

7 SEPTEMBER 2021 PLANNING COMMITTEE

6d PLAN/2021/0401

WARD: C

LOCATION: 23 Bentham Avenue, Sheerwater, Woking, Surrey, GU21 5LF

PROPOSAL: Erection of part two storey, part single storey rear extension and conversion of existing family dwelling into 2x flats with associated parking and amenity space.

APPLICANT: Mr Ghulam Ahmed

OFFICER: Barry Curran

REASON FOR REFERRAL TO COMMITTEE

The application has been called to the Planning Committee at the request of Councillor Aziz.

SUMMARY OF PROPOSED DEVELOPMENT

The application seeks permission to convert the existing three bedroom family dwelling into a pair of flats at ground and first floor with the erection of a part two storey part single storey rear extension.

PLANNING STATUS

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

RECOMMENDATION

That planning permission be REFUSED.

SITE DESCRIPTION

The application site is located on the north-eastern side of Bentham Avenue, a residentially defined area characterised by a mix of two storey semi-detached and terraced dwellings of a post war design. The application dwelling forms the northern dwelling on a pair of semi-detached dwellings with the rear amenity space enclosed by 2 metre high close timber board fencing along with a detached garage on the neighbouring property along the southern boundary with hedging at 3 metres in height along the northern boundary.

PLANNING HISTORY

PLAN/2019/1168 - Erection of part two storey, part single storey rear extension and conversion of existing dwelling (three bedroom) into x2 flats (Amended Description and Plans) – Refused

Reasons for Refusal:

1. *The proposal, by reason of the plot subdivision, layout, inadequate amenity space and bulk and scale of the proposed extensions would result in an overdevelopment of the site as evidenced by the unduly cramped, contrived, insubordinate and incongruous form of*

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development and uncharacteristically small and irregularly shaped amenity spaces. This would be in conflict with and fail to reflect the prevailing grain, pattern and character of development of Bentham Avenue which is made up of semi-detached and terraced single houses. The proposal would therefore cause unacceptable harm to the character of the surrounding area and would not amount to good development which respects or makes a good contribution to the area contrary to provisions outlined in the National Planning Policy Framework, Policies CS10, CS21 and CS24 of the Woking Core Strategy 2012, Policy DM11 of the Development Management Policies DPD 2016 and Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008 and 'Design' 2015

- 2. By reason of its inappropriate amenity space in terms of size and lack of privacy to serve the proposed ground floor family flat, the creation of two flats in place of the existing three bedroom family dwelling is contrary to Section 12 of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012, Policy DM11 of the Development Management Policies DPD 2016 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.*
- 3. The proposal would result in a significantly harmful overbearing effect, by reason of bulk and proximity to the adjoining No.21 Bentham Avenue. The accumulation of the additions' depth at 7 metres along with the inclusion of a 4 metre deep two storey addition at approximately 6.6 metres in height combine to result in an unneighbourly and oppressive feature which would cause a significantly impact on No.21 Bentham Avenue. The proposal is therefore contrary to provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and the Council's Supplementary Planning Documents 'Design' 2015 and 'Outlook, Amenity, Privacy and Daylight' 2008.*
- 4. 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 residential unit 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.*

PROPOSED DEVELOPMENT

Planning consent is sought for the erection of a part two storey part single storey rear addition and conversion of the existing dwelling into 2no flats across ground and first floor.

SUMMARY INFORMATION

Existing units	1
Proposed units	2
Proposed density of site - dwellings/hectare	26 dph

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Existing density of site - dwellings/hectare 52 dph

CONSULTATIONS

County Highways Authority: Recommend a number of conditions in the event of an approval (07.05.21)

REPRESENTATIONS

There has been 2no third party letter of objection received in relation to the proposed development. The concerns raised in this letter are summarised as follows;

- High-over density of development
- Highway reasons - parking
- Overdevelopment of the site – the development has not addressed the previous reasons for refusal relating to this
- Loss of privacy
- Out of Character - the development has not addressed the previous reasons for refusal relating to this
- Noise disturbance
- Overbearing impact of the development on neighbouring properties - the development has not addressed the previous reasons for refusal relating to this
- Overlooking

RELEVANT PLANNING POLICIES

National Planning Policy Framework 2021
Section 2 - Achieving sustainable development
Section 12 - Achieving well-designed places

