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Tuesday, 29 March 2016

To: The Members of the **Planning Applications Committee**  
(Councillors: Edward Hawkins (Chairman), David Mansfield (Vice Chairman), David Allen, Richard Brooks, Nick Chambers, Mrs Vivienne Chapman, Colin Dougan, Surinder Gandhum, Rebecca Jennings-Evans, Katia Malcaus Cooper, Robin Perry, Ian Sams, Conrad Sturt, Pat Tedder, Victoria Wheeler and Valerie White)

**In accordance with the Substitute Protocol at Part 4 of the Constitution, Members who are unable to attend this meeting should give their apologies and arrange for one of the appointed substitutes, as listed below, to attend. Members should also inform their group leader of the arrangements made.**

Substitutes: Councillors Dan Adams, Rodney Bates, Ruth Hutchinson, Paul Ilnicki, Max Nelson and Adrian Page

#### Site Visits

**Members of the Planning Applications Committee may make a request for a site visit. Requests in writing, explaining the reason for the request, must be made to the Development Manager and copied to the Executive Head - Regulatory and the Democratic Services Officer by 4pm on the Thursday preceding the Planning Applications Committee meeting.**

Dear Councillor,

A meeting of the **Planning Applications Committee** will be held at Council Chamber, Surrey Heath House on **Thursday, 7 April 2016 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Karen Whelan

Chief Executive

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#### AGENDA

	Pages
<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>3 - 12</b>

To confirm and sign the non-exempt minutes of the meeting held on 7 March 2016.

### **3 Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests and non pecuniary interests they may have with respect to matters which are to be considered at this meeting. Members who consider they may have an interest are invited to consult the Monitoring Officer or the Democratic Services Manager prior to the meeting.

#### **Human Rights Statement**

The Human Rights Act 1998 (the Act) has incorporated part of the European Convention on Human Rights into English law. All planning applications are assessed to make sure that the subsequent determination of the development proposal is compatible with the Act. If there is a potential conflict, this will be highlighted in the report on the relevant item.

#### **Planning Applications**

<b>4</b>	<b>Application Number: 15/1043 - 34 Curley Hill Road, Lightwater GU18 5YH</b>	<b>13 - 32</b>
<b>5</b>	<b>Application Number: 15/1100 - Hawk Farm, Church Lane, Bisley, Woking, GU24 9EA</b>	<b>33 - 44</b>
<b>6</b>	<b>Application Number: 77/0405/3 - Hawk Farm, Church Lane, Bisley, Woking GU24 9EA</b>	<b>45 - 48</b>
<b>7</b>	<b>Application Number:16/0055 - 7 Tekels Way, Camberley GU15 1HX</b>	<b>49 - 64</b>

#### **Glossary**

**Minutes of a Meeting of the Planning Applications Committee held at Council Chamber, Surrey Heath House on 7 March 2016**

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+ Cllr Edward Hawkins (Chairman)  
+ Cllr David Mansfield (Vice Chairman)

+ Cllr David Allen	+ Cllr Katia Malcaus Cooper
+ Cllr Richard Brooks	+ Cllr Robin Perry
+ Cllr Nick Chambers	+ Cllr Ian Sams
+ Cllr Mrs Vivienne Chapman	+ Cllr Conrad Sturt
- Cllr Colin Dougan	+ Cllr Pat Tedder
+ Cllr Surinder Gandhum	+ Cllr Victoria Wheeler
+ Cllr Rebecca Jennings-Evans	+ Cllr Valerie White

+ Present  
- Apologies for absence presented

Substitutes: Cllr Adrian Page (In place of Cllr Colin Dougan)

In Attendance: Jane Ireland, Emma Pearman, Jonathan Partington, Cllr Paul Deach, Cllr Moira Gibson, Cllr Alan McClafferty, Lee Brewin, Gareth John, Jenny Rickard and James Robinson

Cllr Paul Deach – from min 48/P – min 49/P  
Cllr Moira Gibson – from min 48/P – min 49/P  
Cllr Katia Malcaus Cooper – from min 48/P – min 49/P  
Cllr Victoria Wheeler – from min 48/P – min 50/P

Jane Ireland – from min 48/P – min 49/P  
James Robinson – from min 48/P – min 49/P

Mr Alan Cleverly OBE

The Chairman, with sadness, advised the Committee that Mr Cleverly, the agent for the Conservative Association Surrey Heath had passed away that morning. He would be sorely missed.

**48/P Minutes**

The minutes of the meeting held on 10 February 2016 were confirmed and signed by the Chairman.

**49/P Application Number: 15/0590 - HEATHPARK WOOD, HEATHPARK DRIVE, WINDLESHAM**

The application was for the outline planning permission for the erection up to 140 dwellings and community facilities, with associated landscaping, open space, car parking and access from Woodlands Lane, and use of land to provide publicly accessible recreation space (SANG). (Details of access only to be agreed).

(Additional info received 10.08.2015). (Additional info & amended plan rec'd 02/10/2015). (Additional info recv'd 8.12.15).

Members were advised of the following update:

**1. 'Amended RECOMMENDATION:**

***Subject to conditions (as detailed on pages 40-51 of the report and amendments in this update sheet), signing of the legal agreement to secure provision of Suitable Alternative Natural Greenspace (SANG), affordable housing and SAMM, and reporting the application to the National Planning Casework Unit the Executive Head of Regulatory be authorised to GRANT planning permission, in consultation with the Chairman of Planning Applications Committee.***

***In the event that a satisfactory legal agreement has not been agreed by 31<sup>st</sup> March 2016, the Executive Head of Regulatory be authorised to REFUSE the application for the reasons set out on page 39 of the agenda.***

*Officer comment:*

*In respect of the above, a draft of the legal agreement has been received which is satisfactory in respect of SAMM and Affordable Housing.*

*With regard to the SANG, Natural England has today removed its objection and as such the Local Planning Authority are satisfied that it sufficiently addresses SANG management, subject to some minor amendments.*

*A copy of a letter was received from Windlesham Heathpark Wood Group which was addressed to the National Planning Casework Unit (NPCU), requesting that the application be called in by them for determination. The NPCU have therefore requested that the decision is not issued until we have notified them of what the decision is, at which point they will decide whether to take this request any further.*

- 2. Air Quality – Further objections have been received. The Environmental Health Officer produced a 24-page document in response to these objections which has been circulated to the Committee and is on our website. The EHO concludes again that there is no reason to object to the development on the grounds of air quality.*
- 3. Flooding – a further objection has been received in respect of flooding, however, it is considered that the report adequately addresses this issue and conditions are proposed in this regard should permission be granted.*
- 4. The two SANG management plans have been amalgamated at the request of Natural England so amend condition 30 to read:*

*Prior to commencement of development the submitted draft SANG Management Plan – Ecology Revision 2 Feb 2016 received 29.02.16 shall be updated and finalised, and submitted to and approved in writing by the Local Planning Authority in conjunction with Natural England.*

5. *Correction – Annex C should read ‘Environmental Health Officer’s comments’*
6. *Amend Condition 2 to include reference to the SANG Proposal Plan. The applicant states this is complete but this outline application is considering details of access only with landscape details at reserved matters stage:*

*The development hereby permitted shall be carried out in accordance with the Site Location Plan SLP-01B received 25.06.15, and access to be provided in the location as shown on the Indicative Site Access point 30446-5501-SK04 Rev B. The SANG area shall be constructed broadly in line with the Amended SANG Proposal Plan Rev G received 02.10.15. The dwellings shall be built wholly within the area of the site identified as a Housing Reserve site under Policy H8 (saved) of the Surrey Heath Local Plan 2000 as shown on the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies 2012.*

7. *Further information from Windlesham Heathpark Wood Group has been circulated to Members (This included photos, a list of policies that they consider are relevant, and some proposed reasons for refusal).*

*Officer comment:*

*With regard to the list of policies, RE3 is not a current policy and the matters raised by the other policies including national and local housing policies, and the presumption in favour of sustainable development is fully discussed in section 7.5 of the report. With regard to the photos submitted, please note that photos 1 & 6 do not appear to be of the site itself but an area to the east of St Margaret’s Cottage which is outside the application site and not affected by this application. With regard to photos 3 & 4 of the backdrop to Heathpark Drive, please note that there is a buffer of at least 10m proposed behind the houses where trees would be retained. With regard to the proposed reasons for refusal, it is not considered that these raise any new issues that have not been discussed in the report. The first one relates to the release of the housing as discussed in section 7.5, the second to ecology and ancient woodland as discussed in sections 7.7 and 7.10 and the third reason covers several matters which are discussed throughout the report.*

8. *Ecology – Further objection was received on the presence of bats and an objection was received today from Surrey Bat Group (via Windlesham Heathpark Wood Group) which was sent to Members.*

*Officer comment:*

*Surrey Wildlife Trust still raises no objection and Surrey Bat Group has since verbally confirmed that they would have no objection to a condition to require further surveys at reserved matters stage.*

*Additional condition:*

*Surveys to establish the presence or otherwise of bats shall be undertaken in line with the advice received from Surrey Bat Group dated 4<sup>th</sup> March 2016 and provision of appropriate compensation/mitigation suggested, and these shall be submitted for approval in writing by the Local Planning Authority along with the details of reserved matters.*

*Reason: To ensure that there are no significant adverse effects upon biodiversity in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.*

9. *As SAMM is now covered in the legal agreement, Condition 31 would not be required.'*

A further comment had been received from the applicant just prior to the meeting which had not been in time for officers to read it and comment.

Members were concerned about the sustainability of the development and the ecological harm, in particular the harm to bats, badgers and various birds.

The Local Ward Councillor spoke against the proposal. It was emphasised that the proposal was on safeguarded land which amounted to long term protection of the Green Belt. There were concerns about the habitat of the wildlife on the site and that a robust condition would have to be included to protect the bats. In addition the ancient woodland would need to be protected from the drainage measures taken for the dwellings on site. Confirmation was required as to the presence of red kites and sparrow hawks on site.

Officers reminded Members that the most up to date policy contained within the NPPF needed to be considered with regard to this proposal. In respect of biodiversity surveys were agreed by Surrey Wildlife Trust and Natural England. Officers advised Members of the test under paragraph 99 of ODPM Circular 06/2005 and that Officers were satisfied that further impact on protected species could be considered as part of the reserved matters submission. It was confirmed that any reserved matters submission would need to be considered by the Committee.

Members still had concerns regarding the ecological harm and the safeguarding of the Green Belt. Officers had, after the receipt of a legal agreement, recommended to approve the application subject to conditions. However, after consideration Members felt that the application should be refused as the Local Plan needed to be reviewed before the safeguarded land should be released for development and more robust surveys be carried out in respect of the bats, badgers and certain species of birds.

**Resolved that application 15/0590 be refused for the following reasons:**

- i) any development on safeguarded land be held in abeyance until a review of the Local Plan is carried out;**
- ii) a thorough bat survey had not been carried out;**
- iii) no mechanisms in place to safeguard the badgers on the site; and**
- iv) no thorough survey on protected birds nesting on the site.**

**Note 1**

It was noted for the record that Committee Members had been contacted by residents.

**Note 2**

As the application triggered the Council's public speaking scheme, Mr Chris McDonald, representing the Heathpark Wood Group, Mrs Ann Fenton and Tony Murphy, spoke against the application. Mr Geoff Armstrong, the agent spoke in support.

**Note 3**

There was no proposer and seconder with regard to the officers' recommendation to approve the application as amended.

**Note 4**

The recommendation to refuse the application was proposed by Councillor Vivienne Chapman and seconded by Councillor Conrad Sturt.

**Note 5**

In accordance with Part 4 Section D paragraph 18 of the Constitution, the voting in relation to this application was as follows:

Voting in favour of the recommendation to refuse the application:

Councillors, David Allen, Richard Brooks, Nick Chambers, Vivienne Chapman, Surinder Gandhum, Edward Hawkins, Rebecca Jennings-Evans, Katia Malcaus Cooper, David Mansfield, Adrian Page, Robin Perry, Conrad Sturt, Pat Tedder, Victoria Wheeler and Valerie White.

Abstaining from the vote:

Councillors Ian Sams.

