

12 NOVEMBER 2019 PLANNING COMMITTEE

6d

PLAN/2019/0879

WARD: Canalside

LOCATION: 33 Lockwood Path, Sheerwater, Woking, Surrey, GU21 5RH

PROPOSAL: Sub-division of a single dwelling to create two flats (2 x 2-bedroom) following erection of a two-storey side extension, a two-storey/single-storey rear extension, a single-storey front extension, a front bin store and a rear cycle store as well as widening of an existing driveway; following demolition of existing extensions.

TYPE: Full

APPLICANT: Mr Hussain

CASE OFFICER: Tanveer
Rahman

REASON FOR REFERRAL TO COMMITTEE

The proposal involves the uplift of an additional residential unit and is recommended for permission. It therefore falls outside of the scheme of delegated powers.

RECOMMENDATION

GRANT planning permission subject to conditions and legal agreement.

PLANNING STATUS

- Urban Area
- Overhead Power Lines
- Thames Basin Heaths SPA Zone B (400m-5km)

SITE DESCRIPTION

33 Lockwood Path is a two-storey, hipped roof, end of terrace dwelling with a front porch and a single-storey side and rear extension with a carport attached to its front. The dwelling is set back from the street by a paved and gravel driveway and its rear garden is bounded from neighbouring properties by timber fencing.

PLANNING HISTORY

PLAN/2016/0613: Proposed two storey rear and side extensions, single storey front extension following demolition of existing side extension and car port. Removal of existing plastic cladding and replacement with new facing brickwork to match existing - Permitted 27.07.2016.

25781: ERECT CARPORT ADDM - Permitted 01.04.1970.

23418: CARPORT AND ADDITIONS TO PORCH - Permitted 01.08.1968.

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PROPOSED DEVELOPMENT

The planning application seeks permission to carry out the development approved as part of PLAN/2016/0613 and then convert the dwelling into two two-bedroom flats; one at ground floor level and the other at first floor level. The following alterations are proposed to the approved development in order to facilitate this:

- The ground floor window in the front extension is proposed to be widened.
- A door is proposed in the side elevation of the two-storey side extension in order to provide access to the first floor flat.
- A ground floor door in the rear elevation of the two-storey side extension is proposed to be replaced with a window.
- The external plastic cladding is proposed to be replaced with facing brick
- A path and a bin store is proposed to the front of the dwelling.
- The existing private rear garden is proposed to be used as a communal rear garden by both flats
- A cycle store is proposed in the rear garden.

(Case Officer's note: it is noted from the submitted block plan that the existing dropped kerb is proposed to be widened. However this is outside of the red line on the submitted location plan and the submitted application form does not indicate that notice has been served on Surrey County Council. This element of the proposal cannot therefore be considered as part of this application. However it is noted that Lockwood Path is a 'D' classified road and therefore works to a dropped kerb do not require planning permission.)

SUMMARY INFORMATION

Site area	0.0273ha
Existing units	1 unit
Proposed units	2 units
Existing site density	36.6 dwellings/hectare
Proposed site density	73.2 dwellings/hectare

CONSULTATIONS

County Highway Authority (SCC): No objection subject to conditions.

NEIGHBOUR REPRESENTATIONS

No letters of representation were received.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2019):

Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Woking Core Strategy (2012):

CS1 - A Spatial Strategy for Woking

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CS8 - Thames Basin Heaths Special Protection Area
CS10 - Housing provision and distribution
CS11 - Housing mix
CS12 - Affordable housing
CS18 - Transport and accessibility
CS21 - Design
CS22 - Sustainable Design and Construction
CS25 - Presumption in Favour of Sustainable Development

Development Management Policies DPD (2016):

DM2 - Trees and Landscaping
DM11: Sub-divisions, Specialist Housing, Conversions and Loss of Housing

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 principle of development, impact on character, impact on neighbours, impact on amenity space, quality of accommodation, impact on car parking provision and highway safety, impact on waste and recycling, sustainability, impact on the Thames Basin Heaths Special Protection Area and Affordable Housing having regard to the relevant policies of the Development Plan.

