

23 JULY 2019 PLANNING COMMITTEE

6d 19/0148 Reg'd: 03.04.19 Expires: 29.05.19 Ward: HO
Nei. 02.05.19 BVPI Minor Number >8 On No
Con. 02.05.19 Target dwellings -13 of Weeks On No
Exp: on Cttee' Target?
Day:

LOCATION: Fernworthy, 30 Kettlewell Close, Horsell, Woking, GU21 4HZ

PROPOSAL: Proposed erection of a two storey replacement dwelling with accommodation in the roof space following demolition of existing dwelling plus creation of additional vehicular crossover

TYPE: Full Planning Application

APPLICANT: Ms Carolyn Beddow

OFFICER: David Raper

REASON FOR REFERRAL TO COMMITTEE:

The proposal is for the erection of a replacement dwelling which falls outside the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegation.

PROPOSED DEVELOPMENT

The proposal is for the erection of a two storey replacement dwelling with accommodation in the roof space following demolition of the existing dwelling on the site plus creation of an additional vehicular crossover.

PLANNING STATUS

- Urban Area
- Tree Preservation Order Area
- Thames Basin Heaths SPA ZoneB (400m-5km)

RECOMMENDATION

GRANT planning permission subject to conditions.

SITE DESCRIPTION

The site is occupied by a single storey detached dwelling with accommodation in the roof space facilitated by front and rear dormer windows. Kettlewell Close is predominately characterised by a mixture of single and two storey detached dwellings built in a traditional style. Kettlewell Close is suburban and verdant in character.

PLANNING HISTORY

- PLAN/2015/1288 - Proposed erection of a two storey replacement dwelling following demolition of existing dwelling plus creation of additional vehicular crossover – Permitted 11/02/2016 (now lapsed)
- PLAN/1993/0090 – Erection of single storey rear extension – Permitted

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CONSULTATIONS

County Highway Authority: No objection subject to conditions.

Arboricultural Officer: No objection subject to conditions.

Drainage and Flood Risk Engineer: No objection subject to conditions.

REPRESENTATIONS

One representation received raising the following summarised concerns:

- Proposed replacement dwelling would be unduly large and incongruous
- The replacement dwelling at No.53 Kettlewell Close has resulted in an overbearing dominance on the street scene
- Proposed replacement dwelling would have a limited separation distance to No.28
- The proposed dwelling would be three storeys and would result in an overbearing, overlooking and loss of privacy impact
- Proposal would destroy the outlook from our lounge and patio
- We aim to convert the garage and plant room into habitable accommodation and so the side-facing windows would serve habitable rooms
- Proposal would result in the loss of a three bedroom bungalow for which there is a local need
- The applicant is intending to sell the property so they would not be affected by the disruption (*Officer note: this is not a material planning consideration*)
- Proposal could result in an 'annoyance' which would be in breach of legal covenants on the land (*Officer note: covenants are a civil matter and are not a material planning consideration*)

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2019):

Section 2 – Achieving sustainable development

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

Development Management Policies DPD (2016):

DM2 – Trees and Landscaping

Woking Core Strategy (2012):

CS21 – Design

CS18 – Transport and Accessibility

CS22 – Sustainable Construction

CS24 – Woking's Landscape and Townscape

Supplementary Planning Documents (SPDs):

Parking Standards (2018)

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2008)

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BACKGROUND

The proposal is identical to a previously approved application for a replacement dwelling (PLAN/2015/1288); this application was approved on 11/02/2016 but was not implemented and has now lapsed. Notwithstanding the fact that the proposal is identical to this previous permission, the proposal must be assessed on its own merits based on the current Development Plan policies and the current relationship with neighbours and the street scene.

