

6h

PLAN/2019/0508

WARD:HE

LOCATION: Mapledown, Wych Hill Lane, Woking, Surrey, GU22 0AH

PROPOSAL: Retrospective Section 73 application to vary condition 2 (approved drawings) and condition 3 (approved materials) of PLAN/2018/0365 (Retrospective application for amendments to PLAN/2017/0409 (Proposed erection of a two storey rear extension, first floor western flank elevation window, single storey side extension, front infill porch extension and replacement of existing flat roof over garage with 2x hipped gables roof, front extension to the garage and garage conversion to habitable accommodation (Amended description)) relating to a single-storey infill extension between the approved side extension and the approved rear extension)).

APPLICANT: Mrs Rozario

CASE OFFICER: Tanveer
Rahman

REASON FOR REFERRAL TO COMMITTEE

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

RECOMMENDATION

REFUSE planning permission and authorise formal enforcement proceedings.

PLANNING STATUS

- Urban Area
- Contaminated Land
- Thames Basin Heaths SPA Zone B (400m-5km)

SITE DESCRIPTION

Mapledown is a two-storey detached dwelling with a single-storey front and side element. The dwelling is set back from the street by a driveway. Its rear garden is bounded from neighbouring properties by a combination of timber fencing and vegetation.

PLAN/2017/0409 gave permission for a two-storey rear extension with an area of flat roof and five sloped roof elements. It gave permission for a front extension to the existing garage and conversion to a habitable room. It gave permission for a single-storey side extension which would also be to the rear of the converted garage. The application gave permission for a hipped roof above this side extension as well as the extended and converted garage. The application proposed a front porch. It also proposed a first floor window in the side (west) elevation of the house.

The retrospective application PLAN/2018/0365 gave permission for amendments to PLAN/2017/0409 relating to a rear extension to the approved the single-storey side

24th SEPTEMBER 2019 PLANNING COMMITTEE

extension so that it was brought in line with the rear elevation of the approved two-storey rear extension.

PLANNING HISTORY

PLAN/2019/0073: Section 73 application to vary condition 2 and remove conditions 3 and 4 of PLAN/2018/0365 (Retrospective application for amendments to PLAN/2017/0409 (Proposed erection of a two storey rear extension, first floor western flank elevation window, single storey side extension, front infill porch extension and replacement of existing flat roof over garage with 2x hipped gables roof, front extension to the garage and garage conversion to habitable accommodation (Amended description)) relating to a single-storey infill extension between the approved side extension and the approved rear extension.) – Refused 26.03.2019 for the following reasons:

“01. No information has been provided on the submitted application form or drawings as to why condition 3 (approved materials) of PLAN/2018/0365 should be removed. Therefore in the absence of proposed external finishes it has not been demonstrated that the proposal would have an acceptable impact on the character of the host dwelling and the wider area. This is contrary to Policy CS21 of the *Woking Core Strategy* (2012), Section 12 of the *National Planning Policy Framework* (2019) and *Woking Design SPD* (2015).

02. No information has been provided on the submitted application form or drawings as to why condition 4 (removal of permitted development rights for openings at first floor level and above in the side (east and west) elevations) of PLAN/2018/0365 should be removed. Therefore in the absence of any justification it has not been demonstrated that this condition is unreasonable and/or unnecessary in the interests of protecting the amenity and privacy of neighbours. This is contrary to Policy CS21 of the *Woking Core Strategy* (2012), Section 12 of the *National Planning Policy Framework* (2019) and *Outlook, Amenity, Privacy and Daylight* (2008).”

PLAN/2018/0365: Retrospective application for amendments to PLAN/2017/0409 (Proposed erection of a two storey rear extension, first floor western flank elevation window, single storey side extension, front infill porch extension and replacement of existing flat roof over garage with 2x hipped gables roof, front extension to the garage and garage conversion to habitable accommodation (Amended description)) relating to a single-storey infill extension between the approved side extension and the approved rear extension - Permitted 20.06.2018.