Core Strategy Document 2012
CS8 - Thames Basin Heaths Special Protection Area
CS11 – Housing Mix
CS12 – Affordable Housing
CS18 - Transport and accessibility
CS21 - Design
CS24 - Woking's Landscape and Townscape
CS25 - Presumption in Favour of Sustainable Development

Development Management Policies DPD 2016
DM10 – Development on Garden Land
DM11 - Sub-divisions, Specialist Housing, Conversions and Loss of Housing

Supplementary Planning Guidance
Supplementary Planning Document 'Parking Standards' 2018
Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008
Supplementary Planning Document 'Design' 2015

Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015

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PLANNING ISSUES

1. The main planning issues that need to be addressed in the determination of this application are; principle of development, whether the proposal will have an unacceptable impact on the character of the existing dwelling and character of surrounding area, whether the subdivision will result in a satisfactory residential environment, whether the extensions and subdivision will materially harm the amenities enjoyed by surrounding neighbours, impact on parking, sustainability, affordable housing, impact on Thames Basin Heaths Special Protection Area and local finance considerations.

Principle of Development

2. The National Planning Policy Framework and Policy CS25 of the Woking Core Strategy 2012 promotes a presumption in favour of sustainable development. The application site is within a sustainable location within the defined Urban Area and within the 400m-5km (Zone B) threshold of the Thames Basin Heaths Special Protection Area, where the impact of new residential development can be mitigated.
3. The application involves the proposed subdivision of an existing three bedroom family dwelling into 2 flats, one with 2-bedrooms and one with 3-bedrooms. The resulting flats would be self-contained at ground and first floor level.
4. Policy DM11 (Sub-divisions, Specialist Housing, Conversions and Loss of Housing) of the Development Management Policies DPD 2016 (hereafter referred to as the DMP DPD) states that:

“proposals for...the sub-division of existing dwellings of an appropriate size to two or more dwellings, including flats...will be permitted provided the following criteria are met:

- ***the proposal does not harm the residential amenity or character of the area*** (emphasis added);
- ***a good quality of accommodation is provided by meeting any relevant housing standards*** (emphasis added);
- *there would be no detrimental impact on the visual appearance of the area or that of the building itself;*
- *any proposed alterations, extensions or additional areas of hard surfacing required to enable the conversion of the dwelling are appropriate in scale, form and extent to the site and its surroundings;*
- *maximum tree cover, mature planting, and screening is retained;*
- *boundary treatment to the street frontage of the property is retained and a sufficient area of amenity space is retained or provided;*
- *there is adequate enclosed storage space for recycling/refuse;*
- *access is acceptable and parking (including for cycles) is provided on site in accordance with the Council’s standards. Car parking (including drop-off points if relevant) will not be permitted in rear gardens or in locations which might cause a nuisance to adjoining residential properties;*
- *the traffic impacts of the proposal are considered acceptable;*

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- *the internal layout of the rooms within the proposed conversion will not cause undue disturbance to adjoining residential properties in the building;*
 - *appropriate contribution is made to avoid harm to the Thames Basin Heaths Special Protection Areas, as set out in Core Strategy Policy CS8, where relevant;*
 - *there is a safe access and egress route during flood events”*
5. Much of this criteria relates to material considerations which will be addressed in detail in the relevant sections of this report. Policy DM11 does, however, expand on sub-division stating that *“In addition to the ‘General Criteria’ above, the sub-division of dwellings of an appropriate size to two or more dwellings will only be permitted where:*
- *the proposal would not result in an overall loss of a family home; and*
 - ***each proposed dwelling has access to a suitable area of private amenity space”*** (emphasis added).
6. The Council’s Supplementary Planning Document ‘Outlook, Amenity, Privacy and Daylight’ 2008 states, in paragraph 4.5, that *“family accommodation will be taken to mean...all flats with two bedrooms of more and exceeding 65 sq.m. gross floor space”*. Furthermore Policy CS11 of the Woking Core Strategy 2012 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”*. The existing 3 bedroom house measures approximately 82 sq.m in Gross Internal Area (GIA) and, therefore, provides family accommodation.
7. Covering a floor area of 69 and 65 sq.m respectively, both the proposed ground floor and first floor flats falls within the bracket of family accommodation as per the Council’s Supplementary Planning Document on Outlook and therefore mitigates against the loss of a family unit although the proposal would result in the loss of a detached family dwelling only to be replaced with flats in an area characterised by detached family homes.
8. Policy DM11 of the Development Management Policies DPD 2016 specifically refers to housing sub-division and notes that the sub-division of dwellings of an appropriate size to two or more dwellings will only be permitted where *“each proposed dwelling has access to a suitable area of private amenity space”*. In terms of private amenity space, the Council’s Supplementary Planning Document on ‘Outlook, Amenity, Privacy and Daylight’ 2008 at Section 4.7 notes that *“In established residential areas, where the existing pattern of development has a well-defined character, the size, shape and position of the garden will need to reflect the existing context and be in proportion to the size of the dwelling proposed”*. The suitability of the amenity space should, therefore, be reflective of the prevailing pattern. The Outlook SPD goes on to recommend 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”*. In this case, the application site is located in a suburban setting where semi-detached and terraced properties demonstrate commensurate amenity spaces with narrow yet deep rear gardens yet the proposal amounts to a ‘mix-and-match’ of amenity spaces includes an inappropriately sized

