

19th MARCH 2019 PLANNING COMMITTEE

6f	18/1304	Reg'd:	24.12.18	Expires:	21.03.19	Ward:	PY
Nei. Con. Exp:	29.01.19	BVPI Target	Minor (dwelling)	Number of Weeks on Cttee' Day:	13/13	On Target?	Yes

LOCATION: 4 Melbury Close, West Byfleet, Surrey, KT14 6RG

PROPOSAL: Demolition of the existing bungalow, garage and car port and construction of a new detached 2 bedroom bungalow with an integral garage.

TYPE: Minor

APPLICANT: Mr Nigel Blyth

OFFICER: Barry Curran

REASON FOR REFERRAL TO COMMITTEE

The proposal is for the erection of a replacement single dwelling which falls outside of the scheme of delegated powers.

SUMMARY OF PROPOSED DEVELOPMENT

The application seeks permission to demolish the existing bungalow dwelling and erect a replacement 2 bedroom bungalow with integral garage.

PLANNING STATUS

- Urban Area
- West Byfleet Neighbourhood Area
- Thames Basin Heaths SPA Zone B

RECOMMENDATION

GRANT planning permission subject to conditions.

SITE DESCRIPTION

The application site is located on the southern side of Melbury Close in a residential Cul-De-Sac of 9 properties comprising of a mix of detached two storey dwellings and detached bungalow dwellings set along a linear grain either side of the trunk road. No.4 Melbury Close is a detached bungalow dwelling with a detached flat roofed garage linked via a car-port structure on the eastern side elevation. Towards the rear, the amenity space is enclosed in all directions by timber board fencing with recently pruned vegetation along all sides measuring just over 2 metres in height.

PLANNING HISTORY

No recent relevant planning history.

PROPOSED DEVELOPMENT

Planning consent is sought for the demolition of the existing bungalow and erection of a replacement 2 bedroom bungalow with integral garage.

CONSULTATIONS

Arboricultural Officer: No objection raised (23.01.19)

Highway Authority: No objection raised (10.01.19)

REPRESENTATIONS

There has been 6 third party letters of objection received in relation to the initial proposal. The issues raised are summarised as follows;

- The replacement dwelling would unbalance the pair of properties at No.4 and No.5 Melbury Close
- The proposal would be visually detrimental to the character of the area
- Public Amenity of Melbury Close would be infringed upon as a result of the replacement dwelling
- Overbearing impact on neighbouring properties
- Loss of outlook over third party land (*Officer Note: the loss of views out over third party land is not protected and is not considered a material planning consideration unless the proposed development would detrimentally reduce light or cause an overbearing impact*)
- Loss of trees
- Development of the site would lead to highway safety, disturbance, parking and access issues within Melbury Close due to construction traffic (*Officer Note: construction traffic is a necessary but transient part of development which is to be expected in circumstances where building works will occur*)

Following submission of amended plans, neighbours have been re-consulted. There has been 1 further third party letter of objection received. The concerns raised in this letter echo the concerns raised on the initial proposal.

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Section 2 - Achieving sustainable development

Section 12 - Achieving well-designed places

Core Strategy Document 2012

CS1 - A Spatial Strategy for Woking

CS8 - Thames Basin Heaths Special Protection Area

CS10 – Housing provisions and distribution

CS16 – Infrastructure Delivery

CS18 - Transport and accessibility

CS21 - Design

CS22 - Sustainable Design and Construction

CS24 - Woking's Landscape and Townscape

CS25 - Presumption in Favour of Sustainable Development

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West Byfleet Neighbourhood Plan 2017

BE1 – Development Character

BE2 – New Housing Quality

BE6 – Residential Parking Provision

Supplementary Planning Guidance

Supplementary Planning Document 'Parking Standards' 2018

Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008

Supplementary Planning Document 'Design' 2015

Development Management Policies DPD 2016

DM12 - Self Build and Custom Build Houses

Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015

PLANNING ISSUES

1. The main issues to consider in determining this application are; the principle of development, design considerations and the impact of the proposal on the character and appearance of the surrounding area, impact on residential amenity, highways and parking implications, sustainability, the impact on the Thames Basin Heaths Special Protection Area having regard to the relevant policies of the Development Plan and local finance considerations.