PLAN/2017/0409: Proposed erection of a two storey rear extension , first floor western flank elevation window, single storey side extension, front infill porch extension and replacement of existing flat roof over garage with 2x hipped gables roof, front extension to the garage and garage conversion to habitable accommodation (Amended description) - Permitted 12.07.2017.

PLAN/2016/0536: Proposed two storey rear extension and single storey side extension, front infill porch extension and replacement of existing flat roof over garage with pitched roof - Withdrawn 18.10.2016.

21203: Erection of 2 detached houses & garages - Permitted 01.11.1966.

20491: 2 detached house and garage outline - Permitted 01.04.1966.

5391: Conversion into 2 house - Permitted 01.04.1952.

PROPOSED DEVELOPMENT

Condition 3 of PLAN/2018/0365 required the external finishes of the development to match those used in the existing building in material, colour, style, bonding and texture. The original existing building had an exterior materials palette of red brick, green hanging tiles, white-framed windows and reddish brown clay roof tiles. Works have not been carried out in accordance with the permission and therefore this current retrospective application seeks permission to vary condition 2 (approved drawings) and condition 3 (approved materials) of PLAN/2018/0365 which relate to the following deviations from the approved development.

- The external finishes have been carried out in white render, grey-framed windows and doors and grey concrete roof tiles.
- A large landing window and roof light have been inserted in the front elevation of the two-storey element of the dwelling and its ground floor window has been replaced with a set of doors.
- A window has been inserted in the front elevation of the projecting single-storey element.
- The three first floor rear windows have had their cill height lowered in order to form Juliet balconies and two roof lights have also been inserted in this elevation.
- The span of the ground floor bi-fold doors in the rear elevation has been increased.
- The front and rear elevations of the single-storey side and front element have been built as gable ends rather than hipped ends.
- An additional first floor window has been inserted in the side (west) elevation and a ground floor window in this elevation has been omitted.
- Two first floor windows and two roof lights in the single-storey element have been inserted in the side (east) elevation while a ground floor window has been omitted.

(Case Officer's note: it was also noted during the site visit undertaken as part of this application that the approved mono-pitched front porch has actually been built as a flat roof porch.)

CONSULTATIONS

None.

NEIGHBOUR REPRESENTATIONS

Four letters of objection from the three separate objectors was received which made the following main statement:

- The rear Juliet balconies create overlooking and light pollution issues towards an objector's property. Enforcement action should be taken against them

One letter of support was received from the applicant's husband stating that boundary treatments will be erected soon.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2019):

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

Woking Core Strategy (2012):

CS21 - Design

Development Management Policies DPD (2016):

DM2 - Trees and landscaping
DM7 - Noise and light pollution
DM8 - Land Contamination and Hazards

Supplementary Planning Documents

Woking Design SPD (2015)
Outlook, Amenity, Privacy and Daylight (2008)
Parking Standards (2018)

PLANNING ISSUES

The main issues to consider in determining this application are the impact on character, trees, neighbouring amenity, contamination, car parking and highway safety and other matters having regard to the relevant policies of the Development Plan.

Impact on character

1. Policy CS21 of the Core Strategy states that new development should respect and pay due regard to the “*scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land*”.
2. The predominant character of Wych Hill Lane is one of traditional dwellings. This is created by the street consisting of two-storey hipped roof and pitched roof dwellings with features such as front gables and bay windows with a mixture of external finishes ranging from white render with half-timbering, red brick, yellow brick and red hanging tiles, white-framed windows as well as red, brown and grey clay roof tiles.
3. Notwithstanding Mapledown the only two exceptions on Wych Hill Lane to this traditional style are the neighbouring property Glenholme and Sparrows further west of the site. These properties were granted permission in 1966 and have a 1960s style character. Glenholme and Mapledown were permitted as part of the same permission and both dwellings were constructed in the same style and external materials palette of red brick, green hanging tiles, white-framed windows and reddish brown clay roof tiles. Glenholme still maintains this character.
4. The works which this current retrospective permission seeks permission for are considered to have created a large dwelling which is far more contemporary in appearance than others within Wych Hill Lane’s street scene. This has been created by the combination of the dwelling being clad only in white render, by having grey-framed windows and doors and grey concrete tiles. Furthermore, given the size and location of the enlarged dwelling this contemporary appearance can be viewed within the street scene of Wych Hill Lane.
5. It is considered that the combination of the dwelling’s mass and form together with its external materials palette giving it its contemporary appearance is at odds with the predominantly traditional style of dwellings on Wych Hill Lane and represents an incongruous feature within its street scene. It is therefore considered that the proposal

