

## 10 NOVEMBER 2020 PLANNING COMMITTEE

**6D**                      **PLAN/2020/0141**                      **WARD: HE**

**LOCATION:**            **155 Hawthorn Road, Woking, Surrey, GU22 0BQ**

**PROPOSAL:**        **Proposed erection of a two storey front and side extension with porch addition (Retrospective).**

**APPLICANT:**       **Shazad Homes Ltd**                      **OFFICER: Barry Curran**

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### **REASON FOR REFERRAL TO COMMITTEE**

The application has been called to the Planning Committee at the request of Councillor Aziz as the application falls to be resolved by exercise of planning judgement.

### **SUMMARY OF PROPOSED DEVELOPMENT**

Retrospective planning consent is sought to retain the unauthorised two storey front and side extensions with porch addition

### **PLANNING STATUS**

- Urban Area
- Tree Preservation Order
- Flood Zone 2
- Surface Water Flood Risk (Medium and High)
- Thames Basin Heaths SPA Zone B (400m-5km)

### **RECOMMENDATION**

That planning permission be REFUSED.

### **SITE DESCRIPTION**

The application site is located towards the eastern end of Hawthorn Road, close to the junctions with Hawthorn Close and Willow Way. The property is a two storey semi-detached dwelling which, along with No.153 Hawthorn Road, form a 'T' shaped layout to address their position at the junction. A 2 metre high timber close board fence wraps around the limited rear amenity space with a substantial Oak covered by a TPO located in close proximity. The site is also located to the north-west of the Hoe Stream and within Flood Zone 2.

### **PLANNING HISTORY**

No.155 Hawthorn Road - PLAN/2020/0141 - Proposed erection of a two storey side and rear extension with porch addition (Retrospective) – Under Consideration

PLAN/2019/0878 - Proposed two storey side and rear extensions and conversion of existing family dwellings into 8 flats (two 2-bed and six 1-bed) following demolition of

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existing rear conservatory with access and car parking (Part Retrospective) –  
Refused 15.11.2019

*Reason 1: The proposal would result in the loss of family dwellings, for which there is an identified local need, and replacement with 8 flats which are unsuitable for family accommodation due to lack of suitable private amenity space, contrary to Policy CS11 of the Woking Core Strategy 2012 and Policy DM11 of the Woking DMP DPD 2016.*

*Reason 2: By reason of the scale and design of the extensions, the development would fail to respect and make a positive contribution to the street scene of Hawthorn Road and to the character of the area in which they would be situated. The development would conflict sharply with the prevailing density of the area at almost seven times that of Hawthorn Road and three times that of the neighbouring flatted development. Additionally, the extensions would appear incongruous within the street scene enveloping the pre-existing pair of semi-detached family dwellings and failing to observe their pronounced location on 3 converging highways with substantial additions resulting in a bulky and contrived building. The development is, therefore, contrary to provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012, and Supplementary Planning Document 'Design' 2015.*

*Reason 3: The development would cause harm to the living conditions of future residential occupiers through a severe restriction in terms of outlook and light to 2 of the ground floor flats and would therefore fail to provide a good quality of accommodation and good standard of amenity for future residential occupiers. Furthermore, considering the restricted rear space, this would not provide a good standard of communal amenity space falling below that of the required amount as outlined in the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008. The development would, therefore, fail to accord with the provisions of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.*

*Reason 4: By reason of depth, bulk, massing, proximity and fenestration layout, the two storey northern side extension causes a detrimental loss of outlook, loss of privacy, loss of light and overbearing impact on the amenities of neighbours at No.151 Hawthorn Road and 1-4 The Oaks Hawthorn Close. The development, therefore, represents an unneighbourly form of development contrary to provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008 and 'Design' 2015.*

*Reason 5: The development would increase the parking demand of the site on an already heavily parked street and fails to meet the minimum standards set out in the Council's Supplementary Planning Document 'Parking Standards' 2018, much to the detriment of the amenities of the area and would set an undesirable precedent for similar future developments in the local area. Consequently the Local Planning Authority cannot be satisfied that there would no adverse effect upon the free flow of traffic or car parking provision within the locality. The development is therefore contrary to Policy CS18 of the Woking Core Strategy 2012, Policy*

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*DM11 of the Woking Development Management Policies DPD 2016 and Supplementary Planning Document 'Parking Standards' 2018.*

*Reason 6: Further works on top of what has already been carried out would result in catastrophic damage to the protected Oak Tree in the rear amenity space which would likely lead to significant implications of the root protection area and ultimately the loss of the tree. Further incursions in the form of additional parking and soakaways are not considered acceptable and, therefore, the development is considered contrary to provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Policy DM2 of the Development Management Document DPD 2016.*

*Reason 7: The development is in Flood Zone 2 and it has not been demonstrated through a Sequential Test that there are no other sequentially preferable sites that are reasonably available that are at a lesser risk of flooding. Furthermore, the Flood Risk Assessment submitted demonstrates a drainage design which fails to mitigate the likelihood of flooding the surrounding area with inappropriate infiltration measures proposed. The development is, therefore, contrary to Section 14 of the National Planning Policy Framework and Policy CS9 of the Woking Core Strategy 2012.*