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private space and a communal space which is alien to the area. This, in itself, is symptomatic of contrived out-of-character development. The main body of the report will explore this in more detail.

Impact on Character

9. One of the principles of planning as identified in the National Planning Policy Framework 2018 is securing high quality design. Section 12 of the NPPF refers to the need to plan positively for the achievement of high quality and inclusive design for all development. Policy CS21 of the Woking Core Strategy 2012 states that new development should respect and make a positive contribution to the street scene and the character of the area within which it is located. Policy CS24 of the Core Strategy states that *“all development proposals will provide a positive benefit in terms of landscape and townscape character...(and) will be expected to conserve, and where possible enhance existing character”*.
10. Bentham Avenue is situated within the Sheerwater area of the Borough, a Post War residential area with semi-detached and terraced style properties set on rectangular plots. There is an element of on street parking, however many of the moderate front gardens have been converted to accommodate at least one vehicle. The area has a relatively open feeling and generally low front walls with planting strips behind to define the boundary. The majority of properties are semi-detached or terraced, two storeys in height and constructed in facing brick.
11. Section 4.7 of the SPD on Outlook 2008 states that *“In established residential areas, where the existing pattern of development has a well-defined character, the size, shape and position of the garden will need to reflect the existing context and be in proportion to the size of dwelling proposed.”* One of the reasons for refusal under the previous application was the inappropriate subdivision of the plot into two uncharacteristic and irregular plots which would fail to correspond with the surrounding area. It is now proposed to incorporate a mix of private and communal amenity space to the rear of the site. Nevertheless, similar to the previous refusal there is a subdivision of the plot which is considered to result in uncharacteristic sized plots and sections of the amenity land being unduly and inappropriately subdivided into three, two section of private space and one section of communal.
12. Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments *“are sympathetic to local character and history, including the surrounding built environment and landscape setting”*. Each surrounding site demonstrates a common layout with amenity spaces commensurate with the size of the single dwelling on the plot. Policy CS21 of the Woking Core Strategy 2012 states that new development should *“respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land”*. The resultant amenity spaces to serve both of the flats has been divided into three; two parts to serve as private amenity space and one to serve as communal space. This is totally contrived and irregular compared to the prevailing site characteristics along Bentham Avenue and would appear alien in this context. Both private amenity spaces would measure approximately 13 sq.m which in themselves

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are contrived compared and incongruous to the established characteristics of Bentham Avenue.

13. When assessing the private amenity spaces in the area, the neighbouring No.25 Bentham Avenue demonstrates a private amenity space covering 200 sq.m, No.27 includes 170 sq.m of private amenity space and the adjoining No.21 which includes one of the smallest amenity spaces at 125 sq.m in size more than double that of the amenity space to serve the ground floor family flat. Comparing this to the proposed private amenity space to serve both of these family units at 13 sq.m is wholly inappropriate. These are included on a graph for ease of reference:

	Footprint/Floor area	Amenity Space	% of private amenity space to floor-Space/ Footprint
No.25 Bentham Avenue	47 sqm	200 Sqm	425%
No.27 Bentham Avenue	79 Sqm	170 sqm	215%
No.21 Bentham Avenue	70 sqm	125 sqm	178%
Application Plot 1 GF	69 sqm	13 sqm	18%
Application Plot 2 FF	65 sqm	13 sqm	20%

