Housing Standards - Nationally Described Space Standard (March 2015)

PLANNING ISSUES

The main planning issues to consider in determining this application are:

- Principle of development
- Housing mix
- Design and impact upon the building and the character of the area
- Impact upon neighbouring amenity
- Amenities of future occupiers
- Parking and highways implications
- Thames Basin Heaths Special Protection Area (TBH SPA)
- Affordable housing
- Energy and water consumption
- Flood risk

having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance.

Background

01. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and is a material consideration in the determination of this application. However, the starting point for decision making remains the Development Plan, and the revised NPPF (2018) is clear at Paragraph 213 that existing Development Plan policies should not be considered out-of-date simply because they were adopted or made prior to 24 July 2018. The degree to which relevant Development Plan policies are consistent with the revised NPPF (2018) has been considered in this instance, and it is concluded that

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they should be afforded significant weight, with the exception of Policy CS12, the reasons for which are set out within the affordable housing section of this report.

Principle of development

02. The nature, location and extent of the uses remains as per approved PLAN/2017/1212, which forms a very significant material consideration in the determination of the present application. The principle of development is therefore considered to be acceptable.

Housing mix

03. The mix of accommodation remains as per approved PLAN/2017/1212, which forms a very significant material consideration in the determination of the present application. The matter of housing mix therefore considered to be acceptable.

Design and impact upon the building and the character of the area

04. The NPPF (2018) sets out that one of the fundamental functions of the planning and development process is to achieve the creation of high quality buildings and places and that good design is a key aspect of sustainable development. 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.
05. The application site occurs relatively centrally within a two storey terrace fronting Monument Road containing seven properties. There is a further two storey terrace fronting Monument Road, containing dwellinghouses, to the north, and a very wide (circa twenty property) two storey terrace fronting Walton Terrace to the west.
06. In terms of design and impact upon the building and the character of the area this report will concentrate on the changes within the present application in comparison to approved PLAN/2017/1212. These changes are:
 - Includes a front (east) dormer roof extension facing onto Monument Road
 - Includes an 'L-shaped' rear (west) dormer roof extension which spans onto the two storey rear 'outrigger' element (the approved rear dormer did not span onto the 'outrigger' element)
 - Includes a parapet wall to the southern elevation of the single storey rear extension, in addition to a slight increase in height of the single storey rear extension and slight alteration to the angle of pitch of the roof of this element
07. The subject terrace contains varied uses at ground and first floor levels. To the rear of the application site is a vehicular accessway, which runs essentially north-to-south between the rear boundaries of properties fronting Monument Road, and the rear boundaries of properties fronting Walton Terrace. There is an oblique and splayed relationship between the properties fronting Monument Road and those fronting Walton Terrace, which results in the rear roof slopes of these terraces having a wide 'arc' of visibility, particularly in views from Walton Road, Boundary Road and the vehicular accessway to the rear of the application site. The rear roof slopes of these terraces remain relatively unaltered.
08. SPD Design (2015) states that "*permission will usually be granted for the installation of traditional dormer windows if they are a subordinate feature of the roofscape, they are*

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in keeping with the character of the dwelling and street scene and do not affect overlooking". SPD Design (2015) also states that "only modest extensions to the roof will be permitted which do not dominate its form and appearance or alter its character".

Front (east) dormer roof extension

09. The present application seeks planning permission for a flat roofed front dormer roof extension, which would present to Monument Road. No front dormer windows are apparent either within the subject terrace or this section of Monument Road. Whilst two east-facing dormer windows are apparent at Maybury Heights (No.2 Monument Road), which attaches to No.157 Maybury Road, these dormer windows are approximately 140 metres to the south and therefore appear within a different street scene context, and are not evident within a terrace as would be the case at the application property. Whilst the front dormer window would be relatively modest in scale, and positioned centrally within the front roof slope, it would nonetheless, by reason of its location within the front roof slope, represent an incongruous element uncharacteristic of this section of Monument Road, and would therefore fail to respect and make a positive contribution to the street scene and character of the area in which it would be situated, contrary to Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and Section 12 of the National Planning Policy Framework (NPPF) (2018).