*Reason 8: In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the additional dwellings would not have a significant impact upon the Thames Basin Heaths Special Protection Area, contrary to Policy CS8 of the Woking Core Strategy 2012, the Thames Basin Heaths Avoidance Strategy, saved Policy NRM6 of the South East Plan (2009), the Conservation of Habitats and Species Regulations 2017 (SI No.1012 - the "Habitats Regulations") and Policy DM11 of the Development Management Policies DPD 2016.*

ENF/2019/00115 - Unauthorised Operational Development – Two storey front and side extensions and creation of 4 flats following conversion of 3 bedroom family home – Resolution to Enforce on Unauthorised Development granted at Planning Committee 24.09.2019 – Appeal Dismissed and Enforcement Notice Upheld 22.10.2020

ENF/2019/00114 - Unauthorised Operational Development – Two storey side and rear extensions and creation of 4 flats following conversion of 3 bedroom family home – Resolution to Enforce on Unauthorised Development granted at Planning Committee 24.09.2019 – Appeal Dismissed and Enforcement Notice Upheld 22.10.2020

PLAN/2018/1026 - Proposed erection of a two storey front and two storey side extension with porch addition (Retrospective) - Permitted Subject to Legal Agreement 25.04.2018

PLAN/2018/1019 - Proposed two storey side and rear addition and two storey rear extension following demolition of existing rear conservatory with car parking space at rear (Retrospective) – Permitted Subject to Legal Agreement 25.04.2018

PLAN/2017/1079 - Proposed erection of a two storey front and side extension with porch addition – Permitted Subject to Legal Agreement 10.04.2018

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PLAN/2017/1078 - Proposed two storey side and part two storey, part single storey rear extension following demolition of existing rear conservatory with car parking space at rear – Permitted Subject to Legal Agreement 10.04.2018

PLAN/2017/0689 - Proposed side and rear extensions to Nos 153 and 155 Hawthorn Road – Permitted 24.08.2017

PLAN/2016/1325 - Proposed erection of a two storey side and rear extension – (Called to Planning Committee) Refused 30.03.2017

*Reason 1: By virtue of their size, siting and design the two storey front and side extensions would fail to respect and make a positive contribution to the street scene of Hawthorn Road and to the character of the area in which they would be situated. Additionally the proposal would appear incongruous within the street scene destroying the relationship the existing dwelling has with 3 converging highways and erecting substantial front and side additions resulting in bulky, contrived additions. The proposal is therefore contrary to provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012, and Supplementary Planning Document 'Design' 2015.*

*Reason 2: By reason of height, depth, bulk, massing and proximity, the proposed two storey side extension would cause a detrimental loss of outlook and overbearing impact on the amenities of neighbours at No.153 Hawthorn Road. The proposal therefore represents an unneighbourly form of development contrary to provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008 and 'Design' 2015.*

*Reason 3: It has not been demonstrated that the proposed development could be constructed without having a detrimental impact upon adjacent Oak trees which are protected by a Tree Preservation Order and have visual amenity and screening value and contribute to the character of the surrounding area, contrary to provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012, Policy DM2 of the Development Management Policies DPD 2016.*

PLAN/2016/1324 - Proposed two storey side and part two storey part single storey rear extension following demolition of existing rear conservatory with car parking space at rear – (Called to Planning Committee) Refused 30.03.2017

*Reason 1: By virtue of its size, siting and design the two storey rear extension is considered to result in an incongruous feature which would adversely affect the character of the dwelling and in turn the surrounding area, contrary to provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012, and Supplementary Planning Document 'Design' 2015.*

*Reason 2: By reason of height, depth, bulk, massing, proximity and fenestration layout, the proposed two storey side and rear extensions would cause a detrimental loss of outlook, loss of privacy, loss of light and overbearing impact on the amenities of neighbours at No.151 and No.155 Hawthorn Road. The proposal therefore represents an unneighbourly form*

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*of development contrary to provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008 and 'Design' 2015.*

*Reason 3: It has not been demonstrated that the proposed development could be constructed without having a detrimental impact upon adjacent Oak trees which are protected by a Tree Preservation Order and have visual amenity and screening value and contribute to the character of the surrounding area, contrary to provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012, Policy DM2 of the Development Management Policies DPD 2016.*

PLAN/2006/1236 – Subdivision of existing plot to form 4 new apartments and retention of existing No.153 Hawthorn Road – Permitted 07.02.2007

PLAN/2005/1293 - Outline application for subdivision of existing plot to form 2 x houses and retention of existing 153 - Refused 08.12.2005

PLAN/1999/1287 - Erection of replacement and additional boundary fencing 1.95m in height, formation of new vehicular access and erection of detached garage.  
Approved 27.01.2000

PLAN/1990/0693 -Erection of two semi-detached bungalows and a pair of attached garages - Refused 23.10.1990

PLAN/1988/0908 - Erection of two detached three bedroom houses with integral garages - Refused 22.11.1988

### **PROPOSED DEVELOPMENT**

Retrospective planning consent is sought to retain the unauthorised two storey front and side extensions with porch addition.

