

25 JUNE 2019 PLANNING COMMITTEE

6d 19/0206 Reg'd: 04.03.19 Expires: 29.04.19 Ward: PY
Nei. 03.04.19 BVPI Minor Number >8 On No
Con. 03.04.19 Target dwellings -13 of Weeks On No
Exp: on Cttee' Target?
Day:

LOCATION: 117 Princess Road, Maybury, Woking, Surrey, GU22 8ER

PROPOSAL: Erection of 2x two storey dwellings (2x bed) following demolition of part of No. 117 Princess Road and erection of a part two storey, part single storey rear extension and single storey front extension to No.117 and associated landscaping and parking.

TYPE: Full Planning Application

APPLICANT: Mr B. Lal

OFFICER: David Raper

REASON FOR REFERRAL TO COMMITTEE:

The application has been referred to Planning Committee by Councillor Aziz for further discussion as the Councillor feels that the applicant has addressed the previous refusal reasons.

SUMMARY OF PROPOSED DEVELOPMENT

The proposal is for the erection of 2x two storey dwellings (2x bed) following demolition of part of No. 117 Princess Road. The proposal also includes the erection of a part two storey, part single storey rear extension and single storey front extension to No.117 and off-street parking for all three resulting dwellings would be provided to the rear.

Site Area:	0.047ha (470m ²)
Existing units:	1
Proposed units:	3
Existing density:	21.3dph
Proposed density:	63.83 dph

PLANNING STATUS

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

RECOMMENDATION

REFUSE Planning Permission.

SITE DESCRIPTION

The proposal relates to a two storey semi-detached dwelling dating from the 1950s. The proposal forms part of the Maybury Estate which is a large post-war housing development in a typical estate layout characterised by two storey semi-detached and terraced dwellings. The

25 JUNE 2019 PLANNING COMMITTEE

proposal site is bordered by an access road to the east which leads to a garage forecourt to the rear of the site.

PLANNING HISTORY

- PLAN/2018/0811 - Erection of 2x two storey dwellings (2x bed) following demolition of part of No. 117 Princess Road and erection of a part two storey, part single storey rear extension to No.117 and associated landscaping and parking – **Refused** 01/11/2018 for the following reasons:

01. *The proposed development, by reason of the proposed plot sub-division and the resulting unduly narrow plot widths, the bulk, massing and design of the proposed development and the proximity to boundaries, would result in an incongruous development with unduly small and narrow plots which fails to respect the prevailing character, pattern and grain of development in the area and results in a unduly cramped and contrived overdevelopment of the site. The proposal would consequently result in a significantly harmful impact on the character of the surrounding area, contrary to Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking DMP DPD (2016) policy DM10 'Development on Garden Land', Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2018).*
02. *In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the additional dwellings would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Avoidance Strategy (2010 - 2015), saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations").*

- PLAN/1994/0846 – Erection of two single storey extensions to the front – Permitted
- 82/0495 – Single storey extension – Permitted

CONSULTATIONS

County Highway Authority: No objection subject to conditions.

REPRESENTATIONS

Two representations have been received expressing support/no objection for the proposal.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2019):

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

Woking Core Strategy (2012):

CS1 - A Spatial strategy for Woking Borough

25 JUNE 2019 PLANNING COMMITTEE

CS4 - Priority Places
CS8 - Thames Basin Heaths Special Protection Areas
CS10 - Housing provision and distribution
CS11 - Housing Mix
CS18 - Transport and accessibility
CS21 - Design
CS22 - Sustainable construction
CS24 - Woking's landscape and townscape
CS25 - Presumption in favour of sustainable development

Development Management Policies DPD (2016):

DM2 - Trees and Landscaping
DM10 - Development on Garden Land

Supplementary Planning Documents (SPDs):

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

PLANNING ISSUES

1. A similar proposal for 2x dwellings was refused on 01/11/2018 (PLAN/2018/0811). The reasons for refusal primarily related to the proposed plot sub-division and the resulting unduly narrow plot widths, the bulk, massing and design of the development and the proximity to boundaries. This was considered to result in an incongruous development with unduly small and narrow plots which failed to respect the prevailing character, pattern and grain of development in the area and an unduly cramped and contrived overdevelopment of the site. In order to be considered acceptable the current proposal will therefore need to have fully overcome the previous reasons for refusal.
2. The current proposal is still for the erection of 2x additional dwellings and would result in the same plot sizes as the previously refused application. The only proposed changes are to the elevation design of the development as well as the inclusion of single storey front extensions to the dwellings. The proposal has been assessed on its own merits below.

