

23 JULY 2019 PLANNING COMMITTEE

6e	19/0501	Reg'd:	21.05.19	Expires:	26.07.19	Ward:	MH
Nei. Con. Exp:	03.07.19	BVPI Target	13 (Minor dwellings)	Number of Weeks on Cttee' Day:	9	On Target?	Yes

LOCATION: Wayside, Onslow Crescent, Woking, GU22 7AT

PROPOSAL: Demolition of existing dwelling and detached garage/annex and erection of replacement dwelling with integral garage.

TYPE: Full Application

APPLICANT: Mr & Mrs Borovina

OFFICER: James
Kidger

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

Planning permission is sought to demolish the existing dwelling and detached outbuilding and to erect a larger replacement dwelling.

PLANNING STATUS

- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)
- Tree Preservation Order

RECOMMENDATION

GRANT planning permission subject to conditions.

SITE DESCRIPTION

The existing property is a detached single storey dwelling fronting the western portion of Onslow Crescent. It is part of a row of similar dwellings, some with rooms in the roof, covering the quarter circle of Onslow Crescent south of Tudor Close and opposite The Park School. The area is largely residential and typified by detached properties on substantial plots.

PLANNING HISTORY

- PLAN/2005/0908 – extensions and alterations to existing dwelling – approved 30th September 2005.
- PLAN/1991/1203 – rear conservatory – approved 14th February 1992.

CONSULTATIONS

Arboricultural Officer – No objection subject to the provision of a tree protection plan.

REPRESENTATIONS

None received.

RELEVANT PLANNING POLICY

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):

CS8 – Thames Basin Heaths Special Protection Areas

CS18 – Transport and accessibility

CS21 – Design

CS22 – Sustainable construction

CS24 – Woking's landscape and townscape

CS25 – Presumption in favour of sustainable development

Supplementary Planning Documents (SPDs):

Parking Standards (2018)

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2008)

PLANNING ISSUES

1. The main planning considerations material to this application are the principle of development on the site, the standard of accommodation to be provided, the impact on the character of the area and the impact on the amenity of neighbouring properties.

Principle of development

2. The proposed development would replace the existing dwelling and there would be no net increase in the housing supply. Whilst there are no specific policy objections to a replacement dwelling in an established urban area such as this, the acceptability or otherwise of the scheme is subject to the character of the area and a satisfactory design. These issues are discussed below.

Standard of accommodation

3. The proposed dwelling would have five bedrooms and a potential occupancy of ten persons. Each of the bedrooms would be well sized – the smallest would be 20m² – with reasonable outlook and natural lighting. The total floor area would be around 400 square metres – ample for a dwelling of this scale – and the large open plan ground floor living area would ensure plentiful circulation space.
4. The remaining outdoor amenity space at the rear of the plot would be over 300 square metres. While this would not be in accordance with the level recommended within the Outlook, Amenity, Privacy and Daylight SPD (which for large family houses calls for an area of amenity space greater than the floor area of the dwelling), the remaining space

23 JULY 2019 PLANNING COMMITTEE

would be substantial and useable and is not considered harmful to the amenity of future occupiers.

Character of the area

5. The row of properties of which the site is part have been variously developed over the years, and all are well set back and screened from the road. In this context a larger replacement dwelling of modestly differing design is considered acceptable.
6. The raised ridge would be the most prominent feature of the proposed dwelling, though its bulk would be mitigated by the hipped roof form. The rendered, marginally set down forward projection would add detail and interest, and the proposed dormers would be well contained within the roof slope. Though the proposed dwelling would be larger than the properties to either side, much of the additional volume would be taken up with the increased depth and the façade width would remain less than that of The Pines to the south-east.
7. Though the depth and footprint of the proposed dwelling would be greater than that of the neighbouring properties, it would not be unduly out of keeping with the prevailing urban grain. The property would simply have gone from one of the smaller in the vicinity to one of the larger, and would be comparable in size to Afton on the north side of Tudor Close.

Impact on neighbouring amenity

8. The proposed dwelling would be set back 1.5m from either boundary where adjacent to the neighbouring dwelling, and this would increase toward the rear. These distances are in excess of the recommended 1m within the Outlook, Amenity, Privacy and Daylight SPD.
9. Neither of the neighbouring dwellings have flank windows, and as such the only impact would be where the proposed dwelling would exceed the depth of the neighbours. At the north-west side there would be around 3m of overlap before the main portion of the dwelling would terminate. Substantial mitigation would be provided by the hipped roof and the overlap is not considered significantly harmful. Further to the rear the eaves height would drop and the distance to the boundary would increase.
10. At the south-east side the main portion of the dwelling would not exceed the depth of the neighbouring dwelling, and the two storey projection beyond would be set back 2.6m. This distance, coupled with the pitched roof form, is considered sufficient to keep the impact to The Pines to an acceptable level.
11. The proposed rear Juliet balcony and dormer would overlook both neighbouring gardens to an extent, though as the dwelling would be set further back in the plot the angles of view would be concentrated toward the rear. A degree of overlooking is not unusual where dwellings with first floor dormers are in close proximity, and that facilitated here would not exceed that already possible from the dormers of the neighbouring properties.
12. Five rooflights are proposed on the flanks of the dwelling, which would be sited high enough in the roof to prevent overlooking. This will be secured by condition.
13. Considering the above, overall the proposal would not have an adverse 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

23 JULY 2019 PLANNING COMMITTEE

Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the National Planning Policy Framework (2019).