### **CONSULTATIONS**

Arboricultural Officer: Encroachment of the development upon the root protection area of the protected tree has had/will have a significantly detrimental impact this protected trees. In light of the current application an Investigation will take place into the increase of the agreed size from the previously approved plan as these are protected trees and it is very likely that damage has occurred (10.10.19, 12.11.19 and 20.03.20)

Drainage Officer: details are not sufficient to recommend planning approval in accordance with NPPF and working Core Strategy Policy CS9 as this is a retrospective application (08.04.20)

### **REPRESENTATIONS**

None received

### **RELEVANT PLANNING POLICIES**

National Planning Policy Framework 2019  
Section 12 - Achieving well-designed places

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Section 14 – Meeting the challenge of climate change, flooding and coastal change

### Core Strategy Publication Document 2012

CS9 - Flooding and water management

CS18 – Transport and accessibility

CS21 - Design

CS24 - Woking's Landscape and Townscape

### Development Management Policies DPD 2016

DM2 – Trees and Landscaping

DM9 – Flats Above Shops and Ancillary Accommodation

### Supplementary Planning Documents

Supplementary Planning Document 'Parking Standards' 2018

Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008

Supplementary Planning Document 'Design' 2015

### Other Material Considerations

Community Infrastructure Levy (CIL) Charging Schedule 2015

Technical Housing Standards - Nationally Described Space Standard 2015

House of Commons: Written Statement (HCWS161) - Sustainable drainage systems

## **PLANNING ISSUES**

1. The extensive Planning and Planning Enforcement history related to this site and, in particular, the recent history are significant material considerations in the assessment of this application along with the following planning issues; the principal of development, whether the development has a detrimental impact on the character of the pre-existing dwelling or character of the surrounding area, impact on amenity provision, whether the development causes significant harm to the amenities of neighbours, impact on highway safety and parking, impact on trees and impact on flooding.

### Background

2. As evident from the 'Relevant Planning History' section above, the application site along with adjoining No.153 have gone through an extensive planning history, particularly with regards to extensions to both properties since 2016. It is considered necessary to summarise the sequence of events from the outset to have a clear understanding of the history.
3. Under PLAN/2016/1324 and PLAN/2016/1325, extensions to the front, side and rear elevations of No.153 and No.155 respectively were refused at Planning Committee on 28 March 2017, for the same three reasons of; i) adverse effects on the character of the dwelling and the surrounding area due to bulk, scale and design; ii) the impact on the amenities of neighbours including 153 and 155 (respectively) as there was no legal agreement in place to secure concurrent construction of extensions on both dwellings and iii) lack of information relating to impact on protected trees.
4. Following numerous discussions between the agent/applicant and Local Planning Authority, the applicant submitted a revised scheme under ref. PLAN/2017/0689 which took into consideration the previous reasons for refusal and reduced the bulk and scale of the developments. The submitted application showed the red line around both properties, thereby addressing

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the concern of impact on the respective adjoining property, in terms of amenity. The LPA found that these additions formed “*adequately subordinate additions which merge with the host dwelling in a seamless manner whilst improving the character of the area*” with the proposed rear elevation found to be “*much less complicated with a twin central gable and valley with subordinate single store additions.*” Reasons relating to impact on neighbour amenity and trees were also addressed. The application was approved under delegated powers. However, as the site was contained within a single red line and the overall increase in floor area was 151 sq.m, the application fell liable for a Community Infrastructure Levy (CIL) contribution. This approval was never implemented. Instead the applicant submitted proposed developments under PLAN/2017/1078 and PLAN/2017/1079 with separate red lines for each property which effectively mirrored the previous approval. These were subsequently approved subject to a legal agreement to secure concurrent construction. The proposals were based on an identical scale and design to that of PLAN/2017/0689.

5. In September/October 2018, following a significant amount of discussion, two retrospective applications were submitted (PLAN/2018/1019 and PLAN/2018/1026) for retention of extensions to both properties. These partly-built extensions not only exceeded the width, depth and height of the most recently approved schemes and failed to adhere to restrictive conditions such as obscure glazing on certain windows, but also exceeded the dimensions of the proposals which were refused at Planning Committee on 28 March 2017. Nevertheless, these retrospective applications were approved at Committee in April 2019.
6. What is of paramount importance in this matter is that the plans submitted and approved under PLAN/2018/1019 and PLAN/2018/1026 did not, in fact, represent what had actually commenced on site and what is currently under consideration in this application. Therefore the decision reached by the Planning Committee was on a hypothetical scheme which, considering the level of development that had already occurred, appeared to be beyond compliance of any plans submitted with these applications. This breach of planning control only became apparent following third party complaints to the Planning Enforcement Team who, in turn, advised the developer/builders to suspend works, as what had been constructed did not benefit from planning permission. In fact the development of significantly larger extensions, compared to that approved, along with the conversion of the dwellinghouses into 8 flats, did not benefit from any permission. As the 2018 permissions was approved on the basis of extensions to single dwellinghouses they could therefore no longer be implemented.
7. It was a clear and obvious risk to pursue this development as it was apparent by the LPA's objections to the initial scheme in March 2017, as well as the reservations relayed to the agent and applicant about the scale and design throughout the application processes of PLAN/2018/1019 and PLAN/2018/1026. The decision to carry out the current development was a premediated one as the foundations and layout of the scheme were implemented despite submission of plans under the applications in 2018 for a different form of development. The decision to continue with construction was entirely at the applicant's risk.
8. The underlying objective for the multiple occupation of these dwellings became obvious following submission of an application in September 2019 for

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the retention of two storey side and rear extensions and conversion of existing family dwellings at No.153 and No.155 into 8 flats (two 2-bed and six 1-bed), following demolition of existing rear conservatory. The merits of this case were determined and considering the significant impacts on the character of the area, standard of accommodation, loss of family housing, inadequate amenity space, inadequate parking provision, impact on trees and the significant impact on flooding as well as impact on the Thames Basin Heaths Special Protection Area with no legal mechanism submitted to mitigate this effect, the application was refused.