'L-shaped' rear (west) dormer roof extension

10. Whilst approved application PLAN/2017/1212 permitted a rear dormer roof extension at the property the permitted dormer was restricted solely to the rear roof slope and did not span across onto the roof of the two storey rear 'outrigger' element. In comparison the current application includes an 'L-shaped' rear dormer which both projects onto the roof slope of the rear 'outrigger' and projects above the maximum height of the rear 'outrigger'. These factors result in a significantly bulkier and more obtrusive element which largely obliterates any pitched roof elements to the rear. The rear dormer as now proposed (and as partially constructed on site on the date of the site visit undertaken on 07.01.2019) represents a substantial enlargement of the roof, completely dominating the form and appearance of the rear roofscape. The 'L-shaped' rear dormer therefore significantly harms the form, character and appearance of both the host building and the wider subject terrace, failing to respect and make a positive contribution to the street scene and character of the area in which it is situated, contrary to Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and Section 12 of the National Planning Policy Framework (NPPF) (2018).
11. Whilst it is acknowledged that 'L-shaped' rear dormer roof extensions can often be achieved as 'permitted development' (PD) under the provisions of Article 3, Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) the application property in this instance does not benefit from these PD rights as Part 1 PD rights relate only to "*development within the curtilage of a dwellinghouse*". The Interpretation section of the GPDO states that "*dwellinghouse, except in Part 3 of Schedule 2 to this Order (changes of use), does not include a building containing one or more flats, or a flat contained within such a building*". There is therefore not considered to be any potential PD 'fall back' position in this instance with regard to the rear dormer roof extension.
12. Within the subject terrace two storey rear 'outrigger' elements, onto which the rear dormer roof extension spans from the rear roof slope, are a common feature. Permitting such an 'L-shaped' rear dormer roof extension at the application property would make it difficult for the Local Planning Authority to resist potential future applications to construct similar elements at other properties within the subject terrace. In this situation

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a cumulative impact would arise, in combination with the development sought under the present application, which would result in further harm to the character and appearance of both the host building and the wider terrace.

Alterations to single storey rear extension

13. The single storey rear extension within the present application incorporates a parapet wall to the southern elevation, in addition to a slight increase in height and slight alteration to the angle of pitch of the roof of this element. Whilst these alterations, over and above permitted PLAN/2017/1212, do increase the bulk and mass of this element they do not do so significantly and the single storey rear extension remains clearly subordinate in height to the host building. The incorporation of the parapet wall to the southern elevation does result in a less aesthetically pleasing appearance however is not considered to appear sufficiently harmful so as to represent potential grounds for refusal. Therefore, on balance, the alterations to the single storey rear extension are considered to be acceptable.
14. Overall, by reason of its location within the front roof slope, the front dormer window would represent an incongruous element uncharacteristic of this section of Monument Road, and would therefore fail to respect and make a positive contribution to the street scene and character of the area in which it would be situated, contrary to Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and Section 12 of the National Planning Policy Framework (NPPF) (2018).
15. Furthermore, by combined reason of its scale and form, the 'L-shaped' rear dormer significantly harms the form, character and appearance of both the host building and the wider subject terrace, failing to respect and make a positive contribution to the street scene and character of the area in which it is situated contrary to Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and Section 12 of the National Planning Policy Framework (NPPF) (2018).

Impact upon neighbouring amenity

16. 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, loss of daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook. Detailed guidance on assessing neighbouring amenity impacts is provided within SPD Outlook, Amenity, Privacy and Daylight (2008).

No.32 Monument Road:

17. No.32 Monument Road adjoins the application site to the south. The planning history for this property shows that the lawful use of the ground floor is within class A1 (retail) and that there is a self-contained flat at first floor level (Ref: PLAN/1987/1161). The approved plans for PLAN/1987/1161 show the closest first floor window within the rear elevation of No.32 to serve as single aspect to a bedroom with the first floor window within the rear 'outrigger' element shown to serve a bathroom. Bathrooms are not considered habitable rooms and this first floor window is within the projecting 'outrigger' element at No.32 regardless. Whilst the incorporation of a parapet wall to the south elevation of the single storey rear extension has slightly increased the height of this element, as presented to No.32, and the maximum height and roof pitch of this element have altered slightly in comparison to approved PLAN/2017/1212, taking into account that the planning history shows that the lawful use of the ground floor of No.32 is within class A1 (retail) use no significantly harmful impact is considered to arise to No.32 as a

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result of this change.