Impact on Character:

3. Core Strategy (2012) Policy CS21 'Design' 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"*. Section 12 of the NPPF (2019) states that *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"* and requires development 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..."*. Woking DMP DPD (2016) policy DM10 'Development on Garden Land' permits sub-division of plots providing the proposed development *"...does not involve the inappropriate sub-division of existing curtilages to a size substantially below that prevailing in the area"*, *"the means of access is appropriate in size and design to accommodate vehicles and pedestrians safely and prevent harm to the amenities of adjoining residents and is in keeping with the character of the area"* and *"suitable soft landscape is provided"*

25 JUNE 2019 PLANNING COMMITTEE

for the amenity of each dwelling appropriate in size to both the type of accommodation and the characteristic of the locality”.

4. The proposal site forms half of a semi-detached pair and the proposed development is for the demolition of part of the existing dwelling and the erection of 2x new two storey dwellings in a terraced arrangement and the associated subdivision of the existing plot into a total of 3x plots. The proposal also includes a part two storey, part single storey rear extension and single storey front extension to the existing dwelling.
5. The subdivision of existing plots can be considered acceptable in the Urban Area where the resulting plot sizes and widths are reflective of the prevailing grain and pattern of development in the area. The proposal site is relatively wide in comparison to surrounding plots and is approximately 16m in width at the site frontage. Neighbours either side at No.115 and No.119 Princess Road have plot widths of approximately 10-11m. Other plots in the area are similarly sized, with the narrowest plots locally being those at No.121-125 Princess Road which range between 7.6m and 8.3m however most plots are approximately 10-11m in width and terraced properties in the wider area are around 7m in width. Properties opposite on corner plots have large spacious frontages. Overall the immediate area is characterised by consistently sized plots with good separation distances to boundaries, particularly on corner plots, which gives a spacious character to the area and wider estate.
6. The existing proposal site also forms a corner plot and contributes towards the existing spacious character of the area due to the generous plot width and separation distance to the side boundary. Whilst it is acknowledged that the proposal site is relatively wide, the proposal would add two net additional dwellings resulting in a total of three plots measuring 5.2m, 4.8m and 5.8m² in width. All of the proposed plots are significantly narrower than those which prevail in the surrounding area and one of the plots at 4.8m in width is approximately half the width of most nearby plots. The resulting plot sizes are identical to those under the previously refused application (PLAN/2018/0811) and so the proposal cannot be regarded as overcoming the Local Planning Authority's concern with regards to plot sizes and the grain of the proposed development.
7. The current proposal differs from the previously refused scheme in that the entrance door to the end property would be located on the flank elevation facing the adjacent access road rather than the front elevation however the plot subdivision would still be readily apparent from the surrounding area and this change is not considered to overcome the previous reason for refusal.
8. The proposed development is considered to result in dwellings and plots which are noticeably and significantly narrower than plots in the surrounding area which is considered to result in an undue overdevelopment of the site.
9. The previously refused application resulted in garden sizes which were proportionate to the footprints of the dwellings they served. The current proposal includes a single storey front addition to all the dwellings which results in larger footprints; as a result of this, the rear gardens of two of the resulting dwellings would be approximately 6-7m² smaller in area than the footprints of the dwellings they serve. This would therefore fail to meet the guidance within the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and is considered indicative of a cramped and contrived overdevelopment of the site, to the detriment of the character of the area.
10. As discussed above, corner plots in the surrounding area generally have good separation distances to boundaries and the existing dwelling features a generous

25 JUNE 2019 PLANNING COMMITTEE

separation distance to the side boundary of 4.8m at single storey level and 7.3m at two storey level which contributes towards the spacious character of the area. The proposed development, as with the previously refused development, would largely infill most of the width of the plot and the end dwelling would be positioned 1m from the side boundary with the access road. This is considered a minimal separation distance and is considered to contribute towards a cramped overdevelopment of the plot. The neighbour opposite at No.119 to the south-east has achieved a two storey side extension which directly abuts the boundary, along with a brick boundary wall and detached garage to the rear which results in a harsh and urbanising flank elevation facing the access road. The proposed development, in combination with the existing dwelling at No.119, is considered to result in an unduly cramped and overdeveloped appearance on a prominent corner plot.

11. The existing semi-detached pair is balanced and symmetrical in nature and both No.115 and No.117 feature recessed two storey side projecting elements of the same proportions and appearance and the pair is very similar to the adjacent properties at No.111-113 to the west. The proposed development would remove this element and would continue the existing two storey principal elevation for a further 9.4m flush with the existing front elevation. The proposal would effectively result in a terrace of four dwellings but would not be symmetrical as the proposal does not incorporate a recessed two storey element. Whilst the gable feature on the previously refused proposal has been removed, the proposal is still considered to result in an unbalanced and asymmetrical frontage to the detriment of the character of the surrounding area.
12. Considering the points discussed above, overall the proposed development, by reason of the proposed plot sub-division and the resulting unduly narrow plot widths, the bulk, massing and design of the proposed development and the proximity to boundaries, would result in an incongruous development with unduly small and narrow plots which fails to respect the prevailing character, pattern and grain of development in the area and would result in an unduly cramped and contrived overdevelopment of the site. The proposal would result in a significantly harmful impact on the character of the surrounding area and would therefore be contrary to Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking DMP DPD (2016) policy DM10 'Development on Garden Land', Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2019).
13. The proposal is not therefore considered to have overcome the reasons for refusal of the previously refused application (PLAN/2018/0811).