9. Enforcement action commenced on both 153 and 155 Hawthorn Road where a resolution to Enforce on Unauthorised Development was granted at Planning Committee on 24 September 2019. These Enforcement Notices were appealed against with the Appeals being dismissed and the varied Enforcement Notice upheld on 22 October 2020.

### Principal of Development

10. The most recent application on this site was a joint retrospective application (PLAN/2019/0878) seeking permission to retain unauthorised developments which included unauthorised larger extensions to both the application property as well as the adjoining No.153 Hawthorn Road. Part of this unauthorised development included subdividing both properties into a block of 8 flats, 4 of which would be located within each dwelling. Works carried out as part of the development included installation of a stairwell in a position within the application dwelling which could be accessed independently from a side door which would have provided a separate entrance point to the intended first floor flats. No interaction would have been necessary with the notional ground floors units, thereby resulting in 4 separate units across the ground and first floors. As previously noted, this application was refused and Enforcement Notices were served. Appeals against the Notices were dismissed on 22 October.
11. Permission is now sought to retain the unauthorised extensions with submitted plans demonstrating a similar arrangement with regards to the stairwell providing access to the first floor albeit as single dwellinghouse rather than 4 flats. Despite the recent appeal dismissal (ref. APP/A3655/C/20/3247235) requiring the cessation of the use as flats, the plans as submitted are still laid out such that they can be occupied as separate flats. Policy DM9 of the Development Management Policies DPD 2016 seeks to ensure that ancillary residential extensions will be permitted provided they *"...are designed in such a way that renders them incapable of being occupied separately from the main dwelling"*. The proposal would retain the existing main entrance on the front of the dwelling, however, it is sought to retain the northern side elevation entrance which provides an external access point to the stairwell indicative of a separate independent entrance to the first floor accommodation. It is acknowledged that it is proposed to introduce internal doorways to the stairs but it also has to be acknowledged that these doorways could be easily closed off thereby rendering the ground floor accommodation and first floor accommodation as separate independent space. Policy DM9 of the Development Management Policies DPD 2016 goes further and states that residential extensions *"will be permitted provided they share a common access with the main dwelling and are physically incorporated within it."* Whilst the dwelling would share a common access, as indicated, the first floor space could be segregated off and would therefore

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retain an independent access point via the unauthorised side elevation doorway.

12. Further to this, the level of accommodation provided at both ground floor and first floor could easily accommodate separate independent units considering the amount of floorspace created as a result of the unauthorised extensions. The ground floor and first floor area of the dwelling, has the potential to be utilised as a separate unit considering the internal layout and external doorway to the staircase, each covering 116 sq.m GIA, a space which would constitute generous accommodation in itself. The 'Technical housing standards - nationally described space standard (2015)' defines a minimum gross internal floor area for a 4no bedroom 1 storey dwelling of 108 sq.m. There are many other permutations possible too. Considering the proposed addition and indeed the internal layout, it is not unreasonable to deduce that the internal space could be easily manipulated to form separate independent accommodation and therefore could result in the form of development which was refused under the previous application PLAN/2019/0878 and which associated S.174 Enforcement Notice Appeal was dismissed.
13. Considering the points discussed above the development, by reason of its nature and layout of internal accommodation, is not considered to meet the requirements of Policy DM9 if the Development Management Policies DPD 2016 in that it has not been designed in such a way which would render it incapable of being occupied as a single dwellinghouse with external access provided to the first floor accommodation and could be easily segregated off from the ground floor. The proposal therefore remains contrary to Policy DM9 of the Woking Development Management Policies DPD 2016.

### Impact on Character

14. The National Planning Policy Framework attaches great importance to the design of the built environment throughout Section 12 with emphasis being placed on planning positively for the achievement of high quality and inclusive design for all development. Policy CS21 of the Woking Core Strategy 2012 is generally consistent with this in so far as they expect development proposals to have regard to the general character and quality of the surrounding area.
15. As addressed in the 'Background' section of this report, under PLAN/2018/1026 extensions to 155 Hawthorn Road had been approved at Planning Committee in January 2019 for extensions which were larger than those refused at Planning Committee in March 2017. These extensions, which were approved, are not what has been implemented, and cannot now be implemented in accordance with the approved plans. It is accepted that the planning history is an important material consideration. The current scheme will be assessed with this in mind.
16. Planning consent is sought to retain a two storey front and side extension on the eastern side elevation on No.155 in line with an application on No.153 for two storey side and rear extensions (subject to a separate application PLAN/2020/0140). In terms of physical appearance, this application at No.155 is effectively a re-submission of a scheme which was refused November 2019 under PLAN/2019/0878 (albeit that scheme was for retention of the additions along with the subdivision of both No.153 and No.155 into an apartment block of 8 flats). This too is identical to an enforcement case (ENF/2019/00114) which was refused with a resolution to authorise enforcement at Planning

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Committee on 24 September 2019 and subsequently dismissed and upheld on appeal on 22 October 2020. Whilst the merits of the case differ in this application is described as being a “householder application” to retain extensions to a single dwellinghouse, the assessment in terms of impact on character regarding the built bulk and scale does not change.