PLANNING ISSUES

Impact on Character:

1. The proposal is for the demolition of the existing single storey dwelling with accommodation in the roof space and replacement with a two storey dwelling. Kettlewell Close is characterised by detached dwellings of a traditional character dating from the mid C20. Dwellings are a mixture of two storey and single storey dwellings with accommodation in the roof space. The neighbour at No.28 to the south-east is two storeys and the neighbour at No.32 to the north-west is single storey. Since the previously approved application was determined (PLAN/2015/1288) a two storey replacement dwelling has been permitted and built nearby at No.53 Kettlewell Close (PLAN/2016/0765) and a first floor extension to a bungalow to create a two storey dwelling has been permitted and built at No.65 Kettlewell Close opposite the site (PLAN/2017/0572). A two storey dwelling on the site is therefore considered consistent with the character of Kettlewell Close. The principle of a replacement two storey dwelling with accommodation in the roof space is therefore considered acceptable subject to the detailed considerations set out below.
2. The eaves level of the proposed dwelling would match that of the two storey neighbour at No.28 and would have a ridge height of 8.2m. This would be 1m higher than the neighbour at No.28 however this in itself is not considered to result in an unacceptable impact on the character of the area and is not considered to appear unduly high in comparison to neighbours. The proposal site is on ground approximately 0.4m lower than No.28 which reduces the visual impact of the difference in ridge heights. The eaves level of the proposed replacement dwelling is reduced to 3.6m adjacent to the single storey neighbour at No.32 which gives the appearance of a 1.5 storey element which makes a logical transition in eaves heights with No.32. The proposed dwelling would feature accommodation in the roof space however this would not be readily appreciable on the front elevation and the dwelling is considered to retain the appearance of a two storey dwelling. The dormer window on the rear roof slope is considered a relatively modest and proportionate feature which sits comfortably on the rear roof slope.
3. The proposed dwelling would have a greater footprint than the existing dwelling and part of the dwelling would be closer to the highway than the existing however the proposal is considered to respect the building line along the Kettlewell Close. The maximum depth of the property would be 13.8m which is comparable to the depth of the neighbour at No.32 including its rear extension. The proposed dwelling is not therefore considered unduly large or incongruous in appearance.
4. The dwelling would be positioned 1m from the boundary with No.32 and 1.8m from the boundary with No.28. Separation distances vary along Kettlewell Close and the proposal is considered to result in acceptable level of visual separation between dwellings which is consistent with the surrounding street scene and would not result in an unduly cramped appearance.

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5. The proposed dwelling would be of a traditional design with two front gable features and a bay window. Materials would include brick and hanging tiles to reflect the character of the area and details of specific materials can be secured by condition (Condition 2). The dwelling would feature areas of crown roof however these are not considered easily visible in the street scene and are not considered unduly harmful to the character of the area.
6. Overall the proposal is considered to result in a visually acceptable replacement dwelling which has an acceptable impact on the character of the surrounding area.

Impact on Neighbours:

7. The neighbours potentially most affected by the proposal are No.28 Kettlewell Close to the south-east and No.32 Kettlewell Close to the north-west.
8. The proposed replacement dwelling would be two storeys with accommodation in the roof space and the two storey rear elevation would project 2m beyond the rear elevation of No.28 and the proposed dwelling would be positioned 2.8m from this neighbour. The rear elevation of the proposed replacement dwelling is staggered and part of the host dwelling would project a further 2m in depth however this element would be set-in 5.6m from the boundary which is considered sufficient to avoid an undue overbearing or loss of light impact. This neighbour features side-facing windows however they serve a garage and plant room which are regarded as non-habitable rooms. This neighbour also features a small first floor side-facing window however this serves a bathroom which is also considered a non-habitable room. This neighbour features a side-facing window serving a lounge however this is a secondary window and is positioned approximately 11.5m from the boundary. The proposal would pass the '45° test' as set out in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) in both plan and elevation form with this neighbour and is not considered to result in an unacceptable loss of light impact on this neighbour.
9. The proposed dwelling would inevitably be taller and larger than the existing dwelling however the relationship described above is considered typical in a residential area and is not considered to result in an undue overbearing impact on this neighbour. Whilst this neighbour may have the intention of converting the garage and plant room nearest the boundary to a bedroom, this has not taken place and the proposal has been assessed on its own merits based on the current relationship with this neighbour; in any case it will be possible to convert the garage to habitable accommodation without relying on side-facing windows.
10. The neighbour at No.32 has been extended to the rear and the proposed dwelling would not extend beyond rear elevation of this extension. This neighbour does feature a side-facing window which would be 2.8m from the flank elevation of the proposed dwelling at its nearest point. Whilst the proposed dwelling would not pass the '25°' test as set out in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) however this window is understood to serve as a secondary window to a kitchen which has windows and French doors on the rear elevation. As the side-facing window is a secondary window, the proposal can be considered to form an acceptable relationship with this neighbour. First floor side-facing windows of this neighbour serve a bathroom. Considering these points, the proposal is not considered to result in an unacceptable loss of light or overbearing impact on this neighbour. The proposal also includes the removal of a brick outbuilding close to the boundary with this neighbour which would alleviate any existing overbearing impact caused by this structure.

