

14 NOVEMBER 2017 PLANNING COMMITTEE

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LOCATION: Flat 2, The Chestnuts, St Johns Lye, St Johns, Woking, Surrey,
GU21 7SQ

PROPOSAL: Retrospective consent for the lowering of the cill height of a first floor
side window.

TYPE: Full

APPLICANT: Mr Robert Chalk

OFFICER: Tanveer
Rahman

REASON FOR REFERRAL TO COMMITTEE

The decision on whether to take enforcement action falls outside the scope of delegated powers.

SITE DESCRIPTION

The application site is located on St Johns Lye which is the Basingstoke Canal Conservation Area and the St Johns Local Centre.

Flat 2 is a first floor flat located in a converted detached house.

PROPOSED DEVELOPMENT

The retrospective application seeks permission to retain an enlarged first floor window in the side (south east) elevation of the property. The window is 1.45m wide, 0.86m high and 1.45m above the floor level of the kitchen that it serves. It consists of a fixed pane of glass and a fully openable pane of glass. It was also noted during the case officer's site visit that an opaque film has been placed on the lower part of both of these panes.

Notwithstanding the opaque film according to the submitted drawings the only difference with the window it replaced is that the cill height is 0.13m lower. Photos of this previous window have not been provided so the previous cill height cannot be verified precisely.

PLANNING STATUS

- Urban Area
- Conservation Area
- Local Centre
- Thames Basin Heaths SPA Zone B (400m-5km)

RECOMMENDATION

14 NOVEMBER 2017 PLANNING COMMITTEE

REFUSE planning permission and authorise formal enforcement proceedings.

PLANNING HISTORY

85/0075: Proposed light industrial use - refused 01.02.1985.

84/1117: Erection of a building following demolition of an existing building - refused 01.12.1984.

0024108: Extension of an existing building and conversion to two flats - permitted 01.02.1969.

CONSULTATIONS

None.

NEIGHBOUR REPRESENTATIONS

Two letters of objection were received which made the following statements:

- The description on the neighbour notification letter was misleading.
- The flank wall of The Chestnuts is less than 0.5m from the objector's rear fence which itself is just 8m from the objector's rear wall and the new window has created unacceptable overlooking issues towards the objector's rear garden, ground floor rear windows and first floor rear window.
- The previous window did not create unacceptable overlooking issues.
- The frosted film could easily be removed.
- An objector stated that they were of the belief that the original permission for the conversion of the building into flats had a condition removing Permitted Development rights to insert windows in the side (south east) elevation (*Case officer's note: there do not appear to be any conditions on planning permission 0024108 removing permitted development rights and in any case planning permission is required for the replacement window because the building is in use as flats and does not therefore benefit from the same permitted development rights as single dwellings*).
- An objector requested that the window is replaced with the previous window and the remaining opening is built up.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2012):

Section 7 - Requiring good design

Section 12 - Conserving and enhancing the historic environment

Planning (Listed Buildings and Conservation Areas) Act 1990:

Section 72 - General duty as respects conservation areas in exercise of planning functions

Woking Core Strategy (2012):

CS1 - A spatial strategy for Woking Borough

CS4 - Local and Neighbourhood Centres and shopping parades

CS20 - Heritage and Conservation

CS21 - Design

Development Management Policies Development Plan Document (2016)

DM20 - Heritage Assets and their settings

Supplementary Planning Documents:

The Heritage of Woking (2000)

Woking Design SPD (2015)

Outlook, Amenity, Privacy and Daylight (2008)

Parking Standards (2006)

PLANNING ISSUES

The main issues to consider in determining this application are:

Impact on character

1. It is considered that alteration to the window that this application relates to is relatively minor in terms of its impact on the character of the host building.
2. The altered window is therefore considered to have an acceptable impact on the character of the host building and to preserve the character of the Conservation Area. This accords with sections 7 and 12 of the *National Planning Policy Framework* (2012), section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, policies CS20 and CS21 of the *Woking Core Strategy* (2012), policy DM20 of the *Development Management Policies Development Plan Document* (2016) and *The Heritage of Woking* (2000).
3. The lack of an objection to the application on these grounds does not outweigh other objections to the proposal.

Impact on neighbours

4. In order to maintain privacy Woking Council's SPD *Outlook, Amenity, Privacy and Daylight* (2008) recommends a 1m minimum separation distance between a first floor window and a rear boundary and a 10m minimum separation distance between facing first floor windows.
5. The window to which this application relates is 0.45m from the rear boundary of The Olde Hay Loft to the south east, 8.1m from ground floor windows in the rear elevation of The Olde Hay Loft and over 10m from the window in the rear dormer of The Olde Hay Loft. The window therefore falls below recommended guidelines towards The Olde Hay Loft's rear garden and ground floor rear windows but not towards the rear dormer.
6. Ordinarily, where first floor side elevations are close to a side boundary a condition is imposed requiring windows to be obscurely glazed and non-opening below a height of 1.7m from the floor of the room the window is intended to serve. The underside of the window is just 1.45m above the floor level of the kitchen it serves and one of its panes is completely openable. Furthermore, the opaque film on the clear glazing can easily be removed and is therefore not considered to be obscurely glazed. The fact that there is a kitchen unit under the window is not considered to provide any mitigation as internal changes to the kitchen can be made without planning permission and in any case the unit would not prevent or reduce the perception of being overlooked from The Olde Hay Loft.
7. For these reasons the window is considered to create unacceptable overlooking towards the rear garden and the rear ground floor windows of The Olde Hay Loft as well as a perception of being overlooked within these areas.

14 NOVEMBER 2017 PLANNING COMMITTEE

8. The proposal is therefore considered to have an unacceptable impact on neighbouring amenity which is contrary to section 7 of the *National Planning Policy Framework* (2012), policy CS21 of the *Woking Core Strategy* (2012) and *Woking Design SPD* (2015).

CONCLUSION

9. The amendments to the window have had an unacceptable impact on neighbouring amenity by way of creating unacceptable overlooking issues towards The Olde Hay Loft as well as a perception of being overlooked at The Olde Hay Loft. The development is therefore contrary to section 7 of the *National Planning Policy Framework* (2012), Policy CS21 of the *Woking Core Strategy* (2012), *Woking Design SPD* (2015) and *Outlook, Amenity, Privacy and Daylight* (2008).

BACKGROUND PAPERS

Site visit photographs (29.09.2017)
Conservation Area site notice (16.08.2017)

RECOMMENDATION

It is recommended that planning permission be **refused** for the following reasons:

01. The amendments to the window have had an unacceptable impact on neighbouring amenity by way of it creating unacceptable overlooking issues towards The Olde Hay Loft as well as a perception of being overlooked at The Olde Hay Loft. The development is therefore contrary to section 7 of the *National Planning Policy Framework* (2012), Policy CS21 of the *Woking Core Strategy* (2012), *Woking Design SPD* (2015) and *Outlook, Amenity, Privacy and Daylight* (2008).

It is further recommended that:

- a) Enforcement action be authorised to remedy the breach of planning control by reverting to the previous window arrangement or by replacing the current window with one that is glazed entirely with obscure glass and non-opening unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Informatives

01. The drawings relating to this decision are:
 - 1:1250 location plan (received by the LPA on 10.08.2017)
 - 1:100 plan (received by the LPA on 10.08.2017)
 - 1:100 elevation (received by the LPA on 10.08.2017)
 - NTS section (received by the LPA on 17.10.2017)