17. The unauthorised front addition measure 11.4 metres in width, 3.4 metres in depth extending beyond the pre-existing two storey side/rear building line by 3.1 metres and would stand at 7.2 metres in height, matching the existing ridge line.
18. What had been approved at Planning Committee in April 2019 under PLAN/2018/1026 was for a much smaller scheme which measures only 9.8 metres in depth approximately 2 metres less than what has been carried out. This increase in depth appears as obvious and stark from the street-scene given its prominence and this along with the cumulative impact of the increase with the extension carried out on No.153 (addressed under PLAN/2020/0140) results in a block-like structure which completely dominates the area with a scale and form that dwarfs the neighbouring semi-detached dwellings and even the block of flats to the North of the application site. The National Planning Policy Framework at Paragraph 130 states that *“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.”* The bulk and scale of this extension when read against the scale of the pre-existing dwelling cannot be considered as subordinate or subservient with a resultant dwelling that more than doubles the size of the dwelling from a pre-existing GIA of approximately 87 sq.m to a current floor area of 197 sq.m. The Council’s Supplementary Planning Document ‘Design’ 2015 states that *“The additional mass should respect the existing building proportion, symmetry and balance.”* It is not considered that the extensions do this given that they engulf the existing dwelling to such a degree that the original house is currently undistinguishable.
19. No.155 along with No.153 have been designed in this particular ‘T’ shaped layout intentionally given the location of both dwellings. No.155 is set up as the principal dwelling given its location on the convergence of three separate highways with the front elevation is orientated South to meet Willow Way and both flank elevations addressing Hawthorn Road and Hawthorn Close respectively. Supplementary Planning Document on ‘Design’ 2015 notes that *“the front elevation of a dwelling is of primary importance to the character and appearance of the street scene”* and *“significant extensions will usually be resisted where there is a well established building line.”* The two storey front extension is currently set along a similar front building line to the alternatively orientated No.153 stemming off the ridge line of the host dwelling. The increase in depth over the previously approved scheme and forward projection represents a significant addition on the principal elevation which is directly contrary to the SPD. The encroachment of the two storey extension towards the southern boundary, along with a depth of 11.4 metres, would create a level of bulk and mass which appears at odds with the host dwelling and would contribute to a frontage feature which amounts to overdevelopment of the principal elevation to such a level that it changes the overall character of the semi-detached pair completely overwhelming the visual prominence of the original building.

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20. Policy CS21 of the Woking Core Strategy 2012 states that developments *“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”*. Spanning the width of the side elevation, the proposed two storey side extension would adjoin the proposed two storey rear extension on No.153. Although applications need to be determined on their own merits, it is difficult to individualise the addition given that they were carried out concurrently and form part of the same elevation. The additions collectively transform the existing side/rear elevations from a pitched gable on No.155 with a subordinate roof scape of No.153, to an elevation with 4 projecting gables consisting of primary and secondary gables, 2 roof valleys and a flat roofed central valley incorporated in a bid to accommodate the vast expanse of development which is symptomatic of the over-development of the site. The side addition of No.155 would project off the side elevation at 90° with the outriggers adopting differing ridge height of 6.2 and 6.9 metres. The additions, measuring 9.5 metres in total width across the side elevation of No.155 and with an unbroken depth projecting 3.1 metres beyond the pre-existing side building line of No.155.
21. Supplementary Planning Document ‘Design’ 2015 states that *“the additional mass (of extensions) should respect the existing building proportion, symmetry and balance...(and that) the roof of an extension is a prominent component of the building form and should normally be of a similar format to that of the existing dwelling”*. The SPD on ‘Design’ 2015 also states that *“roof forms that are contrary to the existing roof form will generally be resisted”*. The host dwelling, as previously noted, is South facing with the two flank elevations orientated towards Hawthorn Road and Hawthorn Close with a pre-existing simple roof form; a dual pitched design. It is considered that the erection of the front and side extensions would increase the floor area by 126% on No.155 which is difficult to be regarded as “subordinate” and fails to respect or make a positive contribution to the street-scene or character of the area. The considerable increase in floor area transforms the dwelling and the purposely designed layout of the semi-detached pair to a development which effectively doubles the size of the building with the overall effect proving damaging to the character of the pair of buildings and even more so to the street-scene.
22. Section 12 of National Planning Policy Framework states that *“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”*. With the developments on No.155 effectively doubling the overall floor area of the dwelling, it is inevitable that the purpose built layout would be malformed with the proposed front and side additions resulting in a completely different dwelling and relationship to the surrounding area. The proposed layout takes no cues from the dwelling’s significant position and merely reverts both the application dwelling and No.153 to a semi-detached pair typical to a pair seen along the linear grain on Hawthorn Road (albeit at a much larger grain). While this may be appropriate along the linear row of semi-detached properties, the location of the application dwelling requires a respective form of development given its prominence. With front and side extensions cumulating to completely transform the existing layout of the dwelling, it is considered that this form of development points towards

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overdevelopment of not only the dwelling but of the site which would have a consequential impact on the street-scene.