Principle of Development

2. The National Planning Policy Framework attaches great importance to the design of the built environment throughout Section 12 with emphasis being placed on planning positively for the achievement of high quality and inclusive design for all development. Policy CS21 of the Woking Core Strategy 2012 is generally consistent with this in so far as it expects development proposals to have regard to the general character and quality of the surrounding area. The application site is located within an established residential area with a number of services in close proximity and an arterial route-way (Old Woking Road) located in close proximity to the site. Given this, the site's location is considered suitably sustainable in the defined urban area of Woking.
3. In accordance with the Development Plan, new residential development should seek to maximise the efficient use of land by concentrating most new development in urban areas. The proposal makes best use of land, with the new replacement dwelling retaining a density which maintains the character of the local area.
4. The principle of erecting one replacement residential dwelling on the site is considered acceptable subject to the further material considerations as set out in this report.

Impact on Character and Appearance of the Area

5. To comply with Policy CS21 of the Woking Core Strategy 2012, the development should be designed so that it reflects the building lines, scale, height, proportions, layout, materials and other characteristics of adjoining buildings and land. The host dwelling is a single storey detached dwelling dating from the post-war era, circa 1960s, with what appears to be subsequent unsympathetic additions added since its original construction in the form of a

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car-port structure on its eastern side. The neighbours to the East on Pyrford Road along with the neighbours on the adjacent side of Melbury Close are primarily two storey dwellings with examples of similar bungalow dwellings to the North and West of the application site. Considering the mixture of dwelling types in the immediate area, the principle of the replacement bungalow standing at a height similar to that of the existing bungalow, albeit with a larger footprint, is considered acceptable subject to the considerations set out below.

6. The application site adopts a similar scale and shape to the neighbouring property to the West as well as a number of sites on the adjacent side of Melbury Close. As previously alluded to, the application dwelling holds no particular architectural distinctions, retaining its original appearance of a post-war bungalow dwelling. Dwellings within Melbury Close hold no particular consistent style or design with examples of more recent Arts and Crafts two storey dwellings and 1960/1970s bungalow styles also evident. The proposed scheme would result in the removal of the existing dwelling at No.4, which while being an established part of the area, does not contribute a level of architectural merit that would require preserving. Erection of a replacement bungalow dwelling will maintain the pattern of development in the area respecting the building line of the prevailing No.5 Melbury Close. Standing at a height of 5.1 metres, measuring a width of 18 metres with a total depth of approximately 12.2 metres, the proposal is considered to stand in harmony with the neighbouring dwellings, in terms of scale and height.
7. The proposed dwelling is set to be constructed in a conventional bungalow dwelling style with a twin gable projection either side of a central focal point marked by a pitched roof porch addition. While the frontage offers some sort of balance to the scale of the bungalow, adoption of a crown-hipped roof form along the eastern side off-sets this balance. The adoption of the crown-hipped roof is as a result of the proposals close proximity to the shared eastern boundary in what is a bid to reduce the replacement dwelling's bulk and visual presence from the perspective of the neighbouring properties which front onto Pyrford Road and back onto the application site. Set to adopt a secondary status on the replacement dwelling, the eastern side element also relates well to neighbouring properties which include secondary elements to the main dwelling in the form of side additions. Adopting architectural cues from a number of dwellings within Melbury Close, including hipped roof additions as well as crown-hipped roof form on the main built elements, the proposal aims to create a building that will correspond well with the existing character of the area whilst accepting the site's constraints.
8. As previously mentioned, the proposed replacement dwelling will stand on the footprint of the existing dwelling but include a larger footprint of 210sq.m on a site that covers approximately 650sq. metres. There has been concern raised from third party representatives over the potential over-development of the site due to the increase in the size of the bungalow over the existing dwelling. With the design of the dwelling and integral garage incorporating a scale and form consistent with size of the application site, it is considered that the proposed development respects the underlying character of the area covering approximately 30-33% of the site with an commensurate amenity space to the footprint of the dwelling.
9. The wider locality includes properties of varying designs, form and materials with no underlying distinctive character evident. Two storey dwellings on the adjacent side of Melbury Close and subsequent additions to dwellings on the

