

24 SEPTEMBER 2019 PLANNING COMMITTEE

6g PLAN/2018/0937

WARD: SJS

LOCATION: 14 Ashley Court, St Johns, Woking, Surrey, GU21 8SH

PROPOSAL: Retrospective application for the retention of a wooden shed, patio/raised platform and single storey rear extension.

APPLICANT: Mrs Farzana Kousar

OFFICER: Brooke Bounague

REASON FOR REFERRAL TO COMMITTEE

The decision on whether to issue an Enforcement Notice falls outside the Management Arrangements and Scheme of Delegations.

PROPOSED DEVELOPMENT

Retrospective application for the retention of a wooden shed, patio/raised platform and single storey rear extension.

PLANNING STATUS

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

RECOMMENDATION

Refuse planning permission and authorise formal enforcement proceedings.

SITE DESCRIPTION

The application site relates to a single storey terrace dwelling with a relatively modest size garden. Ashley Court is characterised by single storey dwellings and two storey buildings subdivided into flats. There is a footpath to the north of the application site.

PLANNING HISTORY

None relevant.

CONSULTATIONS

None.

REPRESENTATIONS

1 letter raising the following points:

- Size of wall and appearance and landscape layout is not matching with surrounding neighbours
- Loss of light to the rear and overshadowing
- Loss of privacy
- Increase in noise
- Flooding risk

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2019)

- Section 12 - Achieving well-designed places

Woking Core Strategy (2012)

- CS21 - Design

Supplementary Planning Documents (SPD's)

- Design (2015)
- Outlook, Amenity, Privacy and Daylight (2008)

PLANNING ISSUES

Principle of Development:

1. The application site is located within the Urban Area where there is no in-principle objection to extensions and alterations of the host dwelling, subject to the other material planning considerations set out within this report.

Design and impact upon the character and appearance of the area

2. Section 12 of the NPPF (2019) states *'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, taking into account any local design standards or style guides in plans or supplementary planning documents'*.
3. Policy CS21 'Design' of the Woking Core Strategy 2012 states that *'proposals for new development should... 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'*.
4. Supplementary Planning Document 'Woking Design' (2015) states *'the materials used for an extension should match or complement the existing building'* and *'the size and location of the extension should not compromise the private garden amenity of the dwelling concerned or any of its neighbours'*.
5. The application site is a single storey terrace dwelling with a relatively modest size rear garden. The single storey rear extension measures 3.2m in depth and 4.8m in width (the width of the dwelling) with a height of 2.1m. The rear extension is finished in plywood walls with a corrugated plastic roof and white UPVC double doors in the north elevation and is attached to a wooden shed. The extension is of a poor quality design with a makeshift appearance and finished in materials that do not match or complement the host dwelling. The extension does not pay due regard to the character and appearance of the host dwelling and is contrary to Policy CS21 of the Woking Core Strategy (2012) and Supplementary Planning Document 'Woking Design' (2015).
6. The wooded shed is sited adjacent to the east boundary and attached to the single storey rear extension that has been built. The shed is 2.4m in width and 3.10 in depth with a hipped roof measuring 2.53m. The shed has the appearance of domestic shed and does not detract from the character and appearance of the host dwelling or streetscene.
7. The rear garden originally sloped down from south to north. A raised patio has been installed that is level with the rear elevation with steps providing access to the footpath sited to the north of the application site. The raised patio has a maximum height of 1.6m

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with a width of 4.8m and maximum depth of 8.4m. The raised patio and steps are not visible from Ashley Court and are considered visually acceptable.

Impact on neighbours

8. Policy CS21 of the Woking Core Strategy 2012 states that '*proposals should...achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook*'.
9. Supplementary Planning Document 'Woking Design' (2015) states that '*the location of the extension...should not result in any adverse overshadowing or overbearing impact on adjacent dwellings*'.
10. No.13 Ashley Court is sited to the west of the application site. There is a close boarded fence and wall marking the boundary. No.13 Ashley projects beyond the rear elevation of the application site. The rear extension is sited adjacent to the west boundary and projects approximately 1.2m beyond the rear elevation of No.13 Ashley Court. There are no windows in the side elevation orientated towards No.13 Ashley Court, no overlooking or loss of privacy has resulted from the extension. The 45 degree test has been applied and passed, it is considered the extension has not resulted in a loss of privacy or overlooking to No.13 Ashley Court. The shed is sited 2.4m from the west boundary. Due to the separation distance and single storey nature it is considered no loss of privacy, loss of daylight or overbearing impact has occurred. Due to the boundary treatment it is considered the raised patio has not result in a significant harmful impact in terms of loss of privacy to No.13 Ashley Court.
11. No.15 Ashley Court is sited to the east of the application site. There is a close boarded fence marking the boundary. No.14 Ashley Close projects approximately 1.6m beyond the rear elevation of No.15 Ashley Court. The single storey rear extension is sited adjacent to the east boundary and projects a total of 4.8m from the rear elevation of No.15 Ashley Court. The rear extension has a height of 2.1m. Due to the height and boundary treatment it is considered the extension has not had an overbearing or loss of light impact on No.15 Ashley Court. The shed is sited adjacent to the east boundary and has a hipped roof that pitches away from the boundary with a maximum height of approximately 2.5m. Whilst the shed is visible from No.15 Ashley Court it is considered that the shed has not resulted in an overbearing or loss of light impact.
12. Due to the boundary treatment it is considered the raised patio has not result in a significant harmful impact in terms of loss of privacy to No.13 or No.15 Ashley Court.
13. Overall, it is considered the proposed rear extension, shed and raised patio has an acceptable impact on the amenities of neighbours in terms of loss of light, overlooking and overbearing impacts and accords with Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the policies in the NPPF (2019).
14. However the lack of any objection to the application on these grounds does not outweigh the other objections to the proposal.