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11. The proposed dwelling features first floor side-facing windows and side-facing rooflights; these however serve bathrooms or as secondary windows so can be required to be obscurely glazed with restricted opening by condition (Condition 3). The proposal would introduce additional first floor front and rear facing windows and a second floor rear-facing dormer window however any views from these windows would be typical of a residential area and so are considered acceptable in terms of overlooking.
12. Considering the points discussed above, overall the proposal is therefore considered to have an acceptable impact on the amenities of neighbours in terms of loss of light, overbearing and overlooking impacts and accords with Core Strategy (2012) policy CS21, Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the National Planning Policy Framework (2019).

Standard of Accommodation:

13. The proposed dwelling is considered to achieve an acceptable size and standard of accommodation with good quality outlooks to habitable rooms. The rear garden would be largely retained and arguably improved by the removal of the existing structures. The proposal is therefore considered to have an acceptable impact on the living conditions of future occupants.

Transportation Impact:

14. The Council's Parking Standards (2018) set a minimum parking standard of three spaces per five bedroom dwelling. The proposed dwelling includes an integral garage providing one space and features sufficient off-street parking to the frontage for at least two vehicles. The proposal is therefore considered to retain sufficient off-street parking to serve the replacement dwelling.
15. The plans identify a new vehicle crossover onto Kettlewell Close in addition to the existing crossover. As Kettlewell Close is not a classified road, an additional crossover would not normally require planning permission if it is in association with an area of permeable hardstanding serving a dwellinghouse. In any case, the County Highway Authority has been consulted and raises no objection. An additional vehicular crossover in this location is not considered to materially impact on highway safety. It is not considered that the crossover would result in the loss of on-street parking capacity due to the narrow carriageway width created by the landscaped traffic island outside the proposal site.
16. The proposal is therefore considered acceptable in terms of its impact on parking and highway safety.

Impact on Trees:

17. Part of the rear garden is covered by a Tree Preservation Order area and there is a mature tree to the rear of the garden. The Council's Arboricultural Officer is satisfied that the proposed dwelling should not have direct implications for trees and is satisfied that tree protection details can be secured by condition prior to the commencement of development, including demolition (Condition 5). Subject to this condition, the proposal is considered to result in an acceptable impact on trees.

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Sustainability:

18. 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. 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 permissions which seeks the equivalent water and energy improvements of the former Code Level 4. Subject to such conditions, the proposal is considered acceptable in terms of sustainability.

Drainage and Flood Risk:

20. Parts of the carriageway to the front of the proposal site are classified as being at very high risk from surface water flooding. The Council's Drainage and Flood Risk Engineer has been consulted and raises no objection subject to a condition securing details of a sustainable drainage scheme being secured by condition. Subject to this condition, the proposal is considered to result in an acceptable impact in terms of surface water flood risk.

Community Infrastructure Levy (CIL):

21. The proposal would be liable to make a CIL contribution of £26,013.46 based on a net increase in floor area of 167m².