24th SEPTEMBER 2019 PLANNING COMMITTEE

is contrary to Policy CS21 of the *Woking Core Strategy* (2012), Section 12 of the *National Planning Policy Framework* (2019) and *Woking Design SPD* (2015).

Impact on trees

6. Condition 5 of PLAN/2018/0365 required protective measures shall be carried out in strict accordance with the arboricultural impact assessment and tree condition survey Ref: 02171891 Rev 1 dated April 2017 received by the LPA as part of PLAN/2017/0409.
7. At the time that the site visit for this application was undertaken there was no evidence to suggest that Condition 5 had not been adhered to. It is has not therefore been evidenced that the development has had an unacceptable impact on trees.
8. The lack of objection on these grounds does outweigh other objections to the proposal.

Impact on neighbouring amenity

9. Policy CS21 of the *Woking Core Strategy* (2012) advises that proposals for new development 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”.
10. Given the separation distance to Braehead opposite the site it is considered that the front elevation fenestration does not create unacceptable overlooking issues. The two additional roof lights in the east elevation of the single-storey element face towards West House however according to the submitted drawings it appears as though the distance from their underside to the floor levels of the rooms they serve exceed 1.7m. It is therefore considered that that they do not create unacceptable overlooking issues.
11. The two additional first floor windows in the east elevation face towards West House and according to the submitted drawings it appears as though the distance from their underside to the floor levels of the rooms they serve are less than 1.7m and are also openable below this height. It is therefore considered that these windows create unacceptable overlooking issues towards West House and are contrary to Policy CS21 of the *Woking Core Strategy* (2012), Section 12 of the *National Planning Policy Framework* (2019) and *Outlook, Amenity, Privacy and Daylight* (2008).
12. The three Juliet balconies would increase the height of previously approved first floor rear windows. However, as the separation distances to neighbouring properties to the rear would not change it is considered that they do not create unacceptable overlooking issues towards these properties.
13. In order to maintain privacy Woking Council’s SPD *Outlook, Amenity, Privacy and Daylight* (2008) recommends that second floor rear windows should be at least 15m from a rear boundary. It is not clear from the submitted drawings whether the underside of the two roof lights in the rear elevation would be more than 1.7m from the floor level of the room they serve. However, it is noted that they would be over 30m from the rear boundary which exceeds guidelines in the SPD. It is therefore considered that they do not create unacceptable overlooking issues towards neighbouring properties regardless of the distance to their underside. The distance from the underside of the two west elevation roof lights in the single-storey front element and the floor level of the room they are intended to serve would be more than 1.7m. It is therefore considered that they do not create unacceptable overlooking issues towards Wavendon. It is noted that the proposed first floor window in the west elevation to serve an ensuite in bedroom 1

24th SEPTEMBER 2019 PLANNING COMMITTEE

would face towards the front driveway and a ground floor east elevation window at Wavendon. However, it is noted that a first floor window in the west elevation serving bedroom 3 was approved as part of PLAN/2017/0409. It is therefore considered that the west elevation window would does not increase the amount of overlooking.

14. It is considered that the additional massing to the approved single-storey side element over and above what was approved as part of PLAN/2018/0365 does not unacceptably impact daylight levels or appear unacceptably overbearing towards West House.
15. Neighbour objections regarding light disturbance are noted however Policy 'DM7 - Noise and light pollution' of the Council's *Development Management Policies DPD* (2016) only requires lighting information to be submitted for external lighting. It is noted that additional rear glazing has been installed over and above what was approved as part of PLAN/2018/0365 but it is not considered that this would facilitate internal lighting from this domestic dwelling to create unacceptable light disturbance to neighbouring properties. Furthermore, there is no policy requirement to control internal light levels.