Principle of Development

1. The *National Planning Policy Framework (2019)* and Policy CS25 of the *Woking Core Strategy (2012)* promote a presumption in favour of sustainable development. The application site is located within an established residential area with good road links. For these reasons the site location is considered to be suitably sustainable in the defined urban area of Woking.
2. Policy CS11 of the *Core Strategy* states that the Council “*will not permit the loss of family homes on sites capable of accommodating a mix of residential units unless there are overriding policy considerations justifying this loss.*” *Woking Council’s SPD Outlook, Amenity, Privacy & Daylight (2008)* adds that flats with two or more bedrooms and gross floor space of 65sqm or more constitute ‘family accommodation’. The ground floor flat would have a floor area of 75.5sqm while the first floor flat would have a floor area of 64.3sqm. It is therefore considered that the proposed subdivision would result in the site maintaining its provision of one family dwelling.
3. The principle of development is considered acceptable subject to further material considerations as set out in this report.

Impact on character

4. Policy CS21 of the *Woking Core Strategy (2012)* states that new development should create buildings “*with their own distinct identity, they should respect and make a positive contribution to the street scene and character of the area in which they are situated, paying regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.*”

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5. The only exterior changes over and above what was approved as part of PLAN/2016/0613 relate to replacement of plastic cladding with facing brick, minor fenestration alterations, erection of the front bin store and path and the erection of the rear cycle store. It is considered that these changes would have an acceptable impact on the character of the host dwelling and the wider street scene.

Impact on neighbouring amenity

6. 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*”.
7. It is considered that the changes over and above what was approved as part of PLAN/2016/0613 would not have an unacceptable impact on neighbouring amenity.

Impact on amenity space

8. Policy DM11 of the *Development Management Policies DPD (2016)* states that subdivisions of dwellings of an appropriate size to two or more dwellings will be permitted subject two criteria the second of which is that “*each proposed dwelling has access to a suitable area of private amenity space*”.
9. The proposal would result in the subdivision of an existing single dwelling with its own private rear garden. This subdivision would create two dwellings, neither of which would have their own area of private amenity space. This is contrary to Policy DM11 which requires each dwelling created from a subdivision to have its own area of private amenity space. Despite this clear policy conflict it is noted that there is space to divide the rear garden into two so that each flat would have its own area of private amenity space. However, it is considered that this would result in a contrived layout which may provide less amenity value than the proposed communal garden. Furthermore, given that the property’s individual site layout and end of terrace location, it is not considered that the proposed subdivision would necessarily make it difficult for the LPA to resist proposals for other subdivisions on Lockwood Path or on other nearby streets.
10. It is therefore considered that the proposal would have an acceptable impact on amenity space.

Quality of accommodation

11. The proposed dwellings are considered to achieve an acceptable overall size and individual room sizes.
12. It is noted that the window serving the ground floor flat’s kitchen and the window and doors serving its living room would be next to the communal garden. In order to prevent unacceptable overlooking issues towards these windows, from occupiers of the first floor flat and their guests, a condition is recommended requiring landscaping details in order to provide a visual buffer to mitigate against potential overlooking issues.
13. It is noted that one of the ground floor flat’s bedrooms would look directly onto the shared driveway. However, as this only provides space for two cars it is not considered that it would create unacceptable noise and light impacts to this bedroom. Furthermore, as it is a driveway it is not considered to be a location that people are likely to congregate and therefore it is not considered that there would be unacceptable

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overlooking issues towards the bedroom either, subject to the recommended landscaping condition.

Impact on parking provision & highway safety

14. Woking Council's SPD *Parking Standards* (2018) recommends that a two-bedroom flat should have a minimum parking provision of one parking space.
15. The proposed development would have one parking space for each flat which accords with the SPD's requirements.
16. Furthermore, the County Highway Authority (SCC) has raised no objection subject to conditions.
17. It is therefore considered that the proposal would have an acceptable impact on parking provision and highway safety subject to conditions.

Impact on waste and recycling

18. It is considered that the proposed layout would enable the provision of acceptable waste and recycling storage and collection.

Sustainability

19. Policy CS22 of the Woking Core Strategy (2012), relating to energy and water consumption, does not explicitly state that it relates to extensions to, and conversions of, existing buildings. Therefore it is not considered reasonable or necessary to recommend any planning conditions relating to energy and water consumption.

Impact on the Thames Basin Heaths Special Protection Area

20. The SPAs in this area are internationally-important and designated for their interest as habitats for ground-nesting and other birds. Policy CS8 of the *Woking Core Strategy* (2012) requires new residential development beyond a 400m threshold but within 5 kilometres of the SPA boundary to make an appropriate contribution towards the provisions of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM).
21. Suitable Alternative Natural Greenspace (SANG) and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL) however the Strategic Access Management and Monitoring (SAMM) element of the SPA tariff is required to be addressed outside of CIL. A SAMM contribution of **£477** in line with the *Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015* (April 2019 update) as a result of an additional two 2-bedroom dwellings but taking into account the that the existing dwelling appears to have 3 bedrooms.
22. Policy CS8 of the Core Strategy states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations

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2017 (the "Habitat Regulations 2017"). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.