18. In terms of daylight impacts SPD Outlook, Amenity, Privacy and Daylight states that “*significant loss of daylight will occur if the centre of the affected window (or a point 2m in height above the ground for floor to ceiling windows) lies within a zone measured in 45° in both plan and elevation*”. The ‘L-shaped’ rear dormer (ie. the section spanning onto the ‘outrigger’ element) complies with this 45° angle test, albeit by a narrow margin, and therefore no significantly harmful loss of daylight is considered to occur to the first floor (bedroom) window at No.32. In terms of sunlight the ‘L-shaped’ rear dormer is located to the north of the first floor (bedroom) window at No.32 and therefore no significantly harmful loss of sunlight is considered to occur.
19. Whilst a window is shown within the southern face of the ‘L-shaped’ rear dormer this window is annotated on the submitted drawings as being finished in “*obscure glazing*” and shown to serve an en-suite bathroom. Had the application otherwise been considered acceptable a planning condition could have been recommended to secure the obscure-glazing, and high-level (ie. above 1.7m from FFL) opening only of this window to ensure no significantly harmful loss of privacy to No.32.
20. The impact of a development on outlook is a material planning consideration and rests on whether the development would give rise to an undue sense of enclosure or overbearing effect to neighbouring/nearby residential properties. There are no established guidelines for what is acceptable or unacceptable in this regard, with any assessment subjective as opposed to empirical, with key factors in this assessment being the existing local context and arrangement of buildings and uses.
21. The ‘L-shaped’ rear dormer is shown within the submitted drawings to project approximately 3.7m beyond the first floor (bedroom) window at No.32 and approximately 3.4m above a point taken from the centre of this window. The combination of these factors result in a relatively deep vertical dormer face, the maximum height of which is substantively higher than a point taken from the centre of the first floor (bedroom) window within No.32. Prior to the formation of the ‘L-shaped’ dormer the rear ‘outrigger’ element at the application property pitched away from the first floor (bedroom) window at No.32.
22. It also has to be considered that the first floor (bedroom) window at No.32 is flanked on the southern side by the two storey rear ‘outrigger’ at No.32. The scale, form and siting of the ‘L-shaped’ rear dormer, in combination with the pre-existing relationship of the rear ‘outrigger’ projection at No.32 Monument Road, are considered to give rise to an oppressive ‘tunnelling’ effect, resulting in a significantly harmful overbearing effect, by reason of bulk, proximity and loss of outlook, to the first floor window within No.32 Monument Road, which serves as single aspect to a bedroom. This is contrary to Policy CS21 of the Woking Core Strategy (2012), SPDs Design (2015) and Outlook, Amenity, Privacy and Daylight (2008) and the provisions of the National Planning Policy Framework (NPPF) (2018).

No.36 Monument Road:

23. No.36 Monument Road adjoins the application site to the north. Whilst the ‘L-shaped’ rear dormer projects above the maximum height of the two storey rear ‘outrigger’ element, which is shared with No.36, it does so by a relatively limited extent in neighbouring amenity terms. Taking into account the limited extent, and location of this element in terms of its relationship with No.36, no significantly harmful impact, by reason of potential loss of daylight or sunlight, or overbearing effect due to bulk, proximity or loss of outlook, is considered to occur to No.36 as a result of this element.

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24. Whilst the maximum height and roof pitch of the single storey rear extension have altered slightly in comparison to approved PLAN/2017/1212, taking into account the relatively limited extent of these changes, combined with the fact that this element would remain set off the common boundary with No.36, no significantly harmful impact, by reason of potential loss of daylight or sunlight, or overbearing effect due to bulk, proximity or loss of outlook, is considered to occur to No.36 as a result of this element. The impact upon the neighbouring amenity of No.36 Monument Road is considered to be acceptable.