Impact on amenity space

15. Paragraph 127 of the NPPF (2019) states development should achieve '*a high standard of amenity for existing and future users*'.
16. Policy CS21 of the Woking Core Strategy 2012 states that '*proposals should...ensure schemes provide appropriate levels of private and public amenity space*'.

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17. Supplementary Planning Document 'Woking Design' (2015) states *'the size and location of the extension should not compromise the private garden amenity of the dwelling concerned or any of its neighbours'*.
18. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) sets out recommended minimum garden amenity areas for family dwellinghouses with two bedrooms or more and over 65 sq.m. gross floorspace (but below 150 sq.m. gross floorspace) as a suitable area of garden amenity in scale with the building but always greater than the building footprint.
19. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) states *'all dwellings designed for family accommodation (as defined above in paragraph 4.5) need to provide a suitable sunlit area of predominantly soft landscaped private amenity space, appropriate in size and shape for the outdoor domestic and recreational needs of the family it is intended to support. For example, this will include space for sitting out, children's play, drying clothes and plant cultivation'*.
20. The original two bedroom dwelling had a footprint of 48sqm with a private rear amenity space of 39sqm with an 81% footprint to garden ratio. The single storey rear extension has increased the footprint of the dwelling to 66sqm (73sqm including the shed) and the retained area of usable rear amenity space measures 11sqm and is irregular in shape. This represents a 16% footprint to garden ratio. There is a small planting bed towards the north of the garden with the remaining amenity space finished in patio hard standing. Due to the 11sqm size and irregular shape it is considered that the rear amenity space is insufficient to provide space for a range of uses such as sitting out, children's play, drying clothes and plan cultivation. In addition the size and shape of the amenity space does not reflect the pattern of gardens within the immediate area. It is considered that the rear amenity space is contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents 'Woking Design' (2015) and 'Outlook, Amenity, Privacy and Daylight' (2008) and the NPPF (2019).

LOCAL FINANCE CONSIDERATIONS

21. The gross floorspace does not exceed 100 sq.m. and consequently the development is not Community Infrastructure Levy (CIL) liable.

CONCLUSION

22. The single storey rear extension is of a poor quality design with a makeshift appearance and finished in materials that do not match or complement the host dwelling. The extension does not pay due regard to the character and appearance of the host dwelling and is contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2019).
23. The single storey rear extension and shed by reason of their size and position has resulted in an unacceptable loss of private amenity space and is contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents Outlook, Amenity, Privacy and Daylight' (2008) and 'Woking Design' (2015) and the NPPF (2019).
24. The lack of objection on impact on neighbouring amenity does not outweigh the other objections to the application. The application is contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents Outlook, Amenity, Privacy and Daylight' (2008) and 'Woking Design' (2015) and the NPPF (2019) as noted above.

BACKGROUND PAPERS

Site visit photographs
x1 Letter of representation

RECOMMENDATION

Refuse planning permission for the following reasons:

1. The single storey rear extension is of a poor quality design with a makeshift appearance and finished in materials that do not match or complement the host dwelling. The extension does not pay due regard to the character and appearance of the host dwelling and is contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2019).
2. The single storey rear extension and shed by reason of their size and position has resulted in an unacceptable loss of private amenity space and is contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents Outlook, Amenity, Privacy and Daylight' (2008) and 'Woking Design' (2015) and the NPPF (2019).

It is further recommended:

- a) The Head of Legal Services be instructed to issue a Planning Enforcement Notice under section 172 of the Town and Country Planning Act 1990 (as amended) and officers be authorised in the event of non-compliance to prosecute under section 179 of the Town and Country Planning Act 1990 (as amended) or appropriate power and/or take direct action under section 178 of the Town and Country Planning Act 1990 (as amended) in the event of non-compliance with the Notice in respect of the above land requiring the remedy of the breach of planning control to be achieved through the removal of the single storey rear extension and shed within (6) months of the Enforcement Notice taking effect.

Informatives

01. The plans relating to the retrospective planning application hereby refused are:

Unnumbered plan showing a location plan received by the Local Planning Authority on 18.10.2018

Unnumbered plan showing a block plan received by the Local Planning Authority on 18.10.2018