23. Policy CS8 of the Core Strategy requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The SAMM contribution of **£477** in line with the Thames Basin Heaths SPA Avoidance Strategy would need to be secured through a S106 Legal Agreement. For the avoidance of doubt, sufficient SANG at **Heather Farm** has been identified to mitigate the impacts of the development proposal.

Affordable Housing

24. Policy CS12 of the *Woking Core Strategy* (2012) states that all new residential development will be expected to contribute towards the provision of affordable housing and that, on sites providing fewer than five new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 10% of the number of dwellings to be affordable on site. However, paragraph 63 of the NPPF (2019) sets out that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Whilst it is considered that weight should still be afforded to Policy CS12 it is considered that more significant weight should be afforded to the policies within the *National Planning Policy Framework* (2019). The proposal is not a major development and therefore no affordable housing contribution is sought.

Local finance consideration

25. The proposal would result in a gross internal area of 38.5sqm. A Community Infrastructure Levy (CIL) contribution of **£5,997.11** (according to the 2019-2020 financial year price index).

CONCLUSION

Overall, the principle of development would be acceptable and the proposal would have an acceptable impact on character, neighbouring amenity, amenity space, quality of accommodation, refuse & recycling, car parking provision and highway safety, sustainability, the Thames Basin Heaths Special Protection Area having regard and Affordable housing having regard to the relevant policies of the Development Plan. The proposal therefore accords with Sections 5, 9, 11, 12 and 15 of the *National Planning Policy Framework* (2019), policies CS1, CS8, CS10, CS11, CS12, CS18, CS21, CS22 and CS25 of the *Woking Core Strategy* (2012), Policies DM2 and DM11 of the *Development Management Policies DPD* (2016), *Woking Design SPD* (2015), *Outlook, Amenity, Privacy and Daylight* (2008), *Parking Standards* (2018), *Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015*, *Climate Change* (2013) and *Affordable Housing Delivery* (2014).

BACKGROUND PAPERS

Site visit photographs (27.09.2019)

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PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	Provision of £477 contribution to provide SAMM.	To accord with the Habitat Regulations and associated Development Plan policies and the Council's Adopted Avoidance Strategy.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the above legal agreement and the following conditions:

1. The development hereby permitted must be commenced not later than three years from 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 must be carried out in accordance with the approved drawings listed below:

- 1:1250 location plan and 1:500 proposed block plan Drwg no.L.201 (received by the LPA on 06.09.2019)
- 1:100 proposed block plan Drwg no.P.201A (received by the LPA on 22.10.2019)
- 1:100 proposed ground floor plan Drwg no.P.205 (received by the LPA on 06.09.2019)
- 1:100 proposed first floor plan Drwg no.P.206 (received by the LPA on 06.09.2019)
- 1:100 proposed roof plan Drwg no.P.203 (received by the LPA on 06.09.2019)
- 1:100 proposed elevation Drwg no.P.207A (received by the LPA on 22.10.2019)
- Proposed bin and cycle stores (received by the LPA on 22.10.2019)
- Planning Statement (received by the LPA on 06.09.2019)

3. The external finishes of the development hereby permitted must be as set out on Section 9 of the application form and on the approved drawings.

Reason: To protect the visual amenities of the area.

4. No above ground development associated with the development hereby permitted shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority which specifies species, planting sizes, spaces and numbers of trees/ shrubs and hedges to be planted. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development (in that phase) whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

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Reason: In the interests of amenity and biodiversity, to preserve and enhance the character and appearance of the locality and to maintain an acceptable level of privacy for occupiers of the proposed ground floor flat.

5. No part of the development shall be first occupied unless and until the proposed modified vehicular access to Lockwood Path has been constructed in accordance with the approved plan and thereafter shall be kept permanently maintained.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

6. The development hereby approved shall not be first occupied unless and until the facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for the secure parking of a minimum of 2 bicycles within the development site, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To satisfy the requirements of Section 9 of the *National Planning Policy Framework* (2019).

Informatives

01. Proactive Working:

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 NPPF (2019). The application was considered acceptable upon receipt.

02. You are 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.
03. The applicant is advised that although planning permission is not required for works to a dropped kerb on a 'D' classified road permission will still need to be sought from Surrey County Council.