Parking

14. Four off-road parking spaces would be provided at the front of the proposed dwelling. This would be in excess of the minimum standard for a five bedroom dwelling (three spaces) as set out within the Parking Standards SPD.

Other matters

15. A protected tree is located at the north-east corner of the site, at the very rear of the garden. The tree would be in excess of 20m from the proposed development and this distance would be sufficient, subject to appropriate protective measures, to keep it from harm. These measures will be secured by a condition requiring the approval of a tree protection plan prior to the commencement of works.

Sustainability

16. 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.
17. 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.

Local Finance Considerations

18. The proposed development is residential and thus liable for a financial contribution under the Community Infrastructure Levy (CIL).
 - The gross new build floor space would amount to 418.6m².
 - The floor space lost through demolition would amount to 143.6m².
 - The net additional floor space would therefore be 275m².

CIL would therefore be payable on the net increase of 275m², unless an exemption is claimed.

19. The site is within 5km of the Thames Basin Heaths Special Protection Area. However, there would be no net increase in the housing supply and therefore no Strategic Access Management and Monitoring (SAMM) contribution would be required.

23 JULY 2019 PLANNING COMMITTEE

CONCLUSION

20. The proposed development would provide a larger unit of accommodation in the borough and would generate some economic activity during construction work. The standard of accommodation and amenity space to be provided is considered acceptable and there would be no significant harm to either the character of the area or neighbouring amenity. The application is therefore recommended for approval.

BACKGROUND PAPERS

Site Photographs dated 20th June 2019.

RECOMMENDATION

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

1. The development for which permission is hereby granted shall 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. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

WA/BP/01 – Proposed Block Plan – received 20th May 2019
WA/SP/01 – Proposed Site Plan – received 20th May 2019
WA/EXP/01A – Proposed Ground Floor Plan – received 20th May 2019
WA/P/02A – Proposed First Floor Plan – received 20th May 2019
WA/P/03 – Proposed Roof Plan – received 20th May 2019
WA/E/01 – Proposed Front and Rear Elevations – received 20th May 2019
WA/E/02 – Proposed Side Elevation – received 20th May 2019
WA/E/04A – Proposed Side Elevation – received 20th May 2019

Reason: For the avoidance of doubt and to ensure that the development is completed in accordance with the approved plans.

3. ++ No above ground development associated with the development hereby permitted shall commence until details and samples of the materials to be used in the external elevations 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.

4. The roof lights in the dwelling hereby permitted shall be sited so that their lower edges are a minimum of 1.7 metres above the floor of the room in which they are installed. Once installed the roof lights shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring properties.

23 JULY 2019 PLANNING COMMITTEE

5. The flat roof area of the development hereby approved shall not be used as balcony, roof terrace, sitting out area or similar amenity area nor shall any railings or other means of enclosure be erected on top of or attached to the side of the flat roof area without the grant of further specific planning permission by the Local Planning Authority.

Reason: In order to protect adjoining properties from overlooking and noise.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no extension, addition or other alteration permitted by Classes A, B, C and D of Part 1 of Schedule 2 of that Order shall be erected on the application site without the prior written approval of the Local Planning Authority of an application made for that purpose.

Reason: To protect the amenity and privacy of the occupants of neighbouring properties.

7. ++ No above ground development associated with the development hereby permitted shall commence until details of all screen and boundary walls, fences, hedges and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The means of enclosure will be implemented fully in accordance with the approved details prior to the occupation of any part of the development and thereafter maintained to the height and position as approved unless otherwise agreed in writing by the Local Planning Authority. Any hedges and planting which die or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced during the next planting season with specimens of the same size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To protect the amenity and privacy of the occupants of neighbouring properties and to preserve and enhance the character and appearance of the locality.

8. ++ 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.

23 JULY 2019 PLANNING COMMITTEE

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.

9. ++ No development-related works shall be undertaken on site (including clearance and demolition) until a tree protection plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall adhere to the principles embodied in BS 5837 (2012). The plan shall make provision for the convening of a pre-commencement meeting and Arboricultural supervision by a suitably qualified and experienced Arboricultural Consultant for works within the RPAs of retained trees. 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.

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. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

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 applicant is 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.
3. 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.
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 extensions), 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:

23 JULY 2019 PLANNING COMMITTEE

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).

5. Your attention is specifically drawn to the condition(s) 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.