**50/P Application Number: 15/1069 - CHOBHAM NURSERIES, BAGSHOT ROAD, CHOBHAM, WOKING, GU24 8DE**

The application was for erection of five detached dwellings (2 x 3-bed, 2 x 5-bed, 1 x 6-bed) with detached garages, parking, access and landscaping, following demolition of existing horticultural buildings. (Additional and Amended Plans - Rec'd 02/02/2016.) (Amended Plan - Rec'd 19/02/2016.)

This application would normally be determined under the Council's Scheme of Delegation, however, at the request of Cllr E Hawkins and Cllr Tedder it has been called in for determination by the Planning Applications Committee.

Members were advised of the following update:

1. *'A satisfactory legal agreement has been signed and received in respect of SAMM and Affordable Housing - **the Recommendation is therefore changed to GRANT.***
  
2. *An amended Site Plan has been received which now shows the correct visibility splays and has taken into account the requirements of the County Highway Authority and as such Condition 2 should be updated so that the second plan in the list reads: Site Layout Plan 13-P908-20B received 29.02.16*
  
3. *A response to the application has been received by the Local Lead Flood Authority, who have not objected subject to the following additional conditions:*
  19. *Prior to commencement of development, a Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Drainage Strategy shall:*
    - *Provide results from infiltration testing in accordance with BRE Digest 365. The Sustainable Drainage System shall then be designed in accordance with these results.*
    - *Provide evidence showing that the site is not discharging via infiltration into a Ground Water Source Protection or into contaminated lane.*
    - *Show evidence that there are no risks from contamination on or offsite and that the proposal shall not infiltrate into a source protection zone*
    - *Provide details of how the Sustainable Drainage System will cater for system failure or exceedance events, both on and offsite*
    - *Provide details of how the Sustainable Drainage System will be protected and maintained during the construction of the development*
    - *Provide long and cross sections of each proposed SuD element and a finalised drainage layout plan*



*The development shall be carried out fully in accordance with the approved details.*

*Reason: To ensure the Sustainable Drainage System is appropriately designed, in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.*

*20. Prior to construction of the development hereby approved, details of the proposed maintenance regimes for each of the SuDS elements must be submitted to and approved by the local planning authority*

*Reason: To ensure the drainage system is maintained throughout its life time to an acceptable standard, in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.*

*21. Prior to occupation of the development hereby approved, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme.*

*Reason: To ensure the Sustainable Drainage System is appropriately designed and implemented in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.*

4. *A further objection has been received today from The Chobham Society which states that:*
- The development is inappropriate within the Green Belt with no very special circumstances [see section 7.3 of the report]*
  - It will turn a peaceful rural lane into something like a housing estate road [see section 7.4 of the report]*
  - It will represent further incursion into the diminishing green space that separates Chobham from West End [Officer comment: the site already is covered with glasshouses – see section 7.3 of the report]*
  - If approved the houses should have a maximum of three bedrooms to replenish existing stock that is being lost by way of extensions [Officer comment: Housing mix has to be balanced with character concerns and the area is characterised by larger, detached dwellings. Two of the five houses proposed are 3-bed houses. See section 7.4 and 7.7 of the report].'*

There were concerns about the access and the size of the dwellings on the site. Members were reminded that County Highways Authority had raised no objection. Landscaping was also a concern but the Committee was advised that condition 5 covered that issue.

**Resolved that application 15/1069 be approved as amended subject to the conditions as set out in the report of the Executive Head – Regulatory.**

**Note 1**

As the application triggered the Council's public speaking scheme, Mrs Gill Head spoke against the application. Mr Jim Bailey, the agent spoke in support.

**Note 2**

The recommendation to approve the application was proposed by Councillor David Mansfield and seconded by Councillor David Allen.

**Note 3**

In accordance with Part 4 Section D paragraph 18 of the Constitution, the voting in relation to this application was as follows:

Voting in favour of the recommendation to approve the application:

Councillors, David Allen, Richard Brooks, Nick Chambers, Vivienne Chapman, Surinder Gandhum, Edward Hawkins, Rebecca Jennings-Evans, David Mansfield, Adrian Page, Robin Perry, Ian Sams, Conrad Sturt, and Valerie White.

Voting against the recommendation to approve the application:  
Councillors Pat Tedder and Victoria Wheeler.

**51/P Application Number: 15/1133 - CHOBHAM SERVICE STATION, STATION ROAD, CHOBHAM, WOKING, GU24 8AJ**

This application was for the Variation of Condition 1 of planning permission SU/13/0367 so as to allow the petrol station to remain open 24 hours a day, 7 days a week.

This application would normally be determined under the Council's Scheme of Delegation, however, at the request of Cllr Tedder it has been called in for determination by the Planning Applications Committee.

Members were advised of the following update:

- 1. 'Please note that the Location Plan on page 136 correctly shows the boundary between the site and 1 Rowell End Villas (the OS map on page 133 does not indicate this)*
- 2. If permission is granted, a further condition should be added requiring details of the proposed lighting to be submitted before the extended hours commence (see paragraph 7.5.10), to read:*

*Prior to commencement of the development hereby approved, full details of the proposed lighting to be used during midnight – 6am shall be submitted to and approved in writing by the Local Planning Authority.*

*Reason: In the interests of safeguarding residential amenity in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.*

*3. Ten further objection letters have been received which raise the following issues:*

- Chobham is peaceful at night and we should not be encouraging people to drive here in the small hours to use the petrol station or shop [see section 7.5 of report]*
- Cannot see a benefit to the village but there will be an increase in noise, and potentially crime [see section 7.5]*
- A precedent will be set with other shops like Co-Op and Tesco potentially wanting to open 24 hours as well [Officer comment: each application would be judged on its own merits]*
- Questioning the 'early engagement' referenced by the developer in that this involved only letters sent to immediate neighbours [Officer comment: the effectiveness of the early engagement is not something that is taken into consideration of the planning application and not something that the applicant must do]*
- Early engagement showed that neighbours had complained to the station manager about the noise of the car wash, and that the manager did not want to switch off the faulty machine; manager does not act upon other noise complaints nor are complaints followed up [Officer comment: again this is part of the early engagement and appears to be a management issue rather than something that can be taken into account as part of the application]*
- Potential increase in traffic and HGVs [see section 7.6]*
- Already 24 hour petrol and diesel available nearby/no need for the facility/impact on amenity will outweigh need/inappropriate location [Officer comment: applicant does not have to demonstrate need in this location as there is no policy that would require this]*
- Impact on Conservation Area [see sections 5.3 and 7.4]*
- Those living next door deserve respite from it [see section 7.5]*
- Elected representatives must take a stand against it if Officers cannot [Officer comment: Officers must take into account specialist advice and in this case there have not been any objections from statutory consultees regarding noise, traffic or the conservation area]*

*Photos by an objector showing tanker deliveries were circulated to the Committee.'*

There was concern that the site was encircled by residential units and regarding the impact the service station already had on the surrounding housing.

The officers had recommended that the application be approved, however, after consideration the Members felt the application should be refused due to the harm the proposal would have on adjoining residential amenities. Following clarification by Officers, it was agreed that the harm was general disturbance rather than specific noise and light pollution.

**Resolved that application 15/1133 be refused on the grounds of the harm to residential amenity.**

**Note 1**

It was noted for the record that Members had received information from a resident.

**Note 2**

In accordance with the Council's Code of Conduct, Councillor Victoria Wheeler declared that she had a disclosable pecuniary interest as she owned a property opposite the application site and she left the room during its consideration.

**Note 3**

As the application triggered the Council's public speaking scheme, Mrs Rachael Gillingham and Mr Darren Rees, representing the Chobham Society spoke against the application. Mr Rupert Ainsworth, the applicant spoke in support.

**Note 4**

There was no proposer or seconder with regard to the officers' recommendation to approve.

**Note 5**

The recommendation to refuse the application was proposed by Councillor Vivienne Chapman and seconded by Councillor Pat Tedder.

**Note 6**

In accordance with Part 4 Section D paragraph 18 of the Constitution, the voting in relation to this application was as follows:

Voting in favour of the recommendation to refuse the application:

Councillors, David Allen, Richard Brooks, Nick Chambers, Vivienne Chapman, Surinder Gandhum, Edward Hawkins, Rebecca Jennings-Evans, David Mansfield, Adrian Page, Robin Perry, Ian Sams, Conrad Sturt, Pat Tedder and Valerie White.

Chairman

2015/1043

Reg Date 27/11/2015

Lightwater

**LOCATION:** 34 CURLEY HILL ROAD, LIGHTWATER, GU18 5YH  
**PROPOSAL:** Conversion of garage to habitable space, erection of a two storey rear extension following demolition of existing extension and conversion of roof space to provide habitable space. (Amended Plans Rec'd 11/02/2016), (Additional information recv'd 17/2/16)  
**TYPE:** Full Planning Application  
**APPLICANT:** Ms Sophia Hooper  
**OFFICER:** Helen Murch

**This application would normally be determined under the Council's Scheme of Delegation, however, at the request of a local ward councillor it is has been called in for determination by the Planning Applications Committee.**

**RECOMMENDATION: GRANT subject to conditions**

### **1.0 SUMMARY**

- 1.1 This application seeks planning permission for the extension and alteration of the dwelling including conversion of a garage to habitable space. The works, while described as extensions or alterations, are comprehensive and would change the character and scale of the host property.
- 1.2 The proposal is considered to be acceptable in terms of its impact on local character and, subject to conditions is considered to be acceptable in regards to residential amenity. The application is therefore recommended for approval.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site lies on Curley Hill, an unmade road in a hilly area south of Lightwater Country Park. This part of Lightwater is characterised by strong level changes and detached dwellings set well back from the road on spacious well vegetated plots. Front and rear building lines in the area are variable, as is the size and style of the dwellings.
- 2.2 The site itself is a roughly rectangular plot that is slightly wider at the rear. The plot, and wider area has complex level changes. The rear of No. 34 is a plateau sitting above its neighbours at No. 34 and 30, whilst it is slightly below its other neighbour at No. 36. A significant level change of around 4m occurs in the middle of the plot leaving the front of No. 34 sitting in a hollow between its adjoining neighbours at No. 36 and 32. In common with other properties in the area the property is well vegetated with mature vegetation on the boundaries.
- 2.3 The plot accommodates a split level dwelling with a part single storey and part two storey arrangement. The two storey element is to the front and includes basement accommodation and an integral garage with a ground floor front facing terrace above it. The dwelling has an irregular footprint with a long straight flank side wall

facing No. 32 and staggered side rear and front elevations. The single storey elements of the application site dwelling sit some 2-3m above the dwelling at No. 32.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 96/385 – Erection of single storey rear extension and front porch and associated alterations. *Approved.*
- 3.2 15/0532 - Conversion of garage to habitable space, the erection of a two storey rear extension following demolition of existing extension and conversion of roof space to provide habitable space. (Amended & additional plans rec'd 12/08/15), (Additional plans rec'd 13/08/15), (Additional info rec'd 17/08/15).

*Withdrawn: Application was recommended for refusal on residential grounds only and was reported to the September 2015 committee meeting. However, it was withdrawn by the applicant before being presented to the Committee.*

### **4.0 THE PROPOSAL**

- 4.1 The proposal is to create a flat roofed contemporary styled dwelling with single, 2 storey and 3 storey elements from the pitched roofed part single/part 2 storey building. The staggered footprint of the existing dwelling will be reduced in depth and filled in to create a more rectangular shape, although there will be a series of staggered sets backs at first floor level. The enlargement and re-shaping of the dwelling will involve demolishing the rear conservatory and bedroom extension, removing the pitched roof and then adding various single and two storey elements at the front, sides and rear. The proposal will also involve the conversion of the garage to habitable space.
- 4.2 The 3 storey elements would be to the front of the property with the two and single storey elements to the rear. The proposed dwelling would have a maximum depth of 22m and heights which would range from 3m (single storey elements) to 8.8m (3 storey elements).

### **5.0 CONSULTATION RESPONSES**

- 5.1 Surrey County Highway Authority: No highway requirements.
- 5.2 Windlesham Parish Council Object on the grounds of overdevelopment and on the basis that it is overbearing to neighbouring properties and would result in a loss of privacy to those properties.

### **6.0 REPRESENTATION**

- 6.1 Nine representations were received as original consulted on including 7 letters of objection and 2 letters of support.