23. Consideration has been paid to the previous approvals on No.153, but the current scheme is significantly larger than that approved and, therefore, there remains considerable concern regarding the overdevelopment of the site due to the insubordinate, contrived and incongruous additions. The once proportionate semi-detached pair of dwellings were purposely designed to respect their pronounced location. However, the current scheme has enveloped the application dwelling and together with the additions on the adjoining dwelling at No.153 Hawthorn Road replaced them with a block-like structure almost 3 times the size of neighbouring pairs of semi-detached properties and indeed the pre-existing dwelling. The result is apparent and stark with regards to its impact on the character of the area with a dwelling in combination with No.153 dwarfing the neighbouring flatted building at The Oaks to the North. The development is therefore contrary to provisions outlined in the National Planning Policy Framework, Policies CS21 and CS24 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Design' 2015.

### Amenity Provision

24. One of the planning principles set out within Section 12 of the National Planning Policy Framework (NPPF) is to ensure that developments have a high quality design and a good standard of amenity for existing and future occupants of land and buildings. Paragraph 130 states that *"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"*.
25. As previously noted the floor area of the application dwelling more than doubles from approximately 87 sq.m to 197 sq.m, a significant increase across the site with the footprint increase from 44 sq.m to approximately 98 sq.m, much of which occurs within the private amenity space to the East of the dwelling.
26. The Council's Supplementary Planning Document on 'Outlook, Amenity, Privacy and Daylight' 2008 recommends that *"family accommodation will be taken to mean all houses with two bedrooms or more and exceeding 65 sq.m gross floor area"*. It goes on to state that *"all dwellings designed for family accommodation (as per above) need to provide a suitable sunlit area of predominantly soft landscaped private amenity space, appropriate in size and shape for outdoor domestic and recreational needs of the family it is intended to support"*. The area of amenity space should approximate with the gross floor-space of the dwelling or at least be as large as the footprint of the dwelling. Section 4.6 of the SPD states that *"Private amenity space is best provided as an enclosed garden to the rear or side of the property where it is clearly separate from more public areas of the site"*. As the areas to the front of the dwellings would not constitute enclosed spaces to the side or rear, or indeed separate from more public areas of the site, these could not be taken into account in the provision of amenity space. Furthermore, the narrow access paths down along the side of dwelling are not considered to constitute amenity space as they consist of passage-like spaces with little ability to be utilised as anything else and therefore could not be considered as usable amenity space.

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27. The application site is located in setting where the semi-detached properties demonstrate generous amenity spaces on rectangular shaped plots. It is noted that the application site as well as the adjoining No.153 demonstrate different layouts due to their positioning on the convergence of a number of highways and therefore, the amenity space would have already been less than those of the prevailing properties. The proposed floor-space of the dwelling would increase to approximately 200 sq.m with a footprint of approximately 100 sq.m, an increase of 126% over the existing. Considering the proposed parking layout, which would include a parking space down along the side as well as the vegetation towards the north-eastern corner of the amenity space, the figure shown on Drawing No. P.807 is misleading and in reality the usable amenity space is closer to approximately 75 sq.m which falls short of the 200 sq.m required as per the SPD on 'Outlook, Amenity, Privacy and Daylight' 2008 or even the minimum allocation of an area similar to that of the footprint. Given this, the allocated amenity space would fall short of the recommended space as per the Outlook SPD with inadequate amenity provision provided. As per the above paragraphs, this is indicative of overdevelopment of a site with not only a detrimental impact on the character of the area but on the amenity of potential future occupiers as well as setting an undesirable precedent for inadequate levels of amenity space.
28. Overall, it is considered that the restricted private amenity space for the plot, by reason of its size, is not sufficient to provide a good standard of amenity for future residential occupiers. The proposed development is, therefore, considered contrary to the core principles of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.

### Impact on Neighbour Amenities

29. Policy CS21 of the Woking Core Strategy 2012, requires development proposals to "*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*" while one of the core planning principles in Section 12 of the National Planning Policy Framework is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It is acknowledged that the addition has been erected on the adjoining No.153 which, when in place, would not experience harm from the additions on No.155.
30. No.153 is the adjoining dwelling attached on the rear (northern) elevation of the application dwelling. The pre-existing layout of the properties included the application dwelling projecting 1.5 metres beyond the rear elevation of No.153. Under the current scheme, the side extension would project a further 3.2 metres beyond the rear elevation of No.153 at two storey level including a ridge height of 7 metres and eaves height of 4.8 metres. This total projection of 4.5 metres would result in a large, bulky, dominating feature along the shared boundary with No.153. While the 45° test, as per the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008 passes in elevation form only, the height, depth and proximity of the extension on the shared boundary would result in an unneighbourly form of development which would dominate the outlook from the habitable room windows and indeed the private amenity space of the property.