Impact on private amenity space

16. This application proposes for the dwelling to have the same footprint and rear garden area as PLAN/2018/0365. It is therefore considered that it would have an acceptable impact on private amenity space.
17. The lack of objection on these grounds does outweigh other objections to the proposal.

Impact on contamination

18. The LPA's Senior Scientific Officer and Environmental Health Team were consulted as part of PLAN/2017/0409 and raised no objection. Given the similarity with this current application it is considered that these comments are still applicable. It is therefore considered that this application would has an acceptable impact on contamination.
19. The lack of objection on these grounds does outweigh other objections to the proposal.

Impact on parking provision & highway safety

20. This application has the same footprint and rear garden area as PLAN/2018/0365. It is therefore considered that it has an acceptable impact on private amenity space.
21. The lack of objection on these grounds does outweigh other objections to the proposal.

Other matters

22. There are no other matters associated with this application.

Local finance consideration

23. The Council introduced the Community Infrastructure Levy (CIL) on 1st April 2015. If the gross internal area of the 'Playroom' proposed in the loft space would be 100sqm or more then the application would have been liable for a financial contribution to CIL had it been permitted.

CONCLUSION

The combination of the dwelling's mass and form together with its external materials palette which consists solely of a wall finish of white render as well as grey-framed windows and doors and a grey concrete tile roof tile finish gives it a contemporary appearance. This is at odds with the predominantly traditional style of dwellings on Wych Hill Lane and represents an incongruous feature. The proposal therefore has an unacceptable impact on the character of Wych Hill Lane's street scene. The two additional first floor windows in the east elevation face towards West House and according to the submitted drawings the distance from their underside to the floor levels of the rooms they are less than 1.7m and are also openable below this height. They therefore create unacceptable overlooking issues towards West House which unacceptably impacts its amenity

BACKGROUND PAPERS

Site visit photographs (30.07.2019)

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

1. The combination of the dwelling's mass and form together with its external materials palette which consists solely of a wall finish of white render as well as grey-framed windows and doors and a grey concrete tile roof tile finish gives it a contemporary appearance. This is at odds with the predominantly traditional style of dwellings on Wych Hill Lane and represents an incongruous feature. The proposal therefore has an unacceptable impact on the character of Wych Hill Lane's street scene and is contrary to Policy CS21 of the *Woking Core Strategy* (2012), Section 12 of the *National Planning Policy Framework* (2019) and *Woking Design SPD* (2015).
2. The two additional first floor windows in the east elevation face towards West House and according to the submitted drawings the distance from their underside to the floor levels of the rooms they are less than 1.7m and are also openable below this height. They therefore create unacceptable overlooking issues towards West House which unacceptably impacts its amenity and is contrary to Policy CS21 of the *Woking Core Strategy* (2012), Section 12 of the *National Planning Policy Framework* (2019) and *Outlook, Amenity, Privacy and Daylight* (2008).

It is further recommended:

- a) That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of The Town & Country Planning Act 1990 (as amended) in respect of the above land requiring the remedy of the breach of planning control to be achieved through the external finishes (wall finishes, window and door frames and roof covering) to be changed to those approved as part of PLAN/2018/0365 i.e. to match the original building and for the two first floor windows in the east elevation to be obscurely glazed and non-opening below a height of 1.7m from the floor finish levels of the rooms they to serve. These works are to be completed within six months of the Enforcement Notice taking effect.

Informatives

01. The drawings and information relating to this decision are:

- 1:1250 location plan and Drwg no.P50A (received by the LPA on 23.05.2019)
- 1:100 floor plans Drwg no.P30C (received by the LPA on 23.05.2019)

24th SEPTEMBER 2019 PLANNING COMMITTEE

- 1:100 roof plan Drwg no.P60B (received by the LPA on 23.05.2019)
- 1:100 elevations Drwg no.P60B (received by the LPA on 23.05.2019)
- Design Statement (received by the LPA on 23.05.2019)