

## 23 JUNE 2020 PLANNING COMMITTEE

6e PLAN/2020/0375

WARD: Canalside

LOCATION: 7 Courtenay Mews, Woking, GU21 5HT

PROPOSAL: Demolition of existing dwelling, adjoining garage and outbuilding to rear. Erection of replacement dwelling.

APPLICANT: Mr James Williamson

OFFICER: James Kidger

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### **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 for the demolition of the existing dwelling, garage and outbuilding and for the erection of a replacement dwelling. The proposal would achieve the same result as that already permitted by PLAN/2020/0008, but where the latter would merely extend the existing dwelling, this would permit a complete rebuild and thereby allow a more efficient construction operation.

### **PLANNING STATUS**

- Priority Places
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)

### **RECOMMENDATION**

GRANT planning permission subject to conditions.

### **SITE DESCRIPTION**

The property is an end of terrace two storey dwelling on the southerly side of Courtenay Mews. It is bound on the south-east side by an access track and a number of outbuildings.

### **PLANNING HISTORY**

PLAN/2020/0008 – demolition of existing garage and outbuilding and erection of two storey side and rear extension, and rear dormer – approved 3<sup>rd</sup> March 2020.

### **CONSULTATIONS**

None.

### **REPRESENTATIONS**

Two (2) representations have been received, one of which is an objection and one a neutral comment. The following points have been raised:

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- Overlooking of neighbouring properties; and
- The proposed rear dormer would be out of character.

*Officer note: these points are considered below.*

### **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

#### Woking Core Strategy (2012):

CS5 – Priority Places  
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

#### Development Management Policies DPD 2016

DM2 – Trees and Landscaping  
DM12 - Self Build and Custom Build Houses

#### Supplementary Planning Documents (SPDs):

Parking Standards (2018)  
Woking Design (2015)  
Climate Change (2013)  
Outlook, Amenity, Privacy and Daylight (2008)

Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015

### **PLANNING ISSUES**

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 design and appearance of the proposed replacement dwelling 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. The principle of such a development is generally acceptable within the urban area. In this case, and as noted above, the proposal has effectively already been permitted under PLAN/2020/0008, and this constitutes a credible fallback position for the applicant.

#### Standard of accommodation

3. The proposed dwelling would have three bedrooms and a potential occupancy of six persons. Bedrooms 1 and 3 would be adequately sized with good outlook and natural

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lighting. Bedroom 2 would be cramped for a double, but as a third bedroom this is not considered significantly harmful to the amenity of future occupiers.

4. The total floor area would be approximately 95 square metres. This is considered on the small side for a dwelling of this scale, but no more so than the relatively cramped nature of the existing dwelling, while the open plan ground floor living area would ensure sufficient circulation space.
5. The outdoor amenity space at the rear of the plot would be around 60 square metres. This would accord with the level recommended within the Outlook, Amenity, Privacy and Daylight SPD, which for family houses calls for an area of amenity space greater than the footprint of the dwelling (around 40 square metres).

### Design and appearance

6. The proposed dwelling would be wholly in keeping with the aesthetic of the existing property and its appearance is not considered harmful. The additional rear element would infill the area between the existing rear of no. 7 and the rear building line of nos. 5 and 6, and the resulting appearance would be that of a conventional terrace. The additional side element would not result in excessive width given the existing narrow frontage and in any case would be largely hidden from the road.
7. The proposed rear dormer, though relatively large and bulky, would be of an innovative design with inset and overhanging edging and large areas of glazing. It would not overwhelm the rear roof slope and is considered to add interest to the rear elevation. As such it is not considered significantly harmful despite being out of keeping with the main roof form.

### Neighbouring amenity

8. The proposed rear elevation would not exceed the depth of the adjoining property no. 6 to the north-west, while the proposed side elevation would be adjacent the access track to the south-east. There would be no harmful overbearing impact to neighbouring properties.
9. The proposed Juliet balcony and rear dormer would overlook the gardens of nos. 1-4 Courtenay Mews to the south-west. However, these gardens are already overlooked by the existing first floor rear windows and in these circumstances the additional overlooking facilitated is not considered significantly harmful. It is further noted that a Juliet balcony and some form of rear dormer would be possible under permitted development rights, even without the existence of the previous consent.
10. The proposed first floor side window would be high level and would not facilitate overlooking. It is not considered necessary to condition this as the window would be over 35m from the nearest dwelling.

### Parking

11. The existing garage falls short of the recommended 6m x 3m size set out in the Parking Standards SPD and its loss would not materially affect the on-site parking provision.
12. There are eight parking spaces in the courtyard area to the front of the property. The spaces are unmarked and it is reasonable to suppose that the property has the use of at least one or possibly two of these. Though the Parking Standards SPD calls for a

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minimum of two spaces for a three bedroom property, the minor notional shortfall in this case does not warrant refusal.

### Thames Basin Heaths Special Protection Area (TBH SPA)

13. 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 is required.

### Sustainability

14. 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 was expected to happen alongside the introduction of the 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.
15. 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

16. The proposed development includes a replacement dwelling and is thus liable for a financial contribution under the Community Infrastructure Levy (CIL).
  - The gross floor space would amount to 95m<sup>2</sup>.
  - The existing floor space amounts to 54m<sup>2</sup>.
  - The net additional floor space would therefore be 41m<sup>2</sup>.

CIL would therefore be payable on the net increase of 41m<sup>2</sup>.

### **CONCLUSION**

The proposed development was fully considered under PLAN/2020/0008 and remains acceptable. If approved, this application would facilitate a more efficient building operation which would benefit both the applicant and occupiers of the neighbouring properties. The application is therefore recommended for approval subject to conditions.

### **BACKGROUND PAPERS**

Site Photographs dated 28<sup>th</sup> February 2020.

### **RECOMMENDATION**

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

1. 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).

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

411-100 - Proposed Site Plan - received 1<sup>st</sup> May 2020  
412-100 - Proposed Ground Floor Plan - received 1<sup>st</sup> May 2020  
412-101 - Proposed First Floor Plan - received 1<sup>st</sup> May 2020  
412-102 - Proposed Loft Plan - received 1<sup>st</sup> May 2020  
412-103 - Proposed Roof Plan – received 1<sup>st</sup> May 2020  
413-100 - Proposed South Elevation - received 1<sup>st</sup> May 2020  
413-101 - Proposed West Elevation - received 1<sup>st</sup> May 2020  
413-102 - Proposed North Elevation – received 1<sup>st</sup> May 2020  
413-103 - Proposed East Elevation - received 1<sup>st</sup> May 2020  
415-100 - Proposed Dormer Window - received 1<sup>st</sup> May 2020

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

3. ++ 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.

4. The development hereby permitted shall not be first occupied until written documentary evidence has been submitted to, and approved in writing by, the Local Planning Authority, demonstrating that the development has:
  - a. Achieved 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 an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
  - b. Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of the notice given under Regulation 37 of the Building Regulations.

Such details shall be permanently maintained unless otherwise first agreed in writing by the Local Planning Authority.

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Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources.

5. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Classes A and B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any orders amending or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwellings other than as expressly authorised by this permission shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development of the site or dwelling could cause detriment to the character of the surrounding area and amenities of neighbouring properties and for this reason would wish to control any future development.

### **Informatives:**

1. 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.
2. 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.
3. 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.
4. 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:

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<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).

5. 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.