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Supplementary Planning Document 'Design' 2015 states that *"the location of the extension...should not result in any adverse overshadowing or overbearing impact on adjacent dwellings"*. Cumulatively, this form of development and its positioning would create a detrimental overbearing effect on the pre-existing situation at No.153 casting shadow over the primary area of amenity and a number of habitable room windows.

31. The scheme on No.153 (PLAN/2020/0140) is subject to a separate application but is being recommended for refusal on a number of grounds including principal, impact on character, impact on neighbour amenities impact on parking and drainage. As such, it is not considered that a condition or legal agreement can be secured in connection with this current application on No.155 as the accompaniment (PLAN/2020/0140) is being recommended for refusal. The impacts of the scheme, therefore, need to be assessed against the pre-existing layout.
32. While the proposed addition on No.153 would project back in line with the side addition proposed under this application, the worst case scenario, in terms of the developments impact on neighbour amenities, needs to be examined for the purposes of this report. Considering this, by reason of the cumulative impact of the height, depth, bulk, massing and proximity to No.153 Hawthorn Road, this two storey side element would exert a loss of outlook, and, by reason of its location along the shared boundary introduce significant mass resulting in a significant overbearing impact on the adjoining property which would be significantly harmful to the residential amenity contrary to Policy CS21 of the Woking Core Strategy 2012, Supplementary Planning Documents 'Design' 2015 and 'Outlook, Amenity, Privacy and Daylight' 2008.

### Impact on Highway Safety and Parking

33. The Council's Supplementary Planning Document on 'Parking Standards' 2018 indicates a requirement for at least 3 spaces. The proposed parking layout demonstrates off-street parking provision for 3 cars which meets this provision.
34. While the development may be considered acceptable in terms of its impact on highway safety and parking, this does not outweigh the fact that the development would fail to comply with both National and Local Policies and indeed previous reasons for refusal with regard failure to adhere to Policy DM9 of the Development Management Policies DPD 2016, overdevelopment of the site leading to insubordinate extensions with a contrived design and form, impact on neighbour amenities and inadequate on site amenity space for potential future.

### Impact on Trees

35. The eastern side of the site contains 2no substantial Oak Trees positioned within the curtilage of the application property as well as the adjoining No.155, one of which is covered by a Tree Preservation Order. An Arboricultural Impact Assessment and Method Statement has been submitted along with a Tree Protection Plan (ACD Environmental) which outlines protection measures to be adopted as part of the development. These protection details are immaterial at this stage as the development has been carried out and is substantially complete. The scheme has been carried out and differs significantly from the previously approved scheme and since the initial

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refusals (PLAN/2016/1324 & PLAN/2016/1325), the development has increased significantly in scale and, as such, encroaches much closer towards these trees which has a significant impact on the root protection area.

36. It is acknowledged that Planning Permission was granted subsequent to these refusals in 2017 and 2019 but it also has to be borne in mind that the information submitted as part of these applications portrayed a completely different situation to that of the previous approvals with the development now having encroached upon the root protection areas of these trees. This incursion is not considered acceptable considering the rooting environment of these significant trees. The protected tree, in particular, is set up against the rear (eastern) boundary of the site with the hard standing of Hawthorn Close bordering it on this side and the once open soft landscaped gardens of No.153 and No.155 Hawthorn Road on their western, northern and southern sides. This soft landscaped area, therefore, would have provided the principal rooting area of these trees where the roots would have gravitated towards over time and as a consequence would host the majority of them. It is reasonable to assume, therefore, that the unauthorised developments has had a significant detrimental impact upon the health and wellbeing of these trees.
37. The Council's Arboricultural Officer has been consulted on this application and considering the significant incursions that have already occurred on the rooting environment of this protected tree, no further incursions will be consented. It is noted that an arboricultural investigation is currently underway considering the deviation from the previous information provided with damage to any protected trees likely to carry repercussions. The LPA will separately determine whether any further enforcement action is appropriate in this respect.

### Impact on Flooding

38. Located to the north-west of the Hoe Stream, the application property is located within Flood Zone 2. Paragraph 100 of the NPPF states that *"inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere"*. Paragraph 003 of the NPPG states that *"for the purposes of applying the National Planning Policy Framework, areas at risk from all sources of flooding are included. For fluvial (river) and sea flooding, this is principally land within Flood Zones 2 and 3."*
39. The application has been supported by a Flood Risk Assessment carried out by Apple Environmental dated January 2017 and SuDS Drainage Report. This information has been examined by the Council's Drainage Officer and found to be unacceptable and insufficient as it demonstrates that the surface water drainage system does not work appropriately. Details within the SuDS Report show the "half drain time" is 4.7 days which is over the required time of 24hrs to allow for preceding storms. Calculations do not match the drawings with the proposed system failing to drain sufficiently to allow a preceding rainfall event to occur and disperse without flooding the surrounding area. The development, therefore, fails to comply with Policies CS9 and CS16 of the Woking Core Strategy and provisions within Section 14 of the National Planning Policy Framework.