14. As demonstrated, the proposed private amenity spaces to serve both flats are incommensurate with the prevailing character and bear no adherence to the prevailing context and would stand out as irregular and out of character in the area. Whilst the incommensurate private amenity spaces have been attempted to be offset by way of large communal space, this in itself contributes to the inappropriate subdivision of this existing family dwelling in an area characterised by detached and semi-detached family dwellings imposing a convoluted setting which results in a mix and match layout which fails to mix or match respectfully with the character of the area in which they are situated. The proposed layout would, therefore, fail to correspond with the surrounding area standing out as alien which fail to reflect the prevailing grain and pattern of development in Bentham Avenue.
15. As part of the proposed development it is proposed to erect a part two storey part single storey rear extension to measure 6.8 metres in width including a single storey addition which would span the width of the host dwelling at 6.4 metres and project 6 metres from the rear building line. Atop this single storey section would be a two storey extension which is proposed to be set down 0.3 metres from the existing ridge line and measure the width of the existing dwelling and 4 metres in depth. The ground floor element of the proposed extension has been reduced by 1 metre in depth compared to the previous refusal (PLAN/2019/1168) and thereby falls short of doubling the footprint by just 1 metre.

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16. 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*”. It is acknowledged that permitted development rights exist under Schedule 2 Part 1 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for rear addition up to a depth of 4 metres at single storey level and just 3 metres at two storey level. In the majority of instances this typically reflects the maximum level of development on dwellings, however, each application is determined on its own merit. The proposal almost doubles the size of the existing dwelling in a bid to subdivide the existing dwelling into a flatted scheme. With the development proposal increasing the floor area of the existing dwelling by approximately 65%, it is difficult to argue that the scale of the addition would be subordinate but would rather result in a completely different building and relationship to the surrounding area. With the extensions cumulating to transform the existing form and layout of the dwelling, it is considered that this form of development points towards overdevelopment of the dwelling itself and of the site. The additions towards the rear would compete with the scale of the existing dwelling and would, due to its scale, be insubordinate to the host building and contrary to the Council’s SPD ‘Design’ which notes that “*The additional mass should respect the existing building proportion, symmetry and balance.*” These rear additions are not considered to respect the character of the existing dwelling nor are they considered to improve the way the area functions.

17. Policy CS10 of the Core Strategy 2012 makes provision for 750 dwellings as infill development in the Borough’s urban area between 2010 and 2027, at a density of 30-40dph (dwellings per hectare). The reasoned justification for the policy states that “*Infill development will be permitted provided the proposed development is at an appropriate scale in relation to the character of the surrounding area*”. Policy CS10 goes on to note that:

*“The density ranges set out are **indicative and will depend on the nature of the site** (emphasis added). Density levels will be influenced by design with the aim to achieve the most efficient use of land. Wherever possible, density should exceed 40 dwellings per hectare and will not be justified at less than 30 dwellings per hectare, unless there are significant constraints on the site or where higher densities cannot be integrated into the existing urban form. Higher densities than these guidelines will be permitted in principle where they can be justified in terms of the sustainability of the location and where the character of an area would not be compromised.”*

18. As previously indicated, Bentham Avenue consists of semi-detached and terraced dwellings along a linear grain of development at a density range of 26 dwellings per hectare, typical of the area. With the proposed extensions and conversion of the existing single family dwelling into 2 flats, the density would rise to 52dph, double that of the existing site and surrounding area. Whilst Policy CS10 identifies that wherever possible density should exceed 40 dph, and will not be justified at less than 30 dph this is subject to the proviso that unless higher densities cannot be integrated into the existing urban form. It is symptomatic of development which is at odds with the prevailing character at double the existing density. Whilst the site falls within the Urban Area it is not located within such a sustainable location (i.e. it is not

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within, nor within close proximity of, any Neighbourhood/Local/District/Town Centre) to justify a residential density double that to the surrounding area. The density of the proposal indicates that the proposal will not integrate satisfactorily into the existing urban form.