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southern side of Melbury Close has resulted in a range of property styles and sizes which would be much different to their original state. The development is set to replace an existing dwelling which holds no particular architectural merit with a similar bungalow dwelling and integral garage which corresponds to the site constraints whilst adopting a more modern architectural approach. Measuring 5.1 metres in height, 18 metres in width and 12.2 metres in overall depth, the scale of the proposal is considerable acceptable with regards to its impact on the character of the site as well as the surrounding area and wider locality. As such, the proposal is in accordance with Section 12 of the National Planning Policy Framework, Policies CS21 and CS24 of the Woking Core Strategy 2012, Policies BE1 and BE2 of the West Byfleet Neighbourhood Plan 2017 and Supplementary Planning Document 'Design' 2015.

Impact on Residential Amenities

10. Policy CS21 of the Woking Core Strategy 2012 requires development proposals to *"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"*. The replacement dwelling will be positioned atop the footprint of the existing dwelling at No.4 Melbury Close albeit with a deeper and wider form. Bound to the West by a similar detached bungalow within Melbury Close, to the South by a two storey detached dwelling within Pendennis Close and to the East by a pair of two storey semi-detached dwellings which front onto Pyrford Road and back onto the application site, the application site is primarily neighboured by larger two storey dwellings.
11. No.5 Melbury Close to the West, is set along a similar building line to the existing dwelling and projects back in line with it for a depth of 10.8 metres with a separation of approximately 1 metre between the dwelling and shared boundary. While the proposed dwelling would increase in scale, the separation distance between the replacement dwelling and side boundary would be retained at 1 metre with the depth of the western side elevation increasing by 1.4 metres to 12.2 metres. While this would result in the replacement bungalow projecting beyond the rear elevation of No.5, it does so by only 1.4 metres with an eaves height of 2.4 metres and roof which pitches away from the shared boundary. The 45° test as per the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008 has been applied to the window on No.5 nearest the application site which passes in plan form indicating that there would be no significant loss of light to habitable room windows on No.5. Considering this, coupled with the existing boundary treatments and modest projection beyond the rear elevation of No.5, the replacement dwelling is not considered to have a detrimental impact on the amenities of No.5 Melbury Close.
12. The proposed replacement dwelling would increase in depth from 10.8 to 12.2 metres but would retain a maximum height of 5.1 metres. While this increase in depth would result in the replacement dwelling sited closer to the rear southern boundary, it would maintain a separation gap of 10.5 metres between the proposed rear elevation and rear boundary. This separation adheres to the guidance outlined within the SPD 'Outlook, Amenity, Privacy and Daylight' 2008 which requires a gap of at least 6 metres between single storey dwellings and rear boundaries. Given this gap as well as the emulating height of the replacement bungalow, the amenity of No.7 Pendennis are not considered to

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be detrimentally harmed, in terms of loss of privacy, overbearing impact or loss of light.