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### Conclusion

40. Overall, by reason of its layout of internal accommodation and indeed scale, the development has not been designed in such a way which would render it incapable of being occupied as a single dwellinghouse with external access provided to the first floor accommodation and could be easily segregated off from the ground floor. The proposal is therefore contrary to Policy DM9 of the Development Management Policies DPD 2016.
41. The extensions would result in a form of development which pays no due regard to the original layout of the building and would, as a result, fail to make a positive contribution to the street-scene in which it was originally designed to address. Notwithstanding this, the two storey side addition significantly increase the scale of the dwelling adopting a twin gable element along a prominent elevation fronting a highway resulting in contrived and conflicting additions which points towards overdevelopment of the site by way of the adopted complex and contrived roof form (in line with the development on No.153) that requires a central flat roof valley to accommodate the development.
42. Taking account of the fact that the adjoining dwelling contains unauthorised development on its rear elevation, it is necessary to consider the development against the pre-existing dwelling at No.153. The cumulative impact of the height, depth, bulk, massing and proximity to No.153 Hawthorn Road, the two storey side element would exert a loss of outlook, and, by reason of its location along the shared boundary introduce significant mass resulting in an overbearing impact on the adjoining property which would be considerably harmful to the residential amenity.
43. Due to the unauthorised increase in the scale of the development, the resultant amenity space has been significantly reduced and not fails to provide suitable provision for a family dwelling of this size. The development therefore fails to comply with Section 12 of the National Planning Policy Framework or Policies CS21 of the Core Strategy 2012 or the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.
44. In spite of the information submitted with regards to the arboricultural information, further encroachment on the root protection areas of the protected trees to the West of the building would be unacceptable and has possibly caused irreversible damage to said trees. Further investigation is currently underway.
45. Furthermore, the information submitted relating to SuDS are insufficient as they demonstrate the surface water drainage system does not work appropriately. Evidence presented as part of the submissions represent calculations which do not match the drawings with a notional system not being able to drain sufficiently to allow a preceding rainfall event to occur without flooding the surrounding area. The development, therefore, fails to comply with Section 14 of the National Planning Policy Framework or Policies CS9 and CS16 of the Woking Core Strategy.
46. The development is therefore contrary to provisions set out in Sections 12 and 14 of the National Planning Policy Framework, Policies CS9, CS16,

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CS21 and CS24 of the Woking Core Strategy 2012, Policies DM2 and DM9 of the Development Management Policies DPD 2016 and Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008 and 'Design' 2015 and is accordingly recommended for refusal.

### **BACKGROUND PAPERS**

1. Site visit photographs
2. Response from Arboricultural Officer (20.03.20)
3. Response from Drainage Officer (08.04.20)

### **RECOMMENDATION**

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

1. The extensions, by reason of their scale and nature of internal accommodation, have been designed in such a way that could render it possible to subdivide the dwelling into a number of separate independent units which could prove detrimental to the area given the prevailing character. The proposal is therefore contrary to Policy DM9 of the Development Management Policies DPD 2016.
2. By reason of their overall size, siting and design the two storey front and side extensions would fail to respect and make a positive contribution to the street scene of Hawthorn Road and to the character of the area in which they would be situated. Additionally the proposal would appear incongruous within the street scene destroying the relationship the existing dwelling has with 3 converging highways and erecting substantial front and side additions resulting in bulky, contrived additions. The proposal is therefore contrary to provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012, and Supplementary Planning Document 'Design' 2015.
3. The development would fail to provide a good standard of amenity for future residential occupiers considering the restricted rear space that would fall below the minimal amount of space required as outlined in the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008. The development would, therefore, fail to accord with the provisions of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.
4. By reason of the cumulative impact of the height, depth, bulk, massing and proximity to No.153 Hawthorn Road, this two storey side element would exert a loss of outlook, and, by reason of its location along the shared boundary introduce significant mass resulting in a significant overbearing impact on the pre-existing layout of the adjoining property which would be significantly harmful to the residential amenity contrary to Policy CS21 of the Woking Core Strategy 2012, Supplementary Planning Documents 'Design' 2015 and 'Outlook, Amenity, Privacy and Daylight' 2008.
5. Insufficient information has been submitted in relation to sustainable drainage systems. The submissions show that the surface water drainage system does not work properly with the system failing to demonstrate sufficient drainage to allow a preceding rainfall event to occur without flooding the surrounding

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area. The proposal is therefore contrary to Policy CS9 and CS16 of the Woking Core Strategy 2012, House of Commons: Written Statement (HCWS161) - Sustainable drainage systems and Section 14 of the National Planning Policy Framework (NPPF) 2019.

### **Informatives:**

1. The plans relating to the development hereby refused are numbered / titled:

Drawing No: P.806 Proposed Site Plan  
Drawing No. P.804 Elevations Sheet 1  
Drawing No. P.805 Elevations Sheet 2  
Drawing No. P.801 Proposed Ground Floor Plans  
Drawing No. P.802 Proposed First Floor Plans  
Drawing No. P.803 Roof Plan

2. The applicant is advised that further works on top of what has already been approved are likely to result in catastrophic damage to the protected Oak Tree in the rear amenity space. They would likely lead to significant implications of the root protection area and ultimately the loss of the tree. Further incursions in the form of additional parking and soakaways are not considered acceptable. The LPA will separately investigate whether any breaches of planning control have already occurred in this respect.