19. It has to be stressed that whilst a density of 56 dph may be considered appropriate in one part or street in the borough, this does not mean that it can be applicable to the established character or density in Bentham Avenue. Development is required to respect and be reflective of the area in which they are located, for example one suburban residential street may have a density of 70 dph and to rationalise this density range in another area characterised by 15 dph would be unreasonable and incommensurate with the character. As per Policy CS10 above, the density range will be dependent on the nature of the site and to ignore this would be contrary to adopted policy.
20. The reasoned justification within Policy CS10 states that *"it is important that densities sought do not affect the quality and character of an area"*. Policy CS10 goes on to note that increased density on developments may be considered acceptable provided the character of the area would not be compromised. It is clear that the scheme represents overdevelopment of the site with additions which fail to respect the prevailing character of Bentham Avenue and fail to respect the character of the existing dwelling considering the overtly bulky, incongruous and insubordinate additions proposed. The proposed density of 52 dph serves as an indicator that the conversion of the dwelling would be at odds the prevailing character. This is lucidly illustrated by the bulky and insubordinate rear addition proposed as well as the contrived amenity space layout. The development is, therefore, not seen to adopt an appropriate scale or housing provision in relation to the character of the surrounding area.
21. As previously noted, Bentham Avenue is a Post War development of two storey semi-detached and terraced, single family dwellings of a similar character. The conversion of one of these representative dwellings into a flatted scheme would be completely at odds with the prevailing character and would undermine any future argument the Local Planning Authority may have in preventing the conversion of other similar style dwellings. Each application must be treated on its individual merits, however, approval of this proposal could be used in support of a potential future schemes to erect similar rear additions and convert the single family dwelling into flats. It is considered that this is not a generalised fear of precedent, but a realistic and specific concern considering the emulating nature of dwellings in the vicinity. Given the similar characteristics of the application site to these neighbouring sites, permitting such an application would make it more difficult for the Local Planning Authority to resist a potential further planning application for similar development which would completely erode the established character of the area. It is noted that similar forms of development have occurred in the Borough but it has to be noted that these development may have occurred in areas which had previously undergone conversions and which may already be a part of the character. Bentham Avenue and surrounding streets, conversely, have had no subdivisions and retains a character of semi-detached and terraced single family dwellings rather than dwellings subdivided into flats.
22. It is clear from the above paragraphs that not only is the proposed subdivision of the dwelling and resultant plot sizes at odds with the prevailing character of

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Bentham Avenue, but the proposed density is at double that of the surrounding area. Furthermore, by combined reason of the scale of the part single storey part two storey addition and resultant large footprint and homogeneous bulk and mass, the proposed development would appear incongruous within this suburban cul-de-sac, the existing urban form of which is made up entirely of detached single houses. The proposed development would, therefore, fail to respect and make a positive contribution to the street scene and the character of the area in which it would be situated contrary to the provisions on the National Planning Policy Framework, Policies CS10, CS21 and CS24 of the Core Strategy 2012, Policy DM11 of the Development Management Policies DPD 2016 as well as the Council's Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008 and 'Design' 2015.

Layout and Creation of Acceptable Residential Development for Proposed Occupiers

23. One of the objectives of the National Planning Policy Framework is to ensure good standard of amenity for all existing and future occupants of land and buildings. Policy CS21 of the Woking Core Strategy 2012 echoes this provision with detailed guidance set out within the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.
24. Policy DM11 of the Development Management Policies DPD 2016 states that "*proposals for...the sub-division of existing dwellings of an appropriate size to two or more dwellings, including flats...will be permitted provided the following criteria are met...a good quality of accommodation is provided by meeting any relevant housing standards*". Policy DM11 goes on to state that in addition to the criteria listed, the subdivision of dwellings will only be permitted where "*each proposed dwelling has access to a suitable area of private amenity space*". One of the reasons for the previous refusal related to the inappropriate amenity space in terms of size and lack of privacy to serve the proposed ground floor family flat. The proposed scheme seeks to address this by adopting a mix of private and communal space to serve both family units. Both family units would be served by private amenity spaces measuring approximately 13 sq.m amenity space immediately to the rear of the proposed rear additions with a sizeable communal space sited to the rear of this covering 141 sq.m.
25. Section 4.6 of the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008 states that "*All dwellings designed for family accommodation...need to provide a suitable sunlit area of predominantly soft landscaped **private amenity space appropriate in size and shape for the outdoor domestic and recreational needs of the family it is intended to support.***" (emphasis added). Both proposed units amount to family accommodation and therefore as per Section 4.6 of the Outlook SPD and Policy DM11 of the Development Management Policies DPD 2016 which states that "*In addition to the 'General Criteria' above, the sub-division of dwellings of an appropriate size to two or more dwellings will only be permitted where:*
 - *the proposal would not result in an overall loss of a family home; and*
 - *each proposed dwelling has access to a suitable area of private amenity space*" (emphasis added).