13. To the East of the application site, Tarrants and Foxholt front onto Pyrford Road and back onto the application site. These dwellings are located between 14-15 metres from the boundary with the application site. As existing, the flat roofed garage abuts this boundary at a height of 2.8 metres and stems for a depth of 6 metres. Following amended plans, the eastern element of the proposed replacement dwelling has been reduced to a crown-hipped roof measuring 3.8 metres in height with an eaves level of 2.3 metres. Whilst it is acknowledged that the level of development will increase along this boundary, the replacement dwelling will be sited along a similar side building line to the existing dwelling with a secondary built element along this side therefore reducing the level of bulk and height from the perspective of Tarrants and Foxholt. As such, given the separation distances, existing boundary treatment of 2 metre high timber fencing and recently pruned trees along with the reduced height of 3.8 metres, the proposal is not considered to cause significant detrimental harm to the amenities enjoyed by the occupiers of these neighbouring properties.
14. Considering the points raised above, the development is considered to be acceptable in terms of its relationship with neighbouring properties and will safeguard the outlook, amenity, privacy and daylight of existing and future occupiers of existing dwellings, in accordance with Policy CS21 of the Woking Core Strategy 2012, Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008 and the National Planning Policy Framework.

Highways and Parking Implications

15. The Supplementary Planning Document 'Parking Standards' 2018 recommends a minimum of 1 parking spaces per dwelling of 2 bedrooms. An integral garage is proposed with adequate turning and additional parking area available to the front of the property. This proposal does not seek to introduce a new site entrance utilising the existing one and existing driveway on site with space for up to 3 cars to park comfortably and an integral garage which could comfortably accommodate 1 parked car. The minimum requirement of 3 on-site parking spaces is therefore met in this instance.
16. The 'Parking Standards' SPD 2018 also sets out cycle parking standards of 2 cycle spaces per dwelling. There is considered to be sufficient space within the integral garage to provide secure cycle parking to serve the replacement dwelling.
17. The proposal therefore accords with Policy CS18 of the Woking Core Strategy 2012, Policy BE6 of the West Byfleet Neighbourhood Plan 2017, Supplementary Planning Document 'Parking Standards' 2018 and provisions set out in the National Planning Policy Framework.

Sustainability

18. The application site comprises previously developed land. Following a Ministerial Written Statement to Parliament on 25 March, the Code for Sustainable Homes (aside from the management of legacy cases) has now been withdrawn. For the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans that require compliance with energy performance standards that exceed the

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energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of Zero Carbon Homes policy in late 2016. The Government has stated that the energy performance requirements in Building Regulations will be set at a level equivalent to the outgoing Code for Sustainable Homes Level 4.

19. Until the amendment is commenced, Local Planning Authorities are expected to take this statement of the Government's intention into account in applying existing policies and setting planning conditions. The Council has therefore amended its approach and an alternative condition will now be applied to all new residential permission which seeks the equivalent water and energy improvements of the former Code Level 4 (Conditions 5 and 6).

Impact on the Thames Basin Heaths Special Protection Area

20. The proposed development lies beyond the 400m threshold but within 5 kilometres of the SPA boundary which provides a protected habitat for ground nesting birds with new residential developments capable of adversely affecting the SPA. As the proposal constitutes a replacement dwelling, however, it can be determined that it will have no significant impact on the SPA.

Local Finance Considerations

21. CIL is a mechanism adopted by Woking Borough Council which came into force on 1st April 2015, as a primary means of securing developer contributions towards infrastructure provisions in the Borough. In this case, the proposed residential development will increase the floor space by 76.1 sq. m and incur a cost of £125 per sq. m which equates to a contribution of £11,744.28 (2018 indexation). The applicant has confirmed that they wish to apply for the self-build exemption and on this being agreed, no CIL payment would be required. The LPA must assess the application for exemption separately and the applicant must submit a Commencement of Development Notice prior to any commencement of development.

Conclusion

22. The principle of development is considered to be acceptable and the proposal will incorporate a satisfactory design and will not be detrimental to the character and appearance of the surrounding area. The proposal has also been assessed against its impact on neighbouring properties and found that it would not detrimentally affect the setting of the adjacent dwellings within Melbury Close, Pendennis Close and Pyrford Road. The proposal will also have an acceptable impact on highway safety.
23. The proposal is considered to be an acceptable form of development that complies with Section 2 and 12 of the National Planning Policy Framework, policies CS1, CS8, CS10, CS16, CS18, CS21, CS22, CS24 and CS25 of the Woking Core Strategy 2012, Policies BE1, BE2 and BE6 of the West Byfleet Neighbourhood Plan 2017, Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008, 'Parking Standards' 2018 and 'Design' 2015, Policy DM12 of the Development Management Policies DPD 2016, Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 and is accordingly recommended subject to the recommended conditions.