6.2 The letter of support are summarised below:

- Variety of styles of dwellings in the road and the proposal would be a welcome addition, sit well and complement its surroundings.

6.3 The letters of objection are summarised below:

#### Character

- Out of character and will have a detrimental impact on the streetscene  
*[Officer comment: See paras 7.3.5]*
- Overdevelopment  
*[Officer comment: See paras 7.3.7]*
- Proposals contrary to Lightwater Village Design Statement 2007  
*[See paras 7.3.5]*

#### Amenity

- Overbearing  
*[See paras 7.4.3]*
- Loss of sunlight to rear garden of No. 32  
*[See paras 7.4.4]*
- Overlooking of No. 43  
*[See paras 7.4.5]*
- Concern over the impact of reflected light from glass elevation to No. 43  
*[See paras 7.4.8]*
- Loss of privacy to rear garden area of No. 30.  
*[See paras 7.4.7]*

#### Other matters

- Comparable planning applications have been rejected. Approval would set a precedent for allowing dwellings that contrast sharply with neighbouring properties.

*[Officer comment: No indication of what these other applications could have been. However, each application has to be considered on its own merits and see Paras 7.3.5]*

- Lack of respect for existing boundaries

*[Officer comment: This is not a material consideration in this application and is a private matter]*

- Will cause damage to road during construction

*[See para. 7.5.3]*

6.4 Amended proposals were received in February 2016 to address neighbours' concerns regarding the impact of the 2 storey elevation adjacent to No. 32. This proposed a stagger of setbacks at first floor level adjacent to No. 32 and to remove an awkwardly positioned living green wall. The revised proposals and additional submitted information were consulted on and a further 7 objections were received to the proposals, all from people who had previously commented on the application. The majority of the representations reiterated concerns about the design which have already been dealt with above. Representations raising new issues, or responding to the substance of the revised proposals are set out below:

- Reduction of building mass adjacent to No. 32 is negligible and will not improve light and sunlight loss to No. 32, including rear swimming pool.

*[See paras 7.3.1- 7.3.9]*

- Loss of privacy to No. 32, especially rear swimming pool.

*[See paras 7.4.3 & 7.4.5 ]*

- Revised proposals take mass away from No. 32 but adds to mass adjacent to No. 36.

*[See para 7.4.6]*

- 45 degree angle to ascertain whether there will be a loss of light has been applied incorrectly.

*[See para 7.4.4]*

- Rear/side flat roof with door onto it adjacent to No. 32 will result in a severe loss of privacy.

*[See para 7.4.5]*

- Full height rear glazing will create overlooking of pool area at no. 32.

*[See para 7.4.5]*

- Terrace at front and new west facing windows and door detrimental to privacy of No. 36

*[See para 7.4.6]*



- Change of materials from light to dark colouring will result in a loss of light for No. 36.

*[See para 7.4.6]*

#### Other matters

- Due to narrow access, topographical changes and lack of details, unsure how potential damage to adjoining properties will be avoided.

*[Officer comment: This is a matter that could be addressed through the imposition of conditions]*

- Concerned issues of rainwater runoff towards No. 32 have not been addressed.

*[Officer comment: Provision of adequate measures for the containment and disposal of water run-off will be addressed through the Building Regulation procedures]*

## **7.0 PLANNING CONSIDERATIONS**

7.1 The proposal is considered against the principles of the National Planning Policy Framework (NPPF); DM9 (Design Principles) and DM11 (Traffic Management and Highway Safety) of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP). The proposal will also be considered against the Lightwater Village Design Statement – ‘Design Principles for All Areas’ and ‘Design Principles for the Rest of the Village’.

7.2 It is considered that the main issues to be addressed in assessing this application are:

- The impact on character;
- Impact on residential amenity;
- Highways; and,
- Other matters.

### **7.3 The impact on character**

7.3.1 Paragraph 59 of the NPPF states that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Policy DM9 (Design Principles) of CSDMP 2012 reiterates the NPPF by also promoting high quality design that respects and enhances the local environment, with regard to scale, materials, massing, bulk and density.

7.3.2 Guidance is also provided in the Lightwater Village Design Statement (LVDS) and in this regard Policy B1 states that new development should pay regard to the size of building plots, the scale and shape of buildings, the architectural detailing and materials of individual buildings, boundary treatments and landscaping. Policy B2

states that the Village character of Lightwater should be protected and the over-development of sites should be resisted due to harmful impact on residential amenity and harm to the character of the area through eroding the generally smaller scale character of the Village. Policy B3 states that all new development should maintain the style, balance and character of the existing building, and be sympathetic to the scale and character of adjoining properties and the street scene. Policy B8 states that new development should consist principally of two-storey buildings and should respect the spacious character of the residential areas through reflecting the predominant depths of front gardens and the size and frequency of gaps between houses. Finally this policy states that new development should provide substantial landscaping through trees, shrubs and hedges.

7.3.3 The application property is set in a mixed character area with bungalows, some of which have been extended and have loft space conversions / extensions and a small number of two storey dwellings. There is not, however, a uniformity of architectural design in the vicinity and neither is it in an area of special control such as a conservation area. An analysis of the local area identifies the valued features within the street scene as including: the dominant landscaping; the feeling of spaciousness, which is largely due to the size and frequency of the gaps between houses; the depths of front gardens and visual interest; and, the architectural variation, in the appearance of the dwellings themselves.

7.3.4 The proposed development would fundamentally change the appearance of the application property from a 2 storey, detached 1960's style dwellinghouse with pitched roofed to a 3 storey flat roofed home in a contemporary design incorporating large amounts of glazing. The contemporary design would appear very different from neighbouring properties. However, the NPPF is clear that variation in architecture is not a reason to refuse when a development integrates into its context. Paragraph 60 of the NPPF states:

*“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”*

7.3.5 Paragraph 61 of the NPPF reinforces this by stating that although visual appearance and the architecture of individual buildings are important factors, securing high quality and inclusive design goes beyond aesthetic considerations and should address the connections between people and places and the integration of new development into the natural, built and historic environment. Moreover, paragraph 5.11 of the LVDS supports this approach by stating that new development should predominantly respect the existing character and valued features of the streetscene, although modern designs are acceptable where the overall character of the streetscene is not prejudiced.

7.3.6 Curley Hill saw development from the interwar period onwards and contains a diversity of 20<sup>th</sup> Century building styles and character, although much of it was developed in the 1960's and 70's. The road is not a conservation area and there has been an on-going process of improvements and additions to properties up to

this current day. The proposals would add to this diversity. It is useful to note that although a number of representors indicated their concern about the aesthetic and architectural design, others have welcomed the additional variety it would bring and felt it would integrate into the streetscene.

- 7.3.7 Although the proposals would have a maximum height some 1.4m above the ridge height of the existing dwelling, and would appear as a 3 storey building in a street of predominantly 2 storey homes, its scale would be largely consistent with the height of other buildings in the road due to its flat roofed design. Although the visual mass of the building will increase the development is not expected to appear cramped or overly dominant in the street scene, due to the depth of the front garden and maintenance of the gaps with neighbouring properties and existing trees and vegetation. The size of the proposal would therefore integrate into its context and would not undermine the valued features set out above.
- 7.3.8 In summary, the NPPF is clear that planning authorities should not seek to stifle design or impose any particular architectural design. This is reflective of local plan policies and design guidance which seek to retain and protect valued spatial characteristics whilst allowing properties to be developed. The proposed development would result in a very different designed property to the original. However, it would not undermine the spatial characteristics of the area or result in harm to landscape features of merit. It is therefore considered the proposal would comply with the aims and objectives of the NPPF, LVDS and Policy DM9 of the CSDMP 2012.

#### **7.4 Impact on residential amenity**

- 7.4.1 The NPPF sets out a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 ensures that any new proposals respect the amenities of the occupiers of the neighbouring properties and uses.
- 7.4.2 From the road No. 34 Curley Hill appears as sitting below the adjoining neighbours at No. 32 and 36. However, a 2m change of level part way up the plot leaves the rear of the property level with No. 36 and above the gardens of both No. 32 and 30. The difference in the rear ground levels between No. 34 and these properties is abrupt and significant with No. 34 sitting some 1-2m above their garden areas. This level change creates awkward relationships between the properties, particularly so in relation to No. 32.
- 7.4.3 No. 34 sits some 2m above the side wall and rear gardens areas of No. 32. The existing long flank elevation running adjacent to No. 32 contains 5 side facing windows and extends some 7.8 beyond the rear elevation of No. 32. This elevation is single storey and has an eaves height of 2.4m height and sits 1.1m from the boundary and 4.6m from the flank elevation of No. 32. The ridgeline lies a further 6.8m back from the boundary with No. 32. Privacy and light access is currently managed through a combination of vegetative screening and the single storey height of the dwelling at No. 34. The application proposes a number of measures to reduce the impact of the new development on No. 32:

- Maintenance of the existing separation distance between the flank walls of the two dwellings;
- Reduction of the depth of No. 34 adjacent to No. 32 by 1.1m;
- Reduction in the number of side facing openings from 5 to 3;
- Retention of over half of the elevation as single storey accommodation. The height of the single storey element is only 0.3m higher than the eaves height of the existing; and,
- The two storey elements set back between 4.3 – 6m from the side boundary with No. 32.

As a result of these measures it is considered that the development would not have an overbearing impact on No. 32.

7.4.4 No. 32 has raised concern that the proposals would result in a loss of sunlight and light to their rear garden (especially the rear pool area) and side facing windows. No. 34 lies to the west of No 32 and sits some 2m above it. A tall and relatively dense vegetative screen lies along the boundary between the two properties and contributes to shading and loss of light in the existing situation. The tree covered rising ground to the west and north of the properties also reduces light and afternoon sunlight access to both properties. The proposals are not expected to worsen this situation, given:

- The set back of the 2 storey elements;
- The placement of the 2 storey elements behind a 45 degree line from the existing windows on the rear facing elevation; and,
- The hilltop ridgeline to the west will remain the main determinant of sunlight access to the properties.

Accordingly, no objection is raised in respect of overshadowing effects or a loss of light/sunlight for No. 32.

7.4.5 No. 32 has also expressed concern that the proposals would result in a loss of privacy to side and rear rooms and their private rear garden, including the pool area. Of particular concern was the full length rear facing window which it was felt could be used to access the flat roof of the single storey element as a balcony/terrace resulting in severe overlooking of private areas of No. 32. The submitted plans do not show any opening onto this roof area or suggest that it has been designed for use as a raised terrace area. Any view from the rear facing first floor windows would be oblique and some 4.5m from the side boundary with No. 32. The ground floor side facing windows are small and serve utility and toilet areas and present less glazing towards No. 32 than existing. Conditions could be used to prevent the use of the flat roofed area as a balcony and to obscure glaze the side facing windows. This, along with the presence of existing vegetative screening, is expected to maintain the privacy of No. 32.

7.4.6 The adjoining neighbour at no. 36 Curley Hill is set on slightly higher ground (to the rear) than the application site and the increase in overall height and mass will be readily apparent to this neighbour. However, a separation gap of approximately 10 metres would be retained between the two properties, which together with their respective siting would be sufficient to prevent any overbearing impact or loss of

light to either this neighbour's habitable rooms or its primary amenity areas. Although the boundary between these two properties is visually open at present both neighbours have the space to plant a vegetative screen, if desired. Two ground floor windows are proposed to the side elevation facing this neighbour. This is a reduction from the existing situation where there are three ground floor side facing windows. The proposed windows are of a similar size and siting to existing windows and, given the separation distance and boundary treatment, would be unlikely to cause any material loss of privacy above the existing arrangement. No. 36 has expressed concern that the front terrace area is being extended across the full width of the property leading to loss of privacy to their front garden area. Given the existence of the existing front balcony on No. 34, the fact that ground on the eastern side of the property adjacent to No. 36 is already raised and the presence of a number of large trees and vegetation on the boundary between the two properties this is not expected to cause unacceptable increase in overlooking of a front garden.