Properties within Walton Terrace:

25. The 'L-shaped' rear dormer would remain in excess of 26 metres from the rear boundary of the curtilages of properties within Walton Terrace, which are set further to the west and also at oblique angles in comparison to properties fronting Monument Road, including the application property. Therefore no significantly harmful impact, by reason of potential loss of privacy, daylight or sunlight, or overbearing effect due to bulk, proximity or loss of outlook, is considered to occur to properties within Walton Terrace as a result of this element.
26. Taking into account the retained separation distances the alterations to the single storey rear extension (in comparison to approved PLAN/2017/1212) are not considered to raise any material neighbouring amenity impacts to properties within Walton Terrace. The impact upon the neighbouring amenity of properties within Walton Terrace is considered to be acceptable.

Properties on the opposing (eastern) side of Monument Road:

27. The only element of the proposal with the potential to affect properties on the opposing (eastern) side of Monument Road is the front dormer roof extension. Taking into account the scale and form of this element, combined with the retained separation distance measuring approximately 16 metres to properties on the eastern side of Monument Road, no significantly harmful impact, by reason of potential loss of daylight or sunlight, or overbearing effect due to bulk, proximity or loss of outlook, is considered to occur to properties on the eastern side of Monument Road as a result of this element. In the case of three storey relationships SPD Outlook, Amenity, Privacy and Daylight (2008) sets out a recommended minimum front-to-front elevation separation distance of 15 metres for achieving privacy. Taking into account the approximate 16 metre separation retained between the front dormer window and properties on the opposing (eastern) side of Monument Road the proposal complies with the minimum SPD guidance. Furthermore a typical 'across the street' relationship would result. Therefore no significantly harmful loss of privacy is considered to arise to properties on the opposing (eastern) side of Monument Road as a result of the front dormer.
28. Overall, the scale, form and siting of the 'L-shaped' rear dormer, in combination with the pre-existing relationship of the rear 'outrigger' projection at No.32 Monument Road, are considered to give rise to an oppressive 'tunnelling' effect, resulting in a significantly harmful overbearing effect, by reason of bulk, proximity and loss of outlook, to the first floor window within No.32 Monument Road, which serves as single aspect to a bedroom. This is contrary to Policy CS21 of the Woking Core Strategy (2012), SPDs Design (2015) and Outlook, Amenity, Privacy and Daylight (2008) and the provisions of the National Planning Policy Framework (NPPF) (2018).

Amenities of future occupiers

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29. The internal layouts largely remain, with the exception of some adjustments to the staircases and circulation spaces, as per approved PLAN/2017/1212, which forms a very significant material consideration in the determination of the present application. The 'L-shaped' rear dormer roof extension would provide a larger bedroom and en-suite within the loft floor to the two bedroom flat and would therefore increase the overall floor space of this flat in comparison to approved PLAN/2017/1212. The proposal is therefore considered to provide a good standard of amenity to future occupiers, although the lack of objection on this ground does not outweigh other objections to the proposal.

Parking and highways implications

30. The NPPF (2018) promotes sustainable transport. Paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy CS18 of the Woking Core Strategy (2012) aims to locate most new development within the main urban areas, served by a range of sustainable transport modes, such as public transport, walking and cycling.
31. Following the development the application site would accommodate x1 two bedroom flat (across first and loft floors) and x1 one bedroom flat (across ground floor). SPD Parking Standards (2018) sets minimum parking standards outside of Woking Town Centre, as in this instance, stating that each one bedroom flat should provide x0.5 vehicle parking spaces and each two bedroom flat should provide x1 vehicle parking spaces (a total of 1.5 parking spaces). Whilst an existing garage is apparent towards the rear of the application site this is shown to be demolished within the submitted drawings, with x2 vehicle parking spaces shown to be provided within this area. The provision of x2 parking spaces to serve the proposal accords with SPD Parking Standards (2018) and therefore the impact upon car parking is considered to be acceptable. Had the application otherwise been considered acceptable a condition would have been recommended to secure the demolition of the existing garage, and the subsequent provision of x2 parking spaces, prior to occupation.
32. The submitted drawings also show the provision of cycle parking behind a 2 metre close-boarded fence. Had the application otherwise been considered acceptable a condition would have been recommended to secure facilities for the secure storage of x4 cycles (x2 per flat) in accordance with SPD Parking Standards (2018). The lack of objection on these grounds does not outweigh other objections to the proposal.

Thames Basin Heaths Special Protection Area (TBH SPA)

33. The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection. Policy CS8 of the Woking Core Strategy (2012) states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.