Impact on the Thames Basin Heaths Special Protection Area (SPA):

14. 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 Core Strategy 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 of 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.

25 JUNE 2019 PLANNING COMMITTEE

15. 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. The proposed development would require a SAMM financial contribution of £1,396 based on a net gain of 2x two bedroom dwellings which would arise from the proposal. The Appropriate Assessment concludes that there would be no adverse impact on the integrity of the TBH SPA providing the SAMM financial contribution is secured through a S106 Legal Agreement. CIL would be payable in the event of planning permission being granted. For the avoidance of doubt, sufficient SANG at Horsell Common has been identified to mitigate the impacts of the development proposal. Nonetheless no Legal Agreement has been submitted to secure the SAMM financial contribution given the other objections to the proposal.
16. In view of the above, and in the absence of a Legal Agreement to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the additional dwellings would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area, either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects, contrary to the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations"), saved Policy NRM6 of the South East Plan 2009, Policy CS8 of the Woking Core Strategy 2012 and the Thames Basin Heaths Avoidance Strategy 2010-2015.

Impact on Neighbours:

No.115 Princess Road:

17. This neighbour is attached to the proposal site to the north-west. The proposal includes a part two storey, part single storey rear extension to the existing dwelling at No.117; the extension would be positioned on the boundary with this neighbour and the single storey element would have a depth of 3.5m and the two storey element would have a depth of 2m. This neighbour is in the process of erecting a single storey rear extension which has a permitted depth of 4m. The rear extensions would not therefore project beyond the ground floor rear elevation of this neighbour and so is not considered to unduly impact on any ground floor windows. The first floor element would be set-in 1.1m from the boundary and would pass the '45° test' in elevation form with first floor windows as set out by the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and so is considered to have an acceptable loss of light and overbearing impact on these windows. The proposed development includes rear-facing window openings however these would have views typical of a residential area and so are not considered to result in undue overlooking or loss of privacy.
18. The current proposal differs from the previously refused application in that a single storey front extension is proposed to all three resulting dwellings. The front extension would have a depth of 1.5m and would be positioned on the boundary with No.115 with an eaves height of 2.4m and a mono-pitched roof up to 3.4m in height. Whilst the proposal would fail the 45° test in plan form with the neighbouring front window of No.115, the proposal would just pass the test in elevation form. Considering this, along with the relatively modest depth of the single storey element, on balance the

25 JUNE 2019 PLANNING COMMITTEE

proposal is not considered to result in an undue loss of light or overbearing impact on this neighbour.

19. Overall the proposal is considered to form an acceptable relationship with this neighbour.

No.119 Princess Road:

20. This neighbour is positioned on the opposite side of the access road to the south-east and features a two storey side extension which has been built up to the boundary. This neighbour features two first floor side-facing windows, one of which is understood to serve a single-aspect bedroom. The proposed two storey flank elevation of the proposed development would be positioned directly opposite this window with a separation distance of approximately 6.8m. The proposal would pass the '25° test' with this window as set out by the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and so is not considered to result in an undue loss of light impact on this window and the separation distance is considered sufficient to avoid an undue overbearing impact. The proposed development would be approximately in-line with the front and rear elevation of this neighbour and so is not considered to unduly impact on front or rear window openings. The proposed development includes rear-facing window openings however these would have views typical of a residential area and so are not considered to result in undue overlooking or loss of privacy.

Other neighbours:

21. The proposed development would be in excess of 20m from the front elevations of neighbours opposite the site on Princess Road which is sufficient to avoid undue overlooking and other neighbours in the area are considered a sufficient distance from the proposal site in order to not be unduly affected.
22. Overall the proposed development is therefore considered to have an acceptable impact on the amenities of neighbours in term of loss of light, overbearing and overlooking impacts.

Standard of Accommodation:

23. The proposed dwellings would all have two bedrooms and would have internal floor areas of 82.3-84m² which would meet the recommended minimum internal floor areas set out in the National Technical Housing Standards (2015). Overall considered to achieve an acceptable standard of internal accommodation.
24. The Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) states that areas of private amenity space should be at least proportionate to the footprint of the dwelling they serve. The rear garden areas range from approximately 46m²-53m² and two of the gardens would be approximately 6m²-7m² smaller than the footprints of the dwellings they serve and so fall short of this requirement. Whilst this alone is not considered to result in an unacceptable residential environment for future occupants, it is considered indicative of an unduly cramped and contrived overdevelopment of the site as discussed above.