- 7.4.7 In respect of other neighbours in the vicinity, No. 30 shares a rear boundary with the application site and the rear amenity space of this neighbour extends behind the application site. The proposed development is, however, set a sufficient distance as to not impact on any primary amenity areas serving that property.
- 7.4.8 Nos.43 and 45, the neighbours on the opposite side of Curley Hill Road, are at a minimum separation distance of 44 metres from any front elevation of the proposal and as such are unlikely to experience any overbearing impact, loss of light or loss of privacy. No. 43 has expressed concern related to glare impacts from the large area of glazing. Given the separation distance and the presence of a large number of mature trees and vegetation in the front gardens of both properties any potential impacts from possible glare effects are likely to be minimised
- 7.4.9 In summary, the proposal is not expected to result in an unacceptable impact on the residential amenities of the occupiers of adjoining neighbours and therefore is in accordance with Policy DM9 of the CSDMP 2012.

## **7.5 Highway matters**

- 7.5.1 Policy DM11 (Traffic Management and Highway Safety) seeks that all development ensures no adverse impact on the safe and efficient flow of traffic movement on the highway network results.
- 7.5.2 The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority has therefore no highway requirements.
- 7.5.3 Residents have expressed concern that the construction traffic associated with the development could potentially damage the surface of the unadopted road. As Curley Hill is not a public adopted highway the maintenance and use of this road is a private matter between the frontagers of the road.

## **7.6 Other matters**

- 7.6.1 Surrey Heath charges CIL on residential and retail developments where there is a net increase in floor area of 100 square metres or more. This proposal has a net increase in residential floor area over 100 square metres and thus is CIL liable. However, the applicant has claimed the self-build CIL exemption.
- 7.6.2 Concern has been raised that consideration has not been given to how the development will be constructed on this heavily treed steep site with narrow access. This is a matter that could be dealt with via conditions.

## **8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER**

- 8.1 In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:
- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
  - b) provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
  - c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
  - d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

## **9.0 CONCLUSION**

- 9.1. The design and massing of the proposal is considered acceptable in character terms and there are no policy grounds to object to the proposed architecture and general design. Subject to the imposition of conditions, the revised proposals are also considered acceptable in their impact on the amenities of adjoining neighbours. Accordingly it is recommended the application be approved.

## RECOMMENDATION

GRANT subject to the following conditions:-

1. The proposed development shall be built in accordance with the following approved plans: 14608 (PL) 001, 011F, 150J, 250F and 400B, unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

2. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

3. No development shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Materials to be agreed will include the proposed cladding, guttering and fenestration. Once approved, the development shall be carried out using only the agreed materials.

Reason: In the interests of visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

4. Before first occupation of the development hereby approved the glazing in the side elevations facing west and east shall be completed in obscure glazing. Any window opening shall be at high level only (greater than 1.7m above finished floor level) and retained as such at all times. No additional openings shall be created in this elevation without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

5. Before first occupation of the development hereby approved the full height window serving the stair and circulation area at first floor level in the rear elevation facing north shall be completed in obscure glazing and contain no openings and be retained as such at all times.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

6. The roof areas of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of planning permission from the Local Planning Authority.

Reason: To ensure that the development does not affect the amenity of existing properties by overlooking in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7. There shall be no alteration to site and finished floor levels identified in Plan 14608(PL) 011 F without the prior written approval of the Local Planning Authority.

Reason: In the interests of the visual and residential amenities enjoyed by neighbouring occupiers and the occupiers of the buildings hereby approved in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

8. No development shall take place until a Method of Construction Statement, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management on Curley Hill)
  - (e) provision of boundary hoarding/protection between No. 32 & No. 34

has been submitted to and approved in writing by the Local Planning Authority.

Only the approved details shall be implemented during the construction period.

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

9. No development including demolition shall take place until a detailed arboricultural method statement has been submitted and approved in writing by the Local Planning Authority. The statement will be in accordance with British Standard 5837:2012 "Trees in Relation to Design, Demolition and Construction" and shall contain details of pruning or removal of trees, specification and location of tree and ground protection (for both pedestrian and vehicular use), all demolition processes, details of construction processes for hard surfaces. The statement should also contain details of a pre-site start meeting with the Council's Tree officer, details of supervision and frequency of inspection along with a reporting process to the Council's Tree Officer. All works to be carried out in strict accordance with the approved details.

Any retained trees or plants, which within a period of five years of commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased shall be replaced as soon as practicable with others of similar size and species, following consultation with the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

Reason: To preserve and enhance the visual amenities of the locality and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.




Informative(s)

1. CIL Liable CIL1
2. Exemption Informative CIL5
3. Decision Notice to be kept DS1
4. Party Walls (etc) Act 1996 DE3
5. Advice regarding encroachment DE1

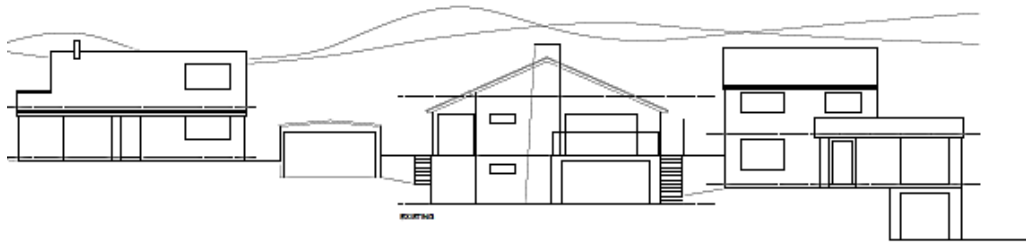
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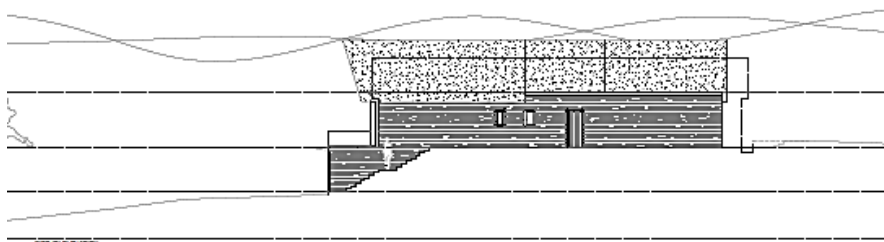
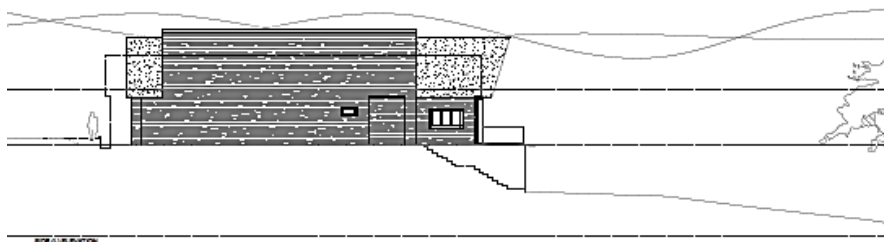
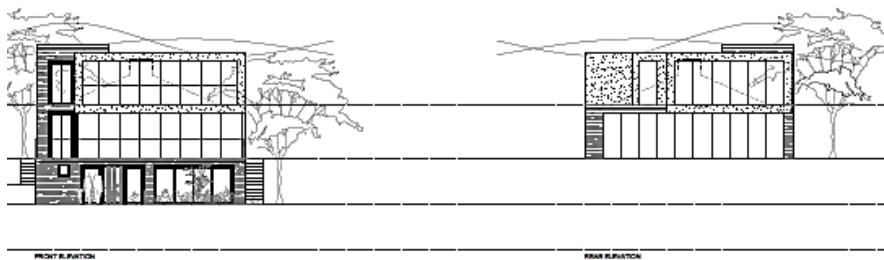
<b>Title</b>	Planning Applications		<b>Page</b>	1 of 4
<b>Application number</b>	15/1043		<b>Scale @ A4</b>	1:1,250
<b>Address</b>	34 CURLEY HILL ROAD, LIGHTWATER, GU18 5YH		<b>Date</b>	18-03-2016
<b>Proposal</b>	Conversion of garage to habitable space, erection of a two storey rear extension following demolition of existing extension and conversion of roof space to provide habitable space. (Amended Plans Rec'd 11/02/2016), (Additional information recv'd 17/2			
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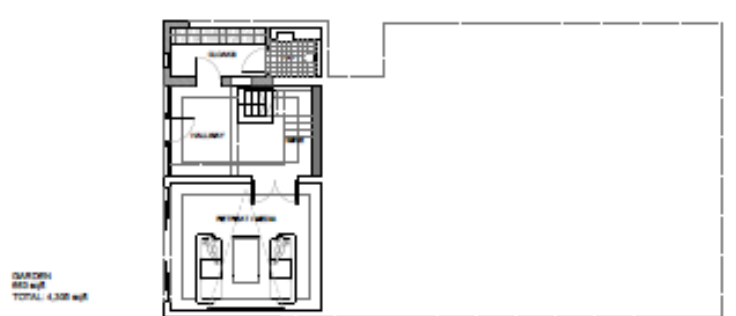
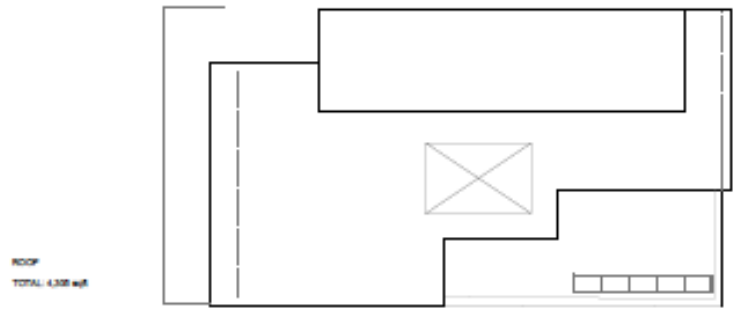
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Existing and Proposed Street Scene





Proposed Floor Plans



View from no.32's rear garden looking towards no.34



View from rear garden of no.34 towards no. 36



2015/1100

Reg Date 17/12/2015

Bisley

**LOCATION:** HAWK FARM, CHURCH LANE, BISLEY, WOKING, GU24 9EA

**PROPOSAL:** Retention of two storey rear extension, single storey rear extension to garage and alterations to the garage roof; and, installation of a flue to the main roof at the rear.

**TYPE:** Full Planning Application

**APPLICANT:** Mr Simon Howard

**OFFICER:** Jonathan Partington

**The application would normally be determined under the Council's Scheme of Delegation, however, at the request of Councillor Mansfield it has been called in for determination by the Planning Applications Committee.**

**RECOMMENDATION: GRANT subject to conditions**

## **1.0 SUMMARY**

- 1.1 Hawk Farm (or Hawks Farm) lies in the Green Belt and the dwelling, the subject of the application, was granted planning permission in the 1970s as an agricultural worker dwelling serving a much larger area of land. The overall area of land that the dwelling originally related to has been subdivided and sold off over time. Works lawfully commenced on the dwelling but then ceased for many years and the dwelling was only substantially completed in 2013. To date the dwelling has been unoccupied.
- 1.2 The proposal is for retrospective planning permission for extensions to the dwelling. The report concludes that the totality of the extensions represent disproportionate additions to the dwelling which represents inappropriate and harmful development in the Green Belt. However, it is considered that very special circumstances exist to outweigh the harm due to the fallback position of what could be built under permitted development rights. The application is therefore recommended for approval on the proviso that conditions are imposed to remove future permitted development rights.

## **2.0 SITE DESCRIPTION**

- 2.1 The site lies within the Green Belt and is located on the northern side of Church Lane outside of the settlement of Bisley. The overall area of land comprises approximately 5 hectares and was originally part of a horticultural nursery (Daydawn) which comprised a significantly larger area of land.
- 2.2 The application site area, and defined residential curtilage, is located in the south east corner of the land i.e. adjacent to the neighbouring semi-detached dwelling Crofters. The dwelling is a two-storey detached building with single storey side additions and a two storey rear extension. The dwelling has its own gated access

and off street parking. There are trees on the site protected by TPOs. There is a clear demarcation of this residential curtilage from the rest of the land, under the applicant's ownership. On this land outside of the curtilage there is an open sided barn, horse grazing and an unauthorised mobile home which is to be removed.