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34. Policy CS8 of Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL. Under approved PLAN/2017/1212 (which this present application would effectively 'replace' if permitted) the applicant made a SAMM contribution of £682 in line with the Thames Basin Heaths SPA Avoidance Strategy tariff (April 2018 update) which was secured through a S106 Legal Agreement. For the avoidance of doubt, sufficient SANG at Heather Farm has been identified to mitigate the impacts of the development proposal.
35. Given that the SAMM element of the SPA tariff was secured through a S106 Legal Agreement in association with PLAN/2017/1212 (which this present application would effectively 'replace' if permitted), and that an appropriate CIL contribution would be payable, and in line with the conclusions of the Appropriate Assessment (as supported by Natural England), the Local Planning Authority is able to determine that the development will not affect the integrity of the TBH SPA either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects. The development therefore accords with Policy CS8 of Woking Core Strategy (2012), the measures set out in the Thames Basin Heaths SPA Avoidance Strategy, and the requirements of the Habitat Regulations 2017.

Affordable housing

36. 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.
37. However, Paragraph 63 of the NPPF (2018) sets out that the 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).
38. 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 the policies within the NPPF (2018). The proposal is not major development and therefore no affordable housing contribution is sought.

Energy and water consumption

39. Policy CS22 of the Woking Core Strategy (2012), relating to energy and water consumption, does not explicitly state that it relates to extensions to, and conversions of, existing buildings. Therefore it is not considered reasonable or necessary to recommend any planning conditions relating to energy and water consumption.

Flood risk

40. The application site is located within Flood Zone 1 (low risk) and no issues relating to fluvial flood risk are therefore raised. However the application site falls within a larger area identified as being at a 1 in 1000 year and 1 in 100 year risk of surface water

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flooding respectively within the Council's Strategic Flood Risk Assessment (November 2015). As part of the previous planning permission (Ref: PLAN/2017/1212) pre-commencement conditions were attached requiring the submission of a Flood Risk Management Plan (condition 05), to show safe access/egress for occupants of the dwelling, and details of flood risk resilience and resistant mitigation measures (condition 06), including details of suitable floor finishes such as concrete based floor surfaces, durable fittings and raised electrical sockets, being submitted to, and approved in writing by, the Local Planning Authority.

41. The development has commenced without these conditions being 'discharged' although the applicant has submitted details pursuant to these conditions as part of the present application. The Council's Drainage and Flood Risk Team have been consulted and comment that no Flood Risk Assessment (FRA) has been submitted as part of the present application (the previous application had an agreed FRA), the submitted Flood Risk Management Plan is not acceptable and requires further information to be added, and the submitted Flood Risk Measures proposed requires more detail. In response to these comments the applicant submitted an amended Flood Warning and Evacuation Plan document on 28 January 2019, which includes sections on flood risk, design strategies, evacuation, recovery and emergency contact details. Further comments from the Council's Drainage and Flood Risk Team are awaited on this document and will be reported at Planning Committee on 26 February.

Expediency of Enforcement Action

42. It appears to the Local Planning Authority that the erection of the 'L-shaped' rear dormer roof extension 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 by combined reason of its scale and form, the 'L-shaped' rear dormer significantly harms the form, character and appearance of both the host building and the wider subject terrace, failing to respect and make a positive contribution to the street scene and character of the area in which it is situated contrary to Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and Section 12 of the National Planning Policy Framework (NPPF) (2018).
43. Furthermore, the scale, form and siting of the 'L-shaped' rear dormer, in combination with the pre-existing relationship of the rear 'outrigger' projection at No.32 Monument Road, are considered to give rise to an oppressive 'tunnelling' effect, resulting in a significantly harmful overbearing effect, by reason of bulk, proximity and loss of outlook, to the first floor window within No.32 Monument Road, which serves as single aspect to a bedroom. This is contrary to Policy CS21 of the Woking Core Strategy (2012), SPDs Design (2015) and Outlook, Amenity, Privacy and Daylight (2008) and the provisions of the National Planning Policy Framework (NPPF) (2018).

LOCAL FINANCE CONSIDERATIONS

44. On the basis of the submitted CIL Additional Information Requirement Form the development would be liable for Community Infrastructure Levy (CIL) to the sum of **£9,778** (105.6 sq.m net additional gross internal floorspace) (including the April 2018 Indexation).