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26. Measuring 13 sq.m each, both private amenity spaces are considered inappropriately small to serve the proposed family accommodation across ground and first floors. Section 4.8 of the Outlook SPD states that:

“Where appropriate, the area of private garden should approximate with gross floorspace of the dwelling (subject to the character of the local context) but it is advised that it should always be as large as the building footprint of the dwelling house, except in the most dense urban locations as discussed below.”

27. As noted above, the context of the area is suburban two storey semi-detached dwelling with sizable amenity spaces and a density of 26 dph. This would not be considered as one of *‘the most dense urban locations’* in the borough. The SPD calls for the proposed amenity space to be at least as large as the building footprint. With the proposed development one would consider the floor areas to measure to ensure appropriately sized private amenity spaces. At 13 sq.m the proposed spaces fall significantly below that of the minimum amount which again would be at odds with the prevailing character and again would fail to comply with adopted policy. The introduction of a sizeable communal amenity space is not considered to outweigh this concern as both the Development Management Policies DPD and the Council’s SPD on Outlook calls for ‘private amenity spaces’ to serve family accommodation.

28. Overall, it has been demonstrated that the proposed layout of the amenity spaces to the rear of the site are inadequately sized and would fail to provide a suitable area of private amenity space for the intended family accommodation at ground floor. The development is, therefore, contrary to Section 12 of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012, Policy DM11 of the Development Management Policies DPD 2016 and Supplementary Planning Document ‘Outlook, Amenity, Privacy and Daylight’ 2008.

Impact on Neighbour Amenities

29. 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. Policy CS21 is enhanced by Supplementary Planning Document ‘Outlook, Amenity, Privacy and Daylight’ 2008.
30. It must be borne in mind that the potential loss of enjoyment of a view is not a ground on which planning permission can be refused although the impact of a development on outlook is a material planning consideration and stems on whether the development would give rise to an undue sense of enclosure or overbearing effect to neighbouring/nearby residential properties. There are no established guidelines for what is acceptable or unacceptable in this regard, with any assessment subjective as opposed to empirical, with key factors in this assessment being the existing local context and arrangement of buildings and uses.
31. The properties that could potentially be affected are the adjoining No.21 Bentham Avenue to the South and No.25 Bentham Avenue to the North. No.38 Blackmore Avenue towards the rear (West) of the property would be

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located in excess of 18 metres from the proposed development and is, therefore, not considered to be materially affected as a result.

32. No.21 Bentham Avenue is situated to the south and forms the southern dwelling on the pair of two storey semi-detached properties similar to that of the application dwelling. The proposed part single and part two storey rear extension would extend beyond the predominant two storey rear elevation of the application dwelling by 6 metres at single storey level and 4 metres at two storey level with the extension sitting in close proximity to the boundary. A number of first floor windows exist on the rear elevation of No.21 but it is understood that the two windows closest to the shared boundary serve non-habitable landing or bathroom windows. The test has been applied to the third and furthest window on this elevation and would pass the 45° degree test as per the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008 in relation to daylight/sunlight to the rear facing windows of No.21 indicating that no significant loss of light would occur.
33. The Council's SPD 'Design' 2015 states that "*the location of the extension and the position of its windows should not result in any adverse overshadowing or overbearing impact on adjacent dwellings*", that "*large two storey extensions should not be sited close to a boundary as this can restrict daylight to habitable rooms of the neighbouring dwelling*", that "*two storey extensions, particularly if they extend beyond 3 metres from the building, need to be carefully sited as they can result in loss of daylight or have an overbearing impact on the adjoining dwellings unless they are kept well away from the separating boundary*". The projection of 6 metres at single storey with a 4 metre projection at two storey level sited along the shared boundary would result in an overbearing impact and an undue sense of enclosure to the ground and first floor habitable room windows and to some extent the garden. Whilst the height of the single storey addition would not be atypical at 3 metres, the accumulation of its depth at 6 metres along with the inclusion of a 4 metre deep two storey addition at approximately 7 metres in height to its ridge and 5 metres to its eaves level combine to result in an unneighbourly and oppressive feature and therefore a significantly overbearing addition sited directly up against the boundary of No.21 Bentham Avenue which includes a modest 2.5 metres deep glazed rear addition.
34. Concern is also held for the impact of the rear additions on the amenities of No.25 to the North. A separation of 4 metres is proposed to be retained between buildings which would somewhat offset the significant depth of the additions. The 45° test has been applied to the first floor window nearest the application site which passes in plan and elevation form given the separation gap proposed to be retained. Whilst a degree of overbearing may occur on this property, the fact that a 4 metre separation is retained does not lead to a significant level of it. Conversely, this is not the situation for the adjoining No.21 which would be unduly and significantly harmed as a result of the proposal.
35. Overall, whilst the proposed addition has been reduced by 1 metre at single storey level compared to the previous refusal, it, nevertheless, results in an addition which has an overbearing effect upon, and loss of outlook from the neighbouring No.21 which is significantly harmful to the residential amenity of existing occupiers of this dwelling. The development is therefore contrary to the provisions of the National Planning Policy Framework, Policy CS21 of the