### 3.0 RELEVANT HISTORY

- 3.1 BGR 8745 Outline planning application for the erection of a dwelling and garage.  
*Refused July 1973 but subsequent appeal allowed May 1974. Condition 3 of this permission restricted the occupation of the dwelling to agricultural workers but this consent did not remove permitted development rights.*
- 3.2 SU/77/0405 Detailed application (pursuant to outline permission above) for the erection of a dwelling and garage.  
*Refused permission in October 1977 and subsequently allowed at appeal in November 1979. This consent did not remove permitted development rights.*
- 3.3 SU10/0987 Certificate of Lawful Proposed Development for the erection of a part two storey, part single storey rear extension, conversion of garage into habitable accommodation and alterations to roof over the single storey element to a dwelling granted planning permission (under the outline and detailed permissions set out above) to which construction has started but not completed.  
*Split decision issued in April 2011. It was agreed that the concrete slab laid many years previous amounted to the lawful implementation of the 1979 approval and as such this permission remained extant. Adding extensions during the course of the build was not, however, permitted development.*
- 3.4 SU/11/0731 Erection of a two storey dwelling with parking and access.  
*Refused permission June 2012 on Green Belt grounds. This application established the size of the original approved dwelling as 216 sq m and according to the submitted plans proposed a dwelling with a floor area of 382 sq m (or 77% larger than the original approved dwelling).*
- 3.5 SU/14/1000 Removal of agricultural occupancy condition.  
*Decision pending.*

- 3.6 SU/15/0523 Certificate of Lawful Development for the retention of a single storey side and two storey rear extension and roof alterations undertaken as permitted development; to demonstrate that these were erected after the dwelling was approved under SU/77/0405 (as amended by NMA 77/0405/1) was substantially complete

*Split decision. Certificate issued on the basis that on the balance of probabilities the dwelling house was substantially completed prior to the extension works; and, because the single storey side extension as built constitutes permitted development.*

*However, the remainder of the application was refused as the alterations to the garage roof, single storey rear extension to garage and the two storey rear extension are not permitted development.*

- 3.7 SU/77/0405/3 Non Material Amendment to planning permission SU/77/0405 to allow the repositioning of windows, altered location for the front door and canopy

*This application is considered elsewhere on this agenda.*

- 3.8 SU/15/1101 Certificate of Proposed Lawful Development for proposed alterations to the roof of the existing garage/utility building to bring the cubic roof volume of the two storey and single storey rear extension and alterations to the garage roof within the tolerances of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015.

*Certificate issued.*

#### **4.0 THE PROPOSAL**

- 4.1 The proposal is for retrospective planning permission for the retention of the two storey rear extension, single storey rear extension to garage and alterations to the garage roof to the four bed dwelling.
- 4.2 The two storey rear extension has created an enlarged lounge and dining area on the ground floor and enlarged two bedrooms and bathroom on the first floor. This extension extends out by a depth of approximately 3 metres and has a width of approximately 11 metres. The roof of this extension is double hipped with a central valley and has a height of approximately 7.6 metres (i.e. some 60 cm lower than the main ridge height of the original dwelling).
- 4.3 The single storey rear extension to the garage has provided an enlarged utility room area extending out with a depth of approximately 3 metres and width 3 metres. This extension's roof links up with further roof alterations to the rear of the main garage with a maximum height of approximately 4 metres.
- 4.4 The proposal also includes a flue to the roof of the main roof at the rear. The flue requires planning permission because it exceeds the height of the dwelling's main ridge height.

## 5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Council Highways No objection subject to conditions.
- 5.2 Bisley Parish Council Objects and wishes the agricultural tie to remain in place for this Green Belt development.
- [Officer comment: Retention of the agricultural occupancy condition is being considered under application 14/1000]*

## 6.0 REPRESENTATIONS

- 6.1 At the time of writing the report 2 letters of objection had been received summarised below, including a letter from Bisley Residents' Association:
- Impact on neighbouring amenities;  
*[Officer comment: See paragraph 7.4 below]*
  - Dwelling should not even be in existence as majority was built after it was known it was not required for agricultural worker purpose;  
*[Officer comment: The dwelling substantially completed is lawful, see paragraph 3.6 above]*
  - Green Belt policy has not weakened and applicant is trying to manipulate the planning process with a string of planning applications with the aim of establishing market housing;  
*[Officer comment: Retention of the agricultural occupancy condition is being considered under 14/1000]*
  - Extensions or changes to the original plans should not be granted, unless it makes no difference to the openness of the Green Belt and is not out of keeping with the area.

## 7.0 PLANNING CONSIDERATION

- 7.1 The National Planning Policy Framework (NPPF) and Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP) are of most relevance to this case. The main issues to consider include:
- Green Belt harm;
  - Impact upon the character of the area;
  - Impact on residential amenities; and,
  - Very special circumstances.

## 7.2 Green Belt harm

7.2.1 Paragraph 89 of the NPPF states that the construction of new buildings is inappropriate development in the Green Belt but lists exceptions including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

7.2.2 The following table shows the size of the original dwelling and extensions as built:

	Floor area (m <sup>2</sup> )	Percentage increase
Original dwelling & garage	216	-
Family room side extension	46	21%
Rear extension to garage	9	4%
2 storey rear extension	68	31%
TOTAL	339	56%

7.2.3 Given the cumulative size of the extensions it can only be concluded that this has resulted in disproportionate additions that constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. It is also considered that these extensions, by virtue of their combined volume and spreading development to cause additional harm to the openness of the Green Belt.

## 7.3 Impact on character of the area

7.3.1 Aside from the impact upon the Green Belt, this site is within a semi-rural location. Along Church Lane there is a mix of architecture and size of dwellings and the largest of the extensions, the two storey rear extension, is not readily visible from the street scene. It is therefore considered that the extensions' design have no adverse impact on the character of the area. The extensions therefore comply with Policy DM9 of the CSDMP.

## 7.4 Impact on residential amenities

7.4.1 The closest neighbour most affected by the extensions is Crofters, the adjacent dwelling to the south east. However, there is a separation distance of in excess of 8 metres from the flank elevation of the garage rear extension to the neighbour's side boundary; and, a separation distance of approximately 14 metres from the flank wall of the two storey rear extension. In addition, these extensions have no facing side elevation windows. As such the extensions are considered to cause no adverse loss of privacy, overbearing or overshadowing effects.

7.4.2 It is considered that all other neighbouring properties are a sufficient distance away from the extensions and there is no adverse harm to any neighbouring amenities. As such the extensions do not conflict with Policy DM9 (iii) of the CSDMP.

## **7.5 Very Special Circumstances**

- 7.5.1 Given the Green Belt harm identified above it is necessary to consider whether very special circumstances exist to outweigh the harm (paragraphs 87 and 88 of the NPPF). The applicant argues that very special circumstances exist for the following summarised reasons:
1. Similar sized extensions could be built under permitted development and this constitutes a realistic fallback position. There is no material difference in the impact upon Green Belt openness between this proposal and the LDC application 15/1101;
  2. Furthermore, in design terms this proposal is preferable to what can be done under 15/1101; and,
  3. Granting permission will enable the Council to restrict future extensions which could currently otherwise be undertaken without planning permission. For example, a single storey side extension to the garage.
- 7.5.2 In respect of argument 1 it is clear that the only difference between what can be lawfully done under the granted certificate and what is currently on site is the infilling of the roof volume between the rear extension to the garage and roof over the garage; and, a gable end rather than hipped roof to the roof over the garage. It is considered that these differences in volume and associated impact upon the openness of the Green Belt are not significant and so in the Officer's opinion this argument does weigh in favour of the applicant.
- 7.5.3 In design terms, argument 2 above, a roof valley (i.e. between the two garage hipped roofs) is not always desirable but in the officer's opinion there is little difference in the appearance of what could be lawfully done under permitted development. Neither design would be visible from the street scene (being obscured by the front elevation pitch of the garage), and for this reason no weight is given to this argument.
- 7.5.4 Argument 3 does, with this particular case, hold significant weight. However, in the officer's opinion the restrictions would only be of tangible benefit to the openness of the Green Belt if not only Class A (extensions to the dwelling) permitted development rights were removed but also Class E (outbuildings etc.) rights. Importantly this would enable the Planning Authority to have greater control over future development on the site. Given the aforementioned complex planning history of this site, in the officer's opinion removal of this extent of PD rights would be necessary, reasonable and a proportionate response. As such this action would be in accordance with the condition tests set out in paragraph 206 of the NPPF.
- 7.5.5 In short, in the officer's opinion arguments 1 and 3 carry weight in favour of the proposal which in combination amount to outweigh the harm to the Green Belt to constitute very special circumstances.

## **7.6 Other matters**

- 7.6.1 The extensions are Community Infrastructure Levy (CIL) liable as the extensions are over 100 m<sup>2</sup> GIA and CIL liability arises at the time at which planning permission first permits development.
- 7.6.2 The addition of the flue to the rear elevation is a minor addition. Whilst it would be visible above the main ridge it is considered to have no adverse impact on the appearance of the dwelling, the character of the area or residential amenities.

## **8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER**

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
- c) Have communicated with the applicant through the process to advise progress, timescale or recommendation.

## **9.0 CONCLUSION**

- 9.1 The extensions are disproportionate additions to the original dwelling and therefore represent inappropriate and harmful development in the Green Belt, which by virtue of their combined size and spread of development also harms the openness of the Green Belt. It is considered, however, that the fallback position of what could otherwise be done under permitted development, and the additional benefit of removing permitted development rights, outweighs the identified harm to represent very special circumstances. The application is therefore recommended for approval.

## **RECOMMENDATION**

GRANT subject to the following conditions:-

1. There shall be no variation from the following approved plans: 574-P-16-1,2,3 and 4, unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

2. Notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order) no extensions or outbuildings shall be erected without the prior approval in writing of the Planning Authority. For the avoidance of doubt the established residential curtilage is as shown on drawing no. 574-P-16-4.

Reason: To retain control in the interests of the Green Belt and to comply with the National Planning Policy Framework 2012.

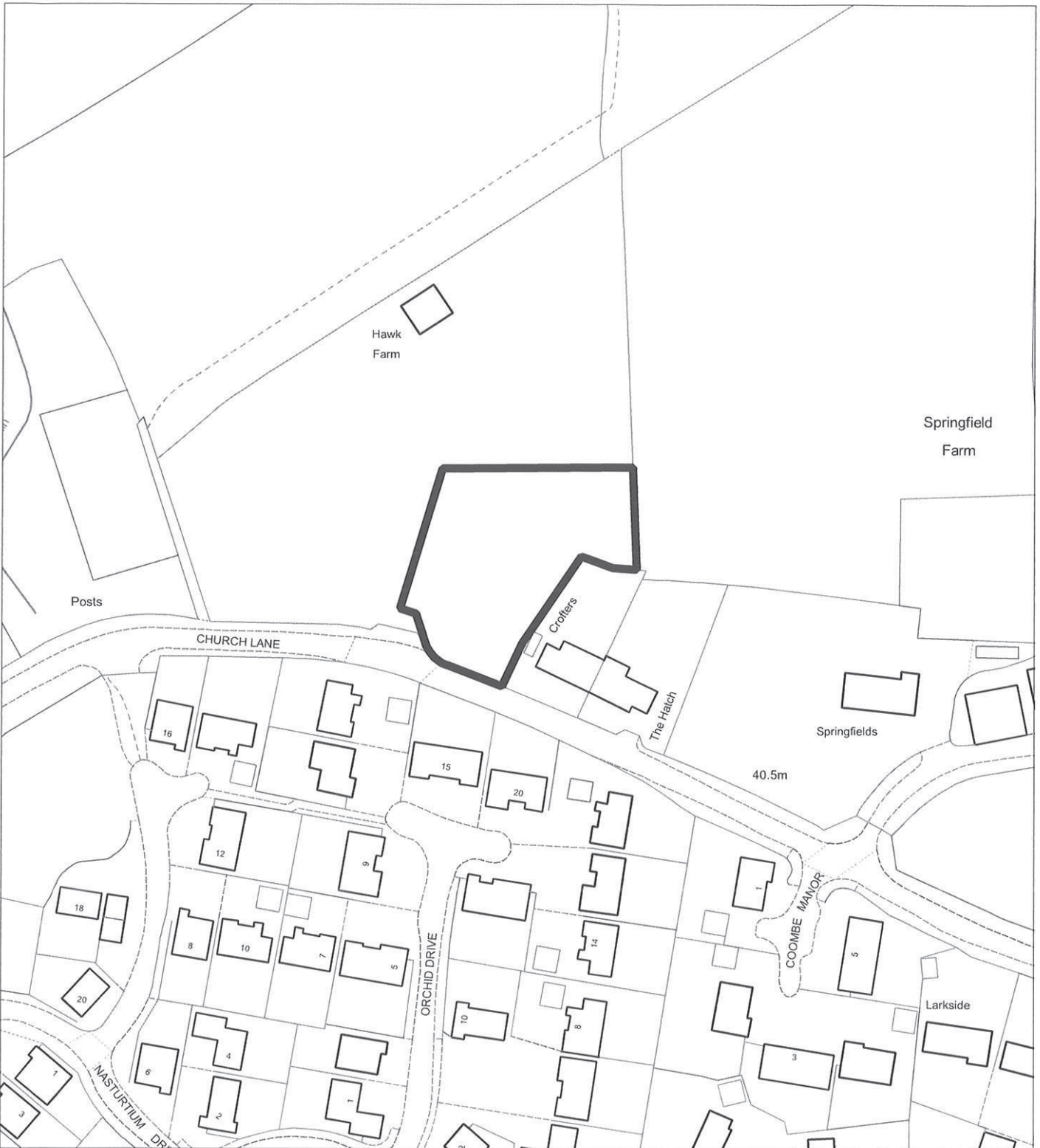
#### Informative(s)