CONCLUSION

22. Overall, the proposed replacement dwelling is considered to be visually acceptable and is considered to have an acceptable impact on the character of the surrounding area and on the amenities of neighbours. The proposal is considered acceptable in transportation terms and in terms of its potential impact on trees. The proposal therefore accords with Core Strategy (2012) policy CS18 'Transport and Accessibility', CS21 'Design' and CS24 'Woking's Landscape and Townscape', DMP DPD (2016) policy DM2 'Trees and Landscaping', Supplementary Planning Documents Parking Standards (2018), 'Outlook, Amenity, Privacy and Daylight' (2008) and 'Woking Design' (2015) and the National Planning Policy Framework (2019) and is recommended for approval.

BACKGROUND PAPERS

1. Site visit photographs
2. Consultation responses
3. Representations

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RECOMMENDATION

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

1. The development hereby permitted shall be commenced not later than three years from 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. ++Prior to the commencement any above ground works in connection with the development hereby permitted, a written specification of all external materials to be used in the construction of the dwelling hereby permitted shall be 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 first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

3. The side-facing windows and rooflights at first floor level and above in the north-west and south-east facing side elevations and roof slopes of the dwelling hereby permitted shall be glazed entirely with obscure glass and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the finished floor levels of the rooms in which the windows are installed. Once installed the windows shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining properties.

4. Prior to the first occupation of the dwelling hereby approved, a hard and soft landscaping scheme showing details of soft landscaping to the frontage, details of materials for areas of hardstanding and any changes to boundary treatments, shall be 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 first agreed in writing by the Local Planning Authority. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development (in that phase) whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve and enhance the character and appearance of the locality.

5. ++ No development related works shall be undertaken on site (including clearance and demolition) until tree protection details have been submitted to and approved in writing by the Local Planning Authority. These details shall adhere to the principles embodied in BS 5837 2012. Full details shall be provided to indicate exactly how and when the retained trees will be protected during the site works. The development shall be carried out strictly in accordance with the agreed details.

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Reason: To ensure the retention and protection of trees on and adjacent to the site in the interests of the visual amenities of the locality and the appearance of the development.

6. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Classes A and B of The Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any orders amending or re-enacting that Order with or without modification) no extension or enlargement of the dwellinghouse hereby approved shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of nearby properties and the character of the area and for this reason would wish to control any future development.

7. ++ Prior to the commencement any above ground works in connection with the development hereby permitted, written evidence shall be submitted to and approved in writing by the Local Planning Authority (LPA) 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.

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

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policy CS22 of the Woking Core Strategy 2012.

8. The development hereby permitted shall not be 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.

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

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

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9. No development shall commence until details of a scheme for disposing of surface water by means of a sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full in accordance with the approved details prior to the first occupation of the development.

Reason: To ensure that the development achieves a high standard of sustainability.

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

CDA-203-001 (Location and Block Plans) received by the LPA on 15/02/2019

CDA-203-002 Rev.A (Floor Plans) received by the LPA on 15/02/2019

CDA-203-003 Rev.C (Floor and Roof Plans) received by the LPA on 02/04/2019

CDA-203-004 Rev.C (Elevations) received by the LPA on 02/04/2019

CDA-203-005 Rev.B (Existing and Proposed Streetscenes) received by the LPA on 15/02/2019

CDA-203-006 (Section) received by the LPA on 15/02/2019

Reason: For the avoidance of doubt and in the interests of proper planning

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 permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
4. 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.

5. 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.

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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:

<https://www.gov.uk/guidance/community-infrastructure-levy>

<http://www.legislation.gov.uk/all?title=The%20Community%20Infrastructure%20Levy%20Regulations%20>

Please note this informative provides general advice and is without prejudice to the Local Planning Authority's role as Consenting, Charging and Collecting Authority under the Community Infrastructure Levy Regulations 2010 (as amended).

6. The applicant is advised that under the Control of Pollution Act 1974, works which will be audible at the site boundary will be restricted to the following hours:-

8.00 a.m. - 6.00 p.m. Monday to Friday

8.00 a.m. - 1.00 p.m. Saturday

and not at all on Sundays and Bank Holidays.