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Woking Core Strategy 2012 and Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008 and 'Design' 2015.

Impact on Highway Safety and Parking

36. Bentham Avenue is a suburban Post War estate with very little on-street parking provision given the density and presence of dropped kerbs. The existing dwelling does not include any on-site parking.
37. Policy CS18 of the Woking Core Strategy 2012 sets out that that minimum car parking standards will be set for residential development (outside of Woking Town Centre). The Council's Supplementary Planning Document 'Parking Standards' 2018 sets out minimum residential parking standards. The site, in this instance, contains an existing three bedroom dwelling, which exerts an existing parking demand. It is useful therefore to compare the parking demand, in line with SPD Parking Standards 2018, between the existing and proposed situations. The proposed 2-bedroom flats carry a minimum provision of 1 parking space each, 2 in total. This demonstrate that the proposal would result in no additional demand in comparison to the existing situation which has a minimum provision of 2 parking spaces. The County Highway Authority have been consulted on this application and raise no objections subject to conditions which in the event of an approval could be attached.
38. Whilst the development may be considered acceptable with regards to the impact on the parking and highway safety, this does not outweigh the fact that the development would fail to adhere to national and local policies as well as supplementary documents with a scheme which is out of character with the area, has significant impacts on neighbour amenity and would fail to provide all units with appropriately sized private amenity space.

Affordable Housing

39. 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.
40. However, Paragraph 64 of the NPPF 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).
41. Whilst it is considered that weight should still be afforded to Policy CS12 of the Woking Core Strategy 2012 it is considered that more significant weight should be afforded to the policies within the NPPF. The proposal is not major development and therefore no affordable housing contribution is sought.

Impact on the Thames Basin Heaths Special Protection Area

42. The application site falls within the 400m - 5km (Zone B) of the Thames Basin Heath Special Protection Area (TBH SPA) buffer zone. The Thames Basin Heath Special Protection Area (SPA) is a European designated site afforded

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protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitats Regulations). The Habitats Regulations designate the Local Planning Authority as the Competent Authority for assessing the impact of development on European sites and the LPA must ascertain that development proposals will not have an adverse effect on the integrity of the site, alone or in combination with other plans and projects, either directly or indirectly, before granting planning permission. The TBH SPA is designated for its internationally important habitat which supports breeding populations of three rare bird species: Dartford Warbler, Woodlark and Nightjars. The Conservation Objectives of the TBH SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to achieving the aims of the Wild Birds Directive.

43. 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 provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).
44. The 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. The applicant has not submitted a Legal Agreement to secure the relevant SAMM contribution of £716 (2-bed unit) in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy as a result of the uplift of one 2-bedroom flat that would arise from the proposal.
45. In view of the above, the Local Planning Authority is unable to determine that the development would not have a significant effect upon the SPA and is therefore 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) and the Conservation of Habitats and Species Regulations 2017 (SI No. 1012 – the "Habitats Regulations").

Local Finance Considerations

46. Community Infrastructure Levy (CIL) is a mechanism adopted by Woking Borough Council which came into force on 1st April 2015, as a primary means of securing developer contributions towards infrastructure provisions in the Borough. In this case, the proposed residential development will incur a cost of £125 per sq.metre which equates to a contribution of **£8,357.14** (134 sq.metres total GIA with 52 sq.metres additional floorspace at 2021 indexation). The development, therefore would be liable to a total CIL contribution of £8,357.14 which would be payable upon commencement should permission be granted for the development.