1. The development hereby permitted is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (as amended).

In accordance with CIL Regulation 65, the Council will issue a Liability Notice in respect of chargeable development referred to in this decision as soon as practicable after the day on which this decision first permits development. The Liability Notice will confirm the chargeable amount calculated by the Council in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted Surrey Heath Charging Schedule. Please note that the chargeable amount is a local land charge.

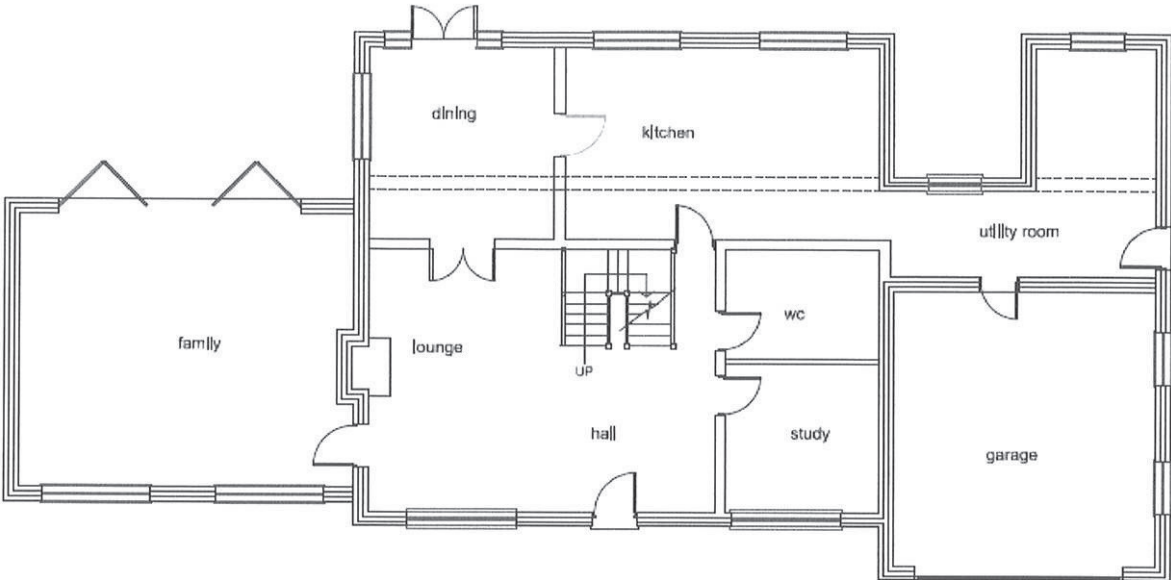
Further details on the Council's CIL process including the assuming, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the Council's website.



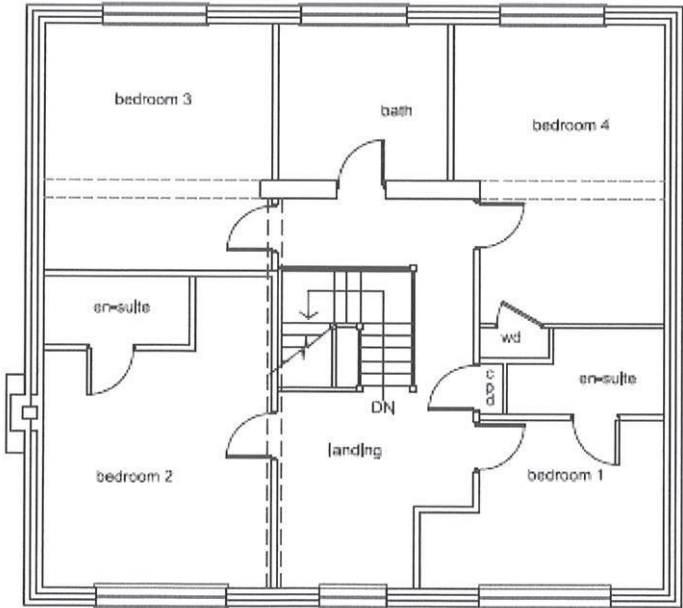


<b>Title</b>	Planning Applications		<b>Page</b>	3 of 4
<b>Application number</b>	15/1100		<b>Scale @ A4</b>	1:1,250
<b>Address</b>	HAWK FARM, CHURCH LANE, BISLEY, WOKING, GU24 9EA		<b>Date</b>	18-03-2016
<b>Proposal</b>	Retention of two storey rear extension, single storey rear extension to garage and alterations to the garage roof; and, installation of a flue to the main roof at the rear.			
<small>© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2016</small>				

Floor plans



GROUND FLOOR



FIRST FLOOR

Elevations



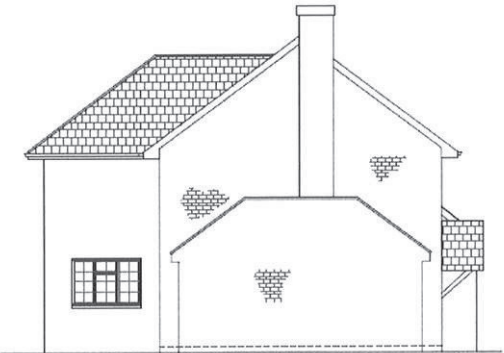
FRONT ELEVATION



REAR ELEVATION



EAST ELEVATION



WEST ELEVATION



Front elevation



Rear elevation



1977/0405/3

Reg Date 05/05/2015

Bisley

**LOCATION:** HAWK FARM, CHURCH LANE, BISLEY, WOKING, GU24 9EA

**PROPOSAL:** Non Material Amendment to planning permission SU/77/0405 (erection of a nursery manager's dwelling and garage) to allow the repositioning of windows, altered location for the front door and canopy.

**TYPE:** Non Material Amendment

**APPLICANT:** Mr S Howard

**OFFICER:** Jonathan Partington

**This application would normally be determined under the Council's Scheme of Delegation, however, at the request of Councillor Mansfield it has been called in for determination by the Planning Applications Committee.**

**RECOMMENDATION: GRANT subject to conditions**

#### **1.0 SUMMARY AND BACKGROUND**

- 1.1 This application seeks Non-Material Amendments (NMA) to planning permission SU/77/0405/3.
- 1.2 Application 77/0405 granted a detailed application (pursuant to outline consent BGR 8745) for the erection of an agricultural worker dwelling and attached garage. For the full planning history pertaining to this site please see application 15/1100 reported elsewhere on this agenda.
- 1.3 Planning Policy Guidance (PPG) advises that there is no statutory definition of 'non-material' because what may be non-material in one scheme may not be in another and ultimately the Local Planning Authority (LPA) must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act (TCPA) 1990 (ref: Paragraph: 002 Reference ID: 17a-002-20140306).
- 1.4 This procedure is most commonly used by applicants to seek minor amendments to the plans approved as part of an application, however section 96A (3) (b) allows for planning conditions to be removed or altered, or additional conditions imposed.
- 1.5 The PPG further advises that as a NMA is not an application for planning permission the provision of the Town and Country Planning (Development Management Procedure) (England) Order 2015 relating to publicity do not apply and the LPA has discretion in whether and how they choose to consult. Immediate neighbours in the vicinity have been consulted on this application and no letters of representation have been received.

## **2.0 PROPOSAL**

- 2.1 The proposal seeks permission for amendments made to the fenestration of the dwelling and for an altered location for the front door and canopy.
- 2.2 The original plans indicated that the dwelling's windows would have small grid patterned window panes. The dwelling as built maintains small grid patterned windows panes but also with top openings. On the front elevation the original plans indicated two smaller windows serving a downstairs W.C. cloakroom and study respectively. These two windows have been replaced with one larger window serving the study (the cloakroom has been relocated within the dwelling).
- 2.3 The original plans indicated that the position of the front door and canopy above would not be positioned slightly closer to the garage. The dwelling as built has repositioned the front door centrally.

## **3.0 ASSESSMENT**

- 3.1 The revisions are minor having no significant impact on the appearance of the dwelling and no greater impact on the Green Belt, character of the area or upon residential amenities than the original permission. It is therefore considered that these changes are consistent with the spirit of the original consent and are non-material.
- 3.2 Nevertheless, in order to be consistent with application 15/1100, given the complex planning history relating to this site it is considered necessary and reasonable to remove permitted development (PD) rights.

## **4.0 RECOMMENDATION**

- 4.1 It is recommended that the proposed variations be approved with a condition to remove PD rights.

## **APPROVE**

1. Notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order) no extensions or outbuildings shall be erected without the prior approval in writing of the Planning Authority. For the avoidance of doubt the established residential curtilage is as shown on drawing no. 574-P-16-4 (approved under 15/1100).

Reason: To retain control in the interests of the Green Belt and to comply with the National Planning Policy Framework 2012.

*For site location plan and photographs of the dwelling see application 15/1100*

Original approved elevation



SOUTH ELEVATION

Amended front elevation



FRONT ELEVATION

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2016/0055

Reg Date 12/02/2016

Parkside

**LOCATION:** 7 TEKELS WAY, CAMBERLEY, GU15 1HX  
**PROPOSAL:** Erection of a single storey detached building with flat roof in rear garden to be used as an annexe to main dwelling. (Amended plans rec'd 03/03/16).  
**TYPE:** Full Planning Application  
**APPLICANT:** Mr James Bryers  
**OFFICER:** Emma Pearman

**This application would normally be determined under the Council's Scheme of Delegation, however, at the request of a local ward councillor it has been called in for determination by the Planning Applications Committee.**

**RECOMMENDATION: GRANT subject to conditions**

## 1.0 SUMMARY

- 1.1 The proposal relates to the erection of a single storey detached building in the rear garden, to be used as an annexe to the main dwelling. The building would be black timber and glass with a flat roof, and would be located at the end of the garden, and surrounded by other residential gardens. Concern has been raised about the building being tantamount to a new dwelling, however, given its location and design, and lack of potential for a separate access it is not considered likely that the building could be used as a separate dwelling. Conditions are in any case proposed to ensure that it remains ancillary to the main dwelling.
- 1.2 Concern has also been raised with regard to the potential impacts on the amenities of surrounding properties, however it is over 9m from the nearest residential property from which it is unlikely to be visible, and adjacent to the rear boundary of the nearest garden and over 20m from the house, and as such it not considered that there would be any significant impacts on amenity. There has been no objection from the Council's Arboricultural Officer in respect of trees. The application is therefore recommended for approval, subject to conditions.

