

## 23 JULY 2019 PLANNING COMMITTEE

6g	19/0419	Reg'd:	09.05.19	Expires:	26.07.19	Ward:	C
Nei. Con. Exp:	30.05.19	BVPI Target	13 (Minor dwellings)	Number of Weeks on Cttee' Day:	11	On Target?	Yes

**LOCATION:** 45 The Gateway, Woodham, Woking, GU21 5SL

**PROPOSAL:** Demolition of existing dwelling and erection of replacement dwelling.

**TYPE:** Full Application

**APPLICANT:** Mr Paul Sharp

**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 to erect a larger replacement dwelling.

Pre-application advice was given on an indicative scheme earlier this year, to the effect that that scheme was unlikely to have been acceptable. The current proposal has been informed by this advice and addresses most of the concerns raised, notably with the substantial reduction in depth, the change of architectural style and the softening of the bulk at front and rear.

The scheme has been further amended since submission to reduce the ridge height and further reduce the rear bulk.

### **PLANNING STATUS**

- Adjoins Basingstoke Canal Conservation Area and Site of Special Scientific Interest (SSSI)
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)

### **RECOMMENDATION**

GRANT planning permission subject to conditions.

### **SITE DESCRIPTION**

The existing property is a detached two storey dwelling on the east side of The Gateway. The plot backs on to the Basingstoke Canal at the rear. The area is residential and typified by large detached properties on substantial plots, some with arts and crafts influences and some modern infill.

### **PLANNING HISTORY**

## 23 JULY 2019 PLANNING COMMITTEE

None.

### **CONSULTATIONS**

Arboricultural Officer – No objection subject to compliance with submitted arboricultural method statement.

Basingstoke Canal Authority – No response received.

Basingstoke Canal Society – No response received.

County Highway Authority – No objection.

National Grid Asset Protection Team – No response received.

Surrey Wildlife Trust – No response received.

### **REPRESENTATIONS**

Three (3) representations have been received objecting to the proposed development for the following reasons:

- Overbearing impact to neighbouring properties;
- Overlooking of neighbouring properties;
- The proposed dwelling would be out of character; and
- The proposed dwelling would be too large.

### **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**

## 23 JULY 2019 PLANNING COMMITTEE

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 16m<sup>2</sup> – with good outlook and natural lighting. The total floor area would be in excess of 400 square metres – ample for a dwelling of this scale – and the large ground floor living rooms would ensure plentiful circulation space.
4. The remaining outdoor amenity space at the rear of the plot would be over 500 square metres. This is considered commensurate with the size of the proposed dwelling and in accordance with the Outlook, Amenity, Privacy and Daylight SPD.

### Character of the area

5. The area is residential and typified by large detached properties on substantial plots. The streetscape is varied and no two properties are the same. Some have arts and crafts influences and some are more modern infill. The existing dwelling has not been further developed since it was built and is now one of the smallest in the vicinity. In this context the replacement of the dwelling with a larger one is considered acceptable.
6. The appearance of the proposed dwelling is not considered harmful to the streetscape. The multi-layered façade would mitigate bulk and the rendered, set down forward projection would add detail and interest. The proposed dormers would be well contained within the roof slope and would not give the impression of a third storey. 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 both the façade width and ridge height would be comparable.
7. Though the depth and footprint of the proposed dwelling would be greater than that of the neighbouring properties, it would not be out of keeping with the prevailing urban grain. The property would simply have gone from one of the smallest in the vicinity to one of the largest, and would be comparable in size to nos. 29, 53, 55 and 71.

### Impact on neighbouring amenity

8. At the north boundary only a relatively short wooden fence separates the site from no. 43. Though the visual impact would be considerable, the loss of a view is not a material planning consideration and very little weight can be ascribed.
9. The proposed dwelling would be set back just over 2m from the north boundary. This would increase to 4m where the two storey element projects beyond the rear of no. 43. These distances are in excess of the recommended 1m within the Outlook, Amenity,

## 23 JULY 2019 PLANNING COMMITTEE

Privacy and Daylight SPD. Though there would be an increased sense of enclosure to the rear patio area of no. 43, the overbearing impact is considered less than substantial and does not warrant the refusal of the application.

10. At the south boundary a mature conifer hedge around 4m high provides extensive screening. The submitted arboricultural impact assessment does not indicate that this will be removed, and should it remain in situ there would be no appreciable impact to no. 47. Even if part of the hedge is removed to facilitate the development, the impact to no. 47 is not considered significantly harmful. The proposed dwelling would be set back a minimum of 2m from the boundary and would be partially masked by the existing outbuilding at the north side of no. 47.
11. The proposed rear dormers 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 of the gardens and the canal. A degree of overlooking is not unusual where two or more storey dwellings are in close proximity, and that facilitated here is not considered significantly harmful.
12. The proposed first floor rear windows would not facilitate a significantly greater degree of overlooking than that already possible from the windows within the existing dwelling. Two first floor side windows are proposed in the south elevation with the potential to overlook no. 47, and as such obscure glazing will be secured by condition. The proposed rooflights would be sited high enough in the roof to prevent overlooking, and this too will be secured by condition.

### Parking

13. Three off-road parking spaces would be provided at the front of the proposed dwelling. This accords with the minimum standard for a five bedroom dwelling as set out within the Parking Standards SPD.

### Other matters

14. The site adjoins the Basingstoke Canal at the rear, which is both a Conservation Area and a Site of Special Scientific Interest (SSSI). The canal would be in excess of 30m away from the proposed dwelling and there would be little additional impact.
15. An arboricultural impact assessment has been submitted detailing how the trees at the front and rear would be protected during building works. No trees would be removed as a result of the proposed development. The submitted report has been reviewed by the Council's arboricultural team, is considered acceptable, and will be secured by condition.

### 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.

## 23 JULY 2019 PLANNING COMMITTEE

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 applicant has however submitted a self-build exemption claim and would be exempt from CIL subject to compliance with the regulations and qualifying criteria.
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.

### 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 the character of the area. While there would be minor harm to the amenity of no. 43, this would be less than substantial and is not judged to warrant the refusal of the application.

### BACKGROUND PAPERS

Site Photographs dated 12th June 2019.

### RECOMMENDATION

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

01. 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).

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

- 01 – Proposed Block Plan – received 17<sup>th</sup> June 2019
- 02 – Proposed Floor Plans and Streetscape – received 17<sup>th</sup> June 2019
- 03 – Proposed Elevations – received 17<sup>th</sup> June 2019
- 04 – Proposed Site Plan – received 25<sup>th</sup> April 2019

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

## 23 JULY 2019 PLANNING COMMITTEE

03. ++ 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.

04. 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.

05. The first floor windows in the side (south) elevation hereby permitted and the raised window adjacent the stairwell in the side (north) elevation 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 floor/landing 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 neighbouring properties.

06. 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.

07. 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.

08. Protective measures shall be carried out in strict accordance with the arboricultural method statement provided by Tamandula Tree and Landscape Consultants received on 28<sup>th</sup> May 2019 including the arboricultural supervision as indicated. No works or demolition shall take place until the tree protection measures have been implemented. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

## 23 JULY 2019 PLANNING COMMITTEE

Reason: To ensure reasonable measures are taken to safeguard trees in the interest of local amenity and the enhancement of the development itself.

09. ++ 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.

10. ++ 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.

### **Informatives:**

01. 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.
02. 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.

## 23 JULY 2019 PLANNING COMMITTEE

03. 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.
04. 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: [http://www.planningportal.gov.uk/uploads/1app/forms/form\\_6\\_commencement\\_notice.pdf](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).

05. 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.