Conclusion

47. To conclude, the proposed development has failed to address the reasons for refusal on the previously refused application in that it fails to demonstrate compliance with Policy DM11 of the Development Management Policies DPD 2016 in that the subdivision of the property fails to provide appropriate private amenity space for the proposed units. The intended private amenity spaces to serve both family units would not be suitably or appropriately sized to serve

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the family units. Further to this, the introduction of a flatted development with a mix of inappropriately sized private and communal amenity spaces, which appear as an anomaly in an area characterised by two storey semi-detached and terraced single family dwellings with commensurate amenity spaces and plot sizes, would be significantly harmful to the established character and could lead to a corrosion of this character given the emulating form and style of dwellings evident in the locality.

48. The excessive scale, depth and bulk of the proposed rear addition would result in a development which fails to take the opportunities available for improving the character and quality of the area appearing to unsympathetically extend the building to accommodate the additional flat. This would result in an insubordinate addition almost emulating the size of the existing dwelling which would harm the character and appearance of the existing site and the surrounding area. Furthermore, the proposal would have a significant adverse impact on the residential amenities of No.21 Bentham Avenue in terms of overbearing impact given its positioning along the shared boundary and depth at both single and two storey level.
49. Furthermore, in the absence of a signed Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the additional dwelling 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) and the Conservation of Habitats and Species Regulations 2017 (SI No.1012 – the "Habitats Regulations").
50. Whilst it is acknowledged that the provision of a 1 net residential units would be of some public benefit, the Council's position on five year housing land supply is set out in the Five Year Housing Land Supply – Position Statement published in November 2018. This document shows that, as of 01.04.2017, Woking has an overall housing land supply of 9.2 years' worth in the next five year period, taking into account the yearly housing requirement, a 5% buffer and historic undersupply since 2006. Given this context, it is not considered that the benefit of a 1 net additional residential unit in this instance would be outweighed by the planning harm identified.
51. It is therefore considered that the proposed conversion of the 3 bedroom family dwelling into two flats along with the erection of rear additions would be contrary to provisions outlined in Section 12 of the National Planning Policy Framework, Policies CS10, CS21 and CS24 of the Woking Core Strategy 2012, Policy DM11 of the Development Management Policies DPD 2016, the Council's Supplementary Planning Documents on 'Design' 2015 and 'Outlook, Amenity, Privacy and Daylight' 2008 and the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015, the Conservation of Habitats and Species Regulations 2017 (SI No.1012 - the "Habitats Regulations") and is therefore recommended for refusal for the reasons outlined below.

BACKGROUND PAPERS

1. Site visit photographs.
2. Response County Highway Authority (07.05.21)
3. Third party letters of representation

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RECOMMENDATION

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

1. The proposal, by reason of the dwelling and plot subdivision, layout, inadequate amenity space and bulk and scale of the proposed extensions would result in an overdevelopment of the site as evidenced by the unduly cramped, contrived, insubordinate and incongruous form of development and an uncharacteristic site layout and irregularly shaped amenity spaces. This would be in conflict with and fail to reflect the prevailing grain, pattern and character of development of Bentham Avenue which is made up of semi-detached and terraced single houses. The proposal would therefore cause unacceptable harm to the character of the surrounding area and would not amount to good development which respects or makes a good contribution to the area contrary to provisions outlined in the National Planning Policy Framework, Policies CS10, CS21 and CS24 of the Woking Core Strategy 2012, Policy DM11 of the Development Management Policies DPD 2016 and Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008 and 'Design' 2015
2. By reason of the inappropriately sized private amenity spaces to serve the proposed flats, the creation of two flats in place of the existing three bedroom family dwelling is contrary to Section 12 of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012, Policy DM11 of the Development Management Policies DPD 2016 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.
3. The proposal would result in a significantly harmful overbearing effect, by reason of bulk and proximity to the adjoining No.21 Bentham Avenue. The accumulation of the additions' depth at 6 metres along with the inclusion of a 4 metre deep two storey addition at approximately 7 metres in height combine to result in an unneighbourly and oppressive feature which would cause a significantly impact on No.21 Bentham Avenue. The proposal is therefore contrary to provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and the Council's Supplementary Planning Documents 'Design' 2015 and 'Outlook, Amenity, Privacy and Daylight' 2008.
4. 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 residential unit 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.

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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 2021.
2. The plans relating to the development hereby refused are numbered / titled:

Drawing No: B.01

Drawing No. P.01

Drawing No. P.04

Drawing No. P.03