## 2.0 SITE DESCRIPTION

- 2.1 The application site is located on the north side of Tekels Way and features a detached chalet bungalow with a large rear garden, on a plot of approximately 1025m<sup>2</sup>. The property lies within the settlement area of Frimley and Camberley as identified by the Surrey Heath Core Strategy Proposals Map 2012. It also lies within the Post War Open Estates Housing Character Area, as identified by the Western Urban Area Character SPD. The application site is surrounded by the curtilage of residential properties on all sides, with a small strip of land to the rear that appears to be outside the curtilage of any residential property. Dwellings in the area are generally detached with deep rear gardens.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 SU14/0849 – Erection of a porch, single storey side extension (following demolition of existing store room) and first floor extensions to dwelling incorporating dormer windows.

*Granted 07/11/2014 and implemented*

### **4.0 THE PROPOSAL**

- 4.1 This proposal is for the installation of a single storey detached building in the rear garden to be used as an annexe.

- The proposed garden building would be installed at the end of the garden on the western side, approximately 34m from the dwelling itself.
- It would be 1m from the rear garden boundary of 4 Badgers Copse.
- The building would be 12m in length and 5m in depth, with a flat roof which would be 2.88m at the back extending to 3m at the front.
- The front of the annexe would face east, into the rear garden of the application property and there would be windows and doors on the front and one window on both sides with a roof light.
- The building would be black timber with white render, flat grey felt roof and there would be some sound insulation.
- Floorplans and the application form show that the annexe would contain a living room/kitchenette, shower room, bedroom and shed.
- No external lighting is proposed.

- 4.2 When the application was first validated the proposed building was shown positioned closer to the house and close to the end of the rear garden of 6 Tekels Way however the applicant chose to relocate the proposed building and neighbours were reconsulted accordingly.

### **5.0 CONSULTATION RESPONSES**

- 5.1 County Arboricultural No objection, subject to condition.  
Officer

### **6.0 REPRESENTATION**

- 6.1 At the time of preparation of this report three letters of objection have been received (two from same property) which raise the following issues:

#### Principle of the development/character [see section 7.3]

- It is tantamount to a separate dwelling as contains all the facilities that would be needed and is of a size of a modest dwelling
- Occupation of the development could not be effectively controlled by restrictive condition or legal agreement [*Officer comment: Conditions can be imposed in respect of use and are often imposed in such cases; if there appear to be any breaches of these conditions then it would be investigated by enforcement*]
- Independent dwelling established where there is no identifiable parking, separate amenity space or appropriate living environment
- Annexe should be physically attached to the main dwelling then it would be wholly incidental to its occupation [*Officer comment: There is no need for an annexe to be physically attached to the main dwelling and consideration must be given to the application as submitted*]
- Does not appear to be a structure for elderly residents, more like an office building
- Would set a precedent for others to do same with impacts on density and infrastructure [*Officer comment: Each application is determined on its own merits and this does not set any precedents*]
- Should not be used for residential or commercial purposes.

#### Residential amenity [see section 7.4]

- Would be visually obtrusive, affect outlook and be and harmful to urban character
- Will be used as an office with up to five people working there [*see section 7.3 also*]
- Will diminish enjoyment from rear garden of 4 Badgers Copse
- If permission is granted, building should be in a different position that minimises visual impact [*Officer comment: We have to consider the application as submitted*]
- A fence should be installed that minimises visual impact.

#### Trees [see section 7.5]

- Would be pressure for tree loss which would be harmful to the verdant nature of the locality; trees have already been removed.

## Other

- Drainage and sewerage arrangements are not clear/should be a full survey [*Officer comment: These are matters for building control, however the planning statement suggests that black plastic rainwater guttering would be used and a soakaway*]
- After extension's the main dwelling now has five bedrooms so why is extra space for relatives needed [*Officer comment: This does not appear to be the case and is in any case not relevant to the application, they do not have to demonstrate a need*]
- No air conditioning units should be placed at the rear [*Officer comment: The application does not include any air conditioning units*].

## **7.0 PLANNING CONSIDERATION**

7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012, and in this case the relevant policies are Policy DM9 (Design Principles) and Policy DM11 (Traffic Management and Highway Safety). It will also be considered against the Guiding Principles of the Hedged Estates Housing Character Area. The National Planning Policy Framework (NPPF) is also a relevant consideration.

7.2 The main issues to be considered are:

- Principle of the development and impact on character;
- Residential amenity; and
- Trees.

### **7.3 Principle of the development and impact on character**

7.3.1 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Paragraph 58 goes on to say that planning decisions should aim to ensure that developments respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture.

7.3.2 Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density. The Guiding Principles of the Post War Open Estates Housing Character Area state that new development should include space to enable the retention of existing trees and mature vegetation.

7.3.3 The building will not be visible from any public viewpoints and appears as a modern garden building and as such is not considered harmful to the character of the property or surrounding properties or gardens. Concern has been raised with regard to the building being tantamount to a new dwelling which would be harmful to character and density.

The proposal is for an annexe with no separate residential curtilage as ancillary to the main dwelling and the applicant has advised that there will be no separate access, address, utility meters, curtilage or laundry facilities.

- 7.3.4 There does not appear to be any way that the proposed building could be accessed other than through the garden of the main dwelling and there is no separate parking area, and as such it is not considered likely that the building could ever be used as a separate dwelling. However, because use of the building as a new dwelling would have an impact on infrastructure and the Thames Basin Heaths SPA, and potentially character and parking provision, conditions are proposed to restrict its use and the creation of a separate curtilage. Concern has also been raised in respect of the building being used as an office for 'up to five people', which may give rise to a material change in character of the dwelling or give rise to noise. While this potential use has not been mentioned within the application documentation, again this would be covered by the above condition requiring an ancillary residential use. A use as a home office would be ancillary to the main dwelling and would not give rise to a breach of planning control. However, the use of the building for a wider commercial purpose, perhaps one involving staff may well need planning permission and as such the Planning Authority could consider any impacts from such a use if this arose.
- 7.3.5 It appears that sufficient space has been left between the proposed location and the boundary to enable the retention of existing trees and mature vegetation and this is considered further in section 7.5 below. It is therefore considered that the proposal is acceptable in character terms, subject to the imposition of conditions restricting its use to that stated in the application. If the building was to be used as a separate dwelling or, for commercial purposes planning permission would have to be applied for and the issues arising from such a proposal would be considered at that time.

#### **7.4 Residential amenity**

- 7.4.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.
- 7.4.2 The proposed building would be 1m from the western side boundary, adjacent to the rear boundary of 4 Badgers Copse, though 25m approx. from the main rear elevation of this dwelling and 20m approx. from the conservatory. There is already a shed in this location which would be removed, which measures 2.1m high and 3m wide and the boundary between the two properties is fairly open with a low wire mesh fence and some mature vegetation. The rear boundary of number 4 Badgers Copse is 25.5m in width approx. and as such the building would be adjacent to just under half of it. There would be no windows facing towards the garden of number 4 and the building would be partly hidden by the existing mature vegetation. Given these facts along with its single storey height, the distance from the house and the most used garden areas of number 4 immediately behind the

house, and the timber materials proposed, it is not considered that there would be any significant adverse effects on the occupiers of number 4. While a fence in this location has been requested to minimise the effects of the proposed building, given that no significant adverse effects have been identified, it is not considered reasonable to impose such a condition.

- 7.4.3 The proposed building would be approximately 9m from the side elevation of 14 Badgers Copse but given the significant mature vegetation and boundary fence in between it is not considered that the building is likely to even be visible from this property and would not give rise to any adverse effects on amenity. The building would also be 9m approx. from the end of the rear garden with 8 Tekels Way, however given the boundary fence and significant mature vegetation in between the two gardens again it is not considered likely that the building would be visible from this property and would not cause any impacts on amenity.
- 7.4.4 The building is proposed as an annexe for elderly relatives though it is noted that neighbours have been told that it could be an office. If used as an annexe as described or as a home office it is not considered that there would be any significant adverse effects in terms of noise given the limited amount of people that would be using the building, and the fact that it includes soundproofing and is located at the end of the gardens of 4 Badgers Copse and 8 Tekels Way. Although it is closer to the side elevation of 14 Badgers Copse, given the significant vegetation and boundary fence, again it is not considered that any significant noise impacts would arise. However, if the building was used for a purpose other than ancillary residential use it could give rise to additional impacts on amenity and for this reason also a condition restricting its use is proposed.
- 7.4.5 It is therefore considered that subject to the proposed condition, the proposal is acceptable in terms of its impact on residential amenity and in line with Policy DM9 and the NPPF in this regard.

## **7.5 Trees**

- 7.5.1 Policy DM9 states that development will be acceptable where it protects trees and other vegetation worthy of retention. The applicant has submitted a tree report with the application which has been prepared by a qualified arboriculturalist. It advises that there are nine significant trees within the vicinity of the application site, including two beech trees on the boundary with the neighbour at 4 Badgers Copse and within the neighbour's garden.
- 7.5.2 The tree report advises that no trees will need to be felled as a result of this application. Concern has been raised that this is because clearance work has already taken place, however as there are no Tree Protection Orders in place at this property the applicant was within his rights to do so. The report also advises that specialist foundations will be used in order not to harm the retained trees and the County Arboricultural Officer has not objected, subject to a condition requiring evidence of the tree and ground protection being in place before work commences.
- 7.5.3 It is therefore considered that the proposal is acceptable in terms of its impact on trees, subject to the proposed condition and is therefore in line with Policy DM9 in this regard.

## 7.6 Other matters

### Permitted development rights

- 7.6.1 Permitted development rights are still intact for this property. Under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, outbuildings are permitted as long as they do not cover more than 50% of the curtilage of the property (excluding the original house), and if they are within 2m of the boundary they must not be more than 2.5m in height. The proposed building has a height of 2.88m extending to 3m at the front. As such, if the height was reduced to a maximum of 2.5m, a building of the same size could be installed in this location under permitted development in any case.
- 7.6.2 Class E allows for outbuildings that have a purpose incidental to the dwelling house, which does not include primary living accommodation such as a bedroom, bathroom or kitchen. As such these elements would also have to be removed from the proposal in order for it to fall under Class E. However it is considered that its use as ancillary residential accommodation can be controlled by condition as previously described.

### CIL

- 7.6.3 There is less than 100m<sup>2</sup> of additional floorspace proposed and as such the proposal is not CIL liable.

## 8.0 CONCLUSION

- 8.1 It is considered that the principle of the development is acceptable and that there will be no significant adverse effects on character, residential amenity or trees as a result of this proposal. Conditions are proposed however restricting the use to an annexe as described and in respect of trees. It is therefore considered that the proposal is acceptable and permission can be granted.

## 9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

c) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

## 10.0 RECOMMENDATION

GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The building works, hereby approved, shall be constructed in external fascia materials as stated on the application form.

Reason: In the interests of the visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

3. The proposed development shall be built in accordance with the following approved plans: Amended Site Plan 002 Rev B received 3.3.16, Amended Location Plan 001 Rev B received 3.3.16, Proposed Elevations 005 Rev A received 12.02.16, Finished Levels 006 Rev A received 12.02.16, Proposed Ground Floor 003 Rev A received 19.01.16, Proposed Roof 004 Rev A received 19.01.16 unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

4. The development hereby approved shall be occupied only as residential accommodation ancillary to the use of the dwelling currently known as 7 Tekels Way and shall not be used as an independent residential unit or business premises.

Reason: To ensure that the dwelling remains in single family occupation and does not give rise to harmful impacts upon the Thames Basin Heaths Special Protection Area, infrastructure, character, amenity or parking provision in accordance with Policies DM9, CP11, CP12 and CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no gates, fences or walls shall be erected under



Schedule 2, Part 2, Class A of that Order other than along the existing boundaries defining the curtilage of 7 Tekels Way as shown in red on the Amended Location Plan 001 Rev B received 03.03.16; without the prior approval in writing of the Local Planning Authority.