BACKGROUND PAPERS

1. Site visit photographs.
2. Arboricultural Officer's response (23.01.19)
3. 6 third party letters of objection

RECOMMENDATION

It is recommended that planning permission be Granted subject to the following Conditions:

1. The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason:

To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. ++ (Notwithstanding the material details outlined on the approved plans), the development hereby permitted shall not commence until details and/or samples and a written specification of the materials to be used in the external elevations, hard surfaced areas and boundary walls have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise agreed in writing by the local planning authority

Reason:

To protect the visual amenities of the area.

3. The development hereby permitted shall be carried out in accordance with approved plans;
 - Drawing No. MC/04 A (Amended Plan)(Received 14.02.19)
 - Drawing No. MC/05 A (Amended Plan)(Received 14.02.19)
 - Drawing No. MC/03

Reason:

For the avoidance of doubt and in the interests of proper planning.

4. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Classes A, B, C, E and F 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) no extension, enlargement or other alteration of the dwelling(s) or the provision of any other building or hardstanding within the curtilage other than as expressly authorised by this permission shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason:

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The Local Planning Authority considers that further development of the site or dwelling could cause detriment to the provision of an appropriate amount, and quality, of private amenity space to serve the host dwelling or character of the surrounding area and for this reason would wish to control any future development.

5. ++ Prior to the commencement of any above ground works to construct the development hereby permitted, written evidence shall be submitted to, and approved in writing by, the Local Planning Authority demonstrating that the development will:
 - a. Achieve 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 a Design Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
 - b. Achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence shall be in the form of a Design Stage water efficiency calculator.

Such details shall be permanently maintained unless otherwise first agreed in writing by the Local Planning Authority.

Reason:

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

6. ++ The development hereby permitted shall not be first occupied until written documentary evidence has been submitted to, and approved in writing by, 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.

Such details shall be permanently maintained unless otherwise first agreed in writing by the Local Planning Authority.

Reason:

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

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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 2018.
2. Your attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance.

You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.

3. You are advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
4. The applicant is advised that the development hereby permitted is subject to a Community Infrastructure Levy (CIL) liability. The Local Planning Authority will issue a Liability Notice as soon as practical after the granting of this permission.

The applicant is advised that, if he/she is intending to seek relief or exemptions from the levy such as for social/affordable housing, charitable development or self-build developments it is necessary that the relevant claim form is completed and submitted to the Council to claim the relief or exemption. In all cases (except exemptions relating to residential exemptions), it is essential that a Commencement Notice be submitted at least one day prior to the starting of the development. The exemption will be lost if a commencement notice is not served on the Council prior to commencement of the development and there is no discretion for the Council to waive payment. For the avoidance of doubt, commencement of the demolition of any existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of CIL regulations. A blank commencement notice can be downloaded from: http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf

Claims for relief must be made on the appropriate forms which are available on the Council's website at: <https://www.woking.gov.uk/planning/service/contributions>

Other conditions and requirements also apply and failure to comply with these will lead to claims for relief or exemption being rendered void. The Local Planning Authority has no discretion in these instances.

For full information on this please see the guidance and legislation here:

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<https://www.gov.uk/guidance/community-infrastructure-levy>
<http://www.legislation.gov.uk/all?title=The%20Community%20Infrastructure%20Levy%20Regulations%20>

5. The applicant is advised that, under the Control of Pollution Act 1974, site works which will be audible at the site boundaries are restricted to the following hours:-
08.00 – 18.00 Monday to Friday
08.00 – 13.00 Saturday
and not at all on Sundays and Bank/Public Holidays.
6. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.