CONCLUSION

45. Overall, by reason of its location within the front roof slope, the front dormer window would represent an incongruous element uncharacteristic of this section of Monument Road, and would therefore fail to respect and make a positive contribution to the street

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scene and character of the area in which it would be situated, contrary to Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and Section 12 of the National Planning Policy Framework (NPPF) (2018).

46. By combined reason of its scale and form, the 'L-shaped' rear dormer significantly harms the form, character and appearance of both the host building and the wider subject terrace, failing to respect and make a positive contribution to the street scene and character of the area in which it is situated contrary to Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and Section 12 of the National Planning Policy Framework (NPPF) (2018).
47. Furthermore, the scale, form and siting of the 'L-shaped' rear dormer, in combination with the pre-existing relationship of the rear 'outrigger' projection at No.32 Monument Road, are considered to give rise to an oppressive 'tunnelling' effect, resulting in a significantly harmful overbearing effect, by reason of bulk, proximity and loss of outlook, to the first floor window within No.32 Monument Road, which serves as single aspect to a bedroom. This is contrary to Policy CS21 of the Woking Core Strategy (2012), SPDs Design (2015) and Outlook, Amenity, Privacy and Daylight (2008) and the provisions of the National Planning Policy Framework (NPPF) (2018). It is therefore recommended that planning permission is refused and formal enforcement proceedings are authorised.

BACKGROUND PAPERS

Site visit photographs

Consultation response from Drainage and Flood Risk Team

Consultation response from County Highway Authority (CHA) (SCC)

RECOMMENDATION

Refuse planning permission for the following reasons:

01. By reason of its location within the front roof slope, the front dormer window would represent an incongruous element uncharacteristic of this section of Monument Road, and would therefore fail to respect and make a positive contribution to the street scene and character of the area in which it would be situated, contrary to Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and Section 12 of the National Planning Policy Framework (NPPF) (2018).
02. By combined reason of its scale and form, the 'L-shaped' rear dormer significantly harms the form, character and appearance of both the host building and the wider subject terrace, failing to respect and make a positive contribution to the street scene and character of the area in which it is situated contrary to Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and Section 12 of the National Planning Policy Framework (NPPF) (2018).
03. The scale, form and siting of the 'L-shaped' rear dormer, in combination with the pre-existing relationship of the rear 'outrigger' projection at No.32 Monument Road, are considered to give rise to an oppressive 'tunnelling' effect, resulting in a significantly harmful overbearing effect, by reason of bulk, proximity and loss of outlook, to the first floor window within No.32 Monument Road, which serves as single aspect to a bedroom. This is contrary to Policy CS21 of the Woking Core Strategy (2012), SPDs Design (2015) and Outlook, Amenity, Privacy and Daylight (2008) and the provisions of the National Planning Policy Framework (NPPF) (2018).

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It is further recommended:

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:

- (a) Alterations to the rear dormer roof extension in order to accord with the approved plan numbered/titled 17.613 P.03 Rev C (Proposed Plans and Elevations), as approved by planning permission PLAN/2017/1212.
- (b) Making good any damage to the existing building as a result of the works carried out under (a) and remove from the land all building and other excess materials associated with the said works.

Within two months of the date the Enforcement Notice takes effect.

Informatives

01. The plans and particulars relating to the retrospective planning application hereby refused are numbered/titled:
 - 17.613 L.01 (Location Plan), dated 13.10.17 and received by the Local Planning Authority on 07.11.2018.
 - 17.613 B.01 Rev B (Block Plan), dated 06.11.18 and received by the Local Planning Authority on 07.11.2018.
 - 17.613 P.01 Rev B (Proposed Site Layout), dated 06.11.18 and received by the Local Planning Authority on 07.11.2018.
 - 17.613 P.02 (Existing Plans and Elevations), dated 13.10.17 and received by the Local Planning Authority on 07.11.2018.
 - 17.613 P.03 Rev D (Proposed Plans and Elevations), dated 06.11.18 and received by the Local Planning Authority on 07.11.2018.
02. 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 NPPF (2018). The application is retrospective in nature, seeking to remedy a breach of planning control. The applicant was advised of concerns with the application and of the adverse recommendation.