Reason: To prevent any sub-division of the dwelling and to accord with Policies DM9, CP11, CP12 and CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

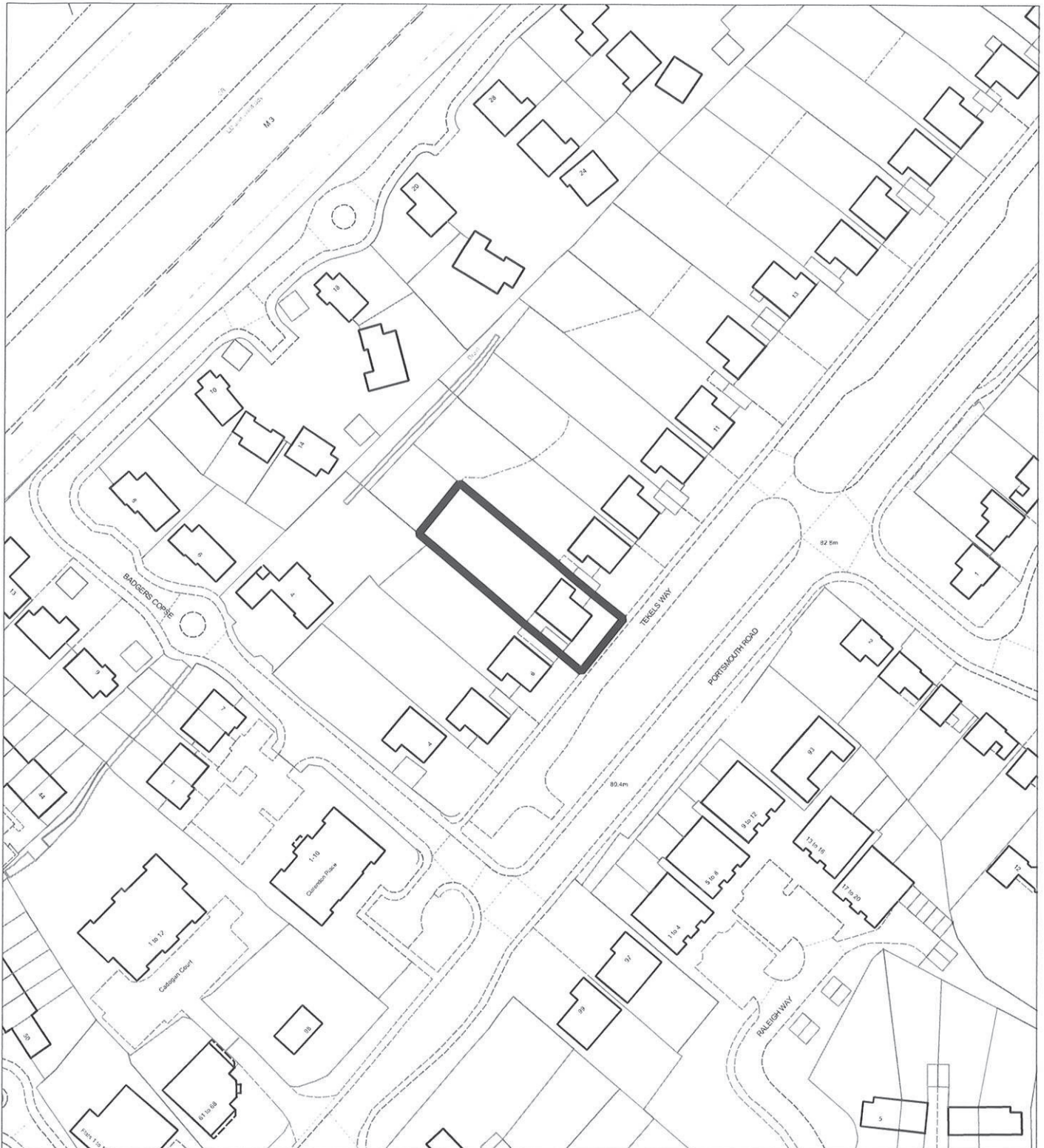
6. The development hereby permitted shall be carried out wholly in accordance with the submitted Arboricultural Report prepared by Mr A J Scott dated 10th February 2016. No development shall commence until photographs have been provided by the retained Consultant and forwarded to and approved by the Council's Arboricultural Officer. This should record all aspects of tree and ground protection measures having been implemented in accordance with the Arboricultural Report. The tree protection measures shall be retained until completion of all works hereby permitted.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Informative(s)

1. Party Walls (etc) Act 1996 DE3
2. Advice regarding encroachment DE1
3. Building Regs consent req'd DF5
4. Decision Notice to be kept DS1

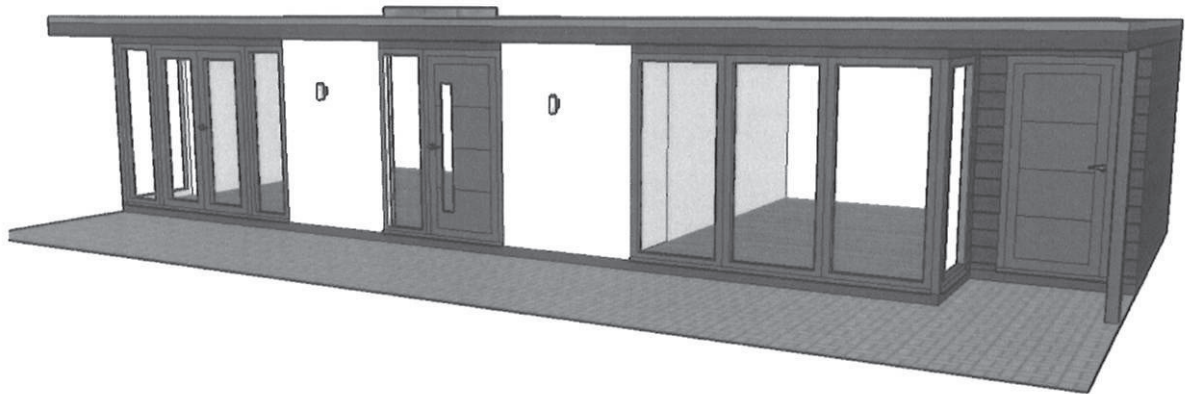
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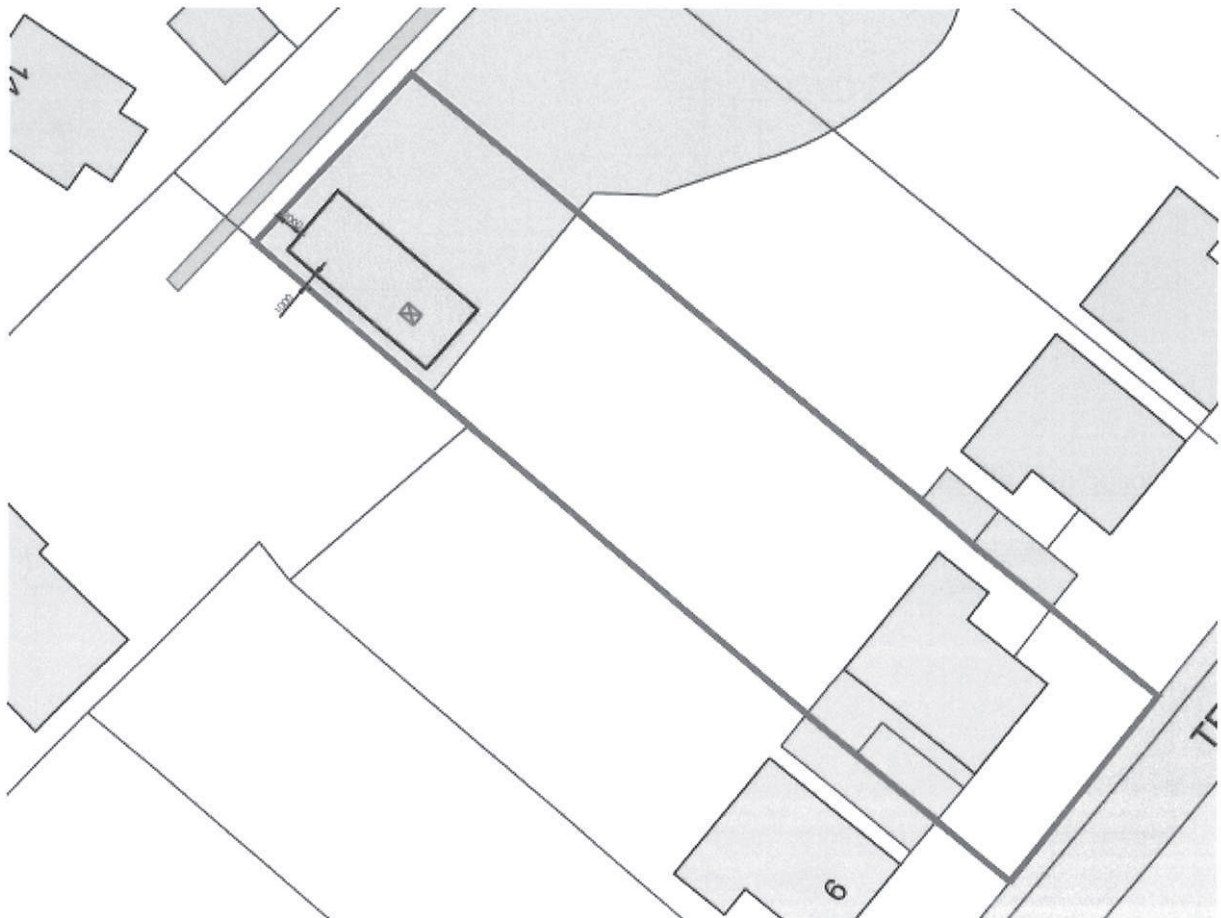
<b>Title</b>	Planning Applications		<b>Page</b>	2 of 4
<b>Application number</b>	16/0055		<b>Scale @ A4</b>	1:1,250
<b>Address</b>	7 TEKELS WAY, CAMBERLEY, GU15 1HX		<b>Date</b>	18-03-2016
<b>Proposal</b>	Erection of a single storey detached building with flat roof in rear garden to be used as an annexe to main dwelling. (Amended plans rec'd 03/03/16).			
<p style="text-align: center;">© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2016</p>				

Visual representation of proposed building (front elevation)

Visual for Planning Ref - 008

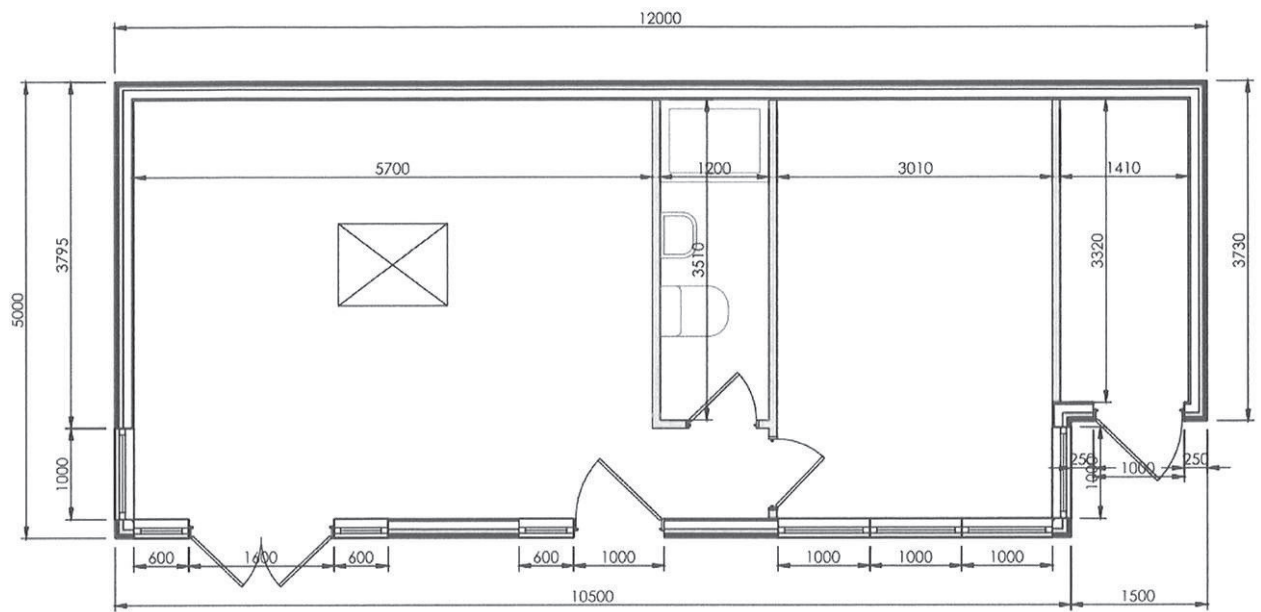


Proposed site plan