Transportation Impact:

25. Each proposed dwelling would have two parking spaces each to the rear of the plot accessed from the garage forecourt to the rear. The Council's Parking Standards (2018) set a minimum parking standard of one space per two bedroom dwelling; the proposal would therefore meet this requirement and are considered to provide sufficient off-street parking. There would be sufficient space within the curtilage of

25 JUNE 2019 PLANNING COMMITTEE

each dwelling for the storage of bins and bicycles. The Country Highway Authority has reviewed the proposal and raises no objection subject to conditions. Overall the proposal is therefore considered to have an acceptable transportation impact.

Sustainability:

26. Following a Ministerial Written Statement to Parliament on 25 March 2015, 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 energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. 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.
27. 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 permissions which seeks the equivalent water and energy improvements of the former Code Level 4. The Council has therefore amended its approach and an alternative condition will now be applied to all new residential permissions which seeks the equivalent water and energy improvements of the former Code Level 4.

Affordable Housing:

28. The recently revised National Planning Policy Framework (2019) states that affordable housing provision should not be sought for residential developments which are not 'major' developments (i.e. 10x units or more). Whilst weight should still be afforded to policy CS12 'Affordable housing' of the Woking Core Strategy (2012) it is considered that greater weight should be afforded to the more recently published NPPF (2019). Contributions towards affordable housing are not therefore sought under this application.

Community Infrastructure Levy (CIL):

29. The proposal would be liable to make a CIL contribution.

CONCLUSION

30. The proposed development, by reason of the proposed plot sub-division and the resulting unduly narrow plot widths, the bulk, massing and design of the proposed development and the proximity to boundaries, would result in an incongruous development with unduly small and narrow plots which fails to respect the prevailing character, pattern and grain of development in the area and results in an unduly cramped and contrived overdevelopment of the site. The proposal would consequently result in a significantly harmful impact on the character of the surrounding area.
31. Furthermore, in the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the additional dwellings would not have a significant impact on the Thames Basin Heaths Special Protection Area.

25 JUNE 2019 PLANNING COMMITTEE

32. The proposal is therefore contrary to Core Strategy (2012) policies CS8 'Thames Basin Heaths Special Protection Areas', CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking DMP DPD (2016) policy DM10 'Development on Garden Land', Supplementary Planning Document 'Woking Design' (2015), the Thames Basin Heaths Avoidance Strategy (2010 - 2015), saved policy NRM6 of the South East Plan (2009), the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations") and the NPPF (2019).
33. The proposal is not therefore considered to have overcome the reasons for refusal of the previously refused application (PLAN/2018/0811) and is recommended for refusal.

BACKGROUND PAPERS

1. Site visit photographs
2. Consultation responses
3. Representations
4. Planning Case File ref: PLAN/2018/0811

RECOMMENDATION

REFUSE Planning Permission for the following reasons:

01. The proposed development, by reason of the proposed plot sub-division and the resulting unduly narrow plot widths, the bulk, massing and design of the proposed development and the proximity to boundaries, would result in an incongruous development with unduly small and narrow plots which fails to respect the prevailing character, pattern and grain of development in the area and results in an unduly cramped and contrived overdevelopment of the site. The proposal would consequently result in a significantly harmful impact on the character of the surrounding area, contrary to Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking DMP DPD (2016) policy DM10 'Development on Garden Land', Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2019).
02. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the additional dwellings would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Avoidance Strategy (2010 - 2015), saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations").

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 2019.
2. The plans relating to the development hereby refused are listed below:

25 JUNE 2019 PLANNING COMMITTEE

FE01 (Location Plan) received by the LPA on 01/03/2019
FE02 (Existing Site Survey) received by the LPA on 01/03/2019
FE03d (Proposed Block Plan) received by the LPA on 01/03/2019
FE10 (Existing Ground Floor Plan) received by the LPA on 01/03/2019
FE11 (Existing First Floor Plan) received by the LPA on 01/03/2019
FE12 (Existing Roof Plan) received by the LPA on 01/03/2019
FE15 (Existing Front Elevation) received by the LPA on 01/03/2019
FE16 (Existing Side Elevation) received by the LPA on 01/03/2019
FE17 (Existing Rear Elevation) received by the LPA on 01/03/2019

FE20c (Proposed Ground Floor Plan) received by the LPA on 01/03/2019
FE21d (Proposed First Floor Plan) received by the LPA on 01/03/2019
FE22d (Proposed Roof Plan) received by the LPA on 01/03/2019
FE25b (Proposed Front Elevation) received by the LPA on 01/03/2019
FE26b (Proposed Side Elevation) received by the LPA on 01/03/2019
FE27d (Proposed Rear Elevation) received by the LPA on 01/03/2019
FE28a (Proposed Side Elevation) received by the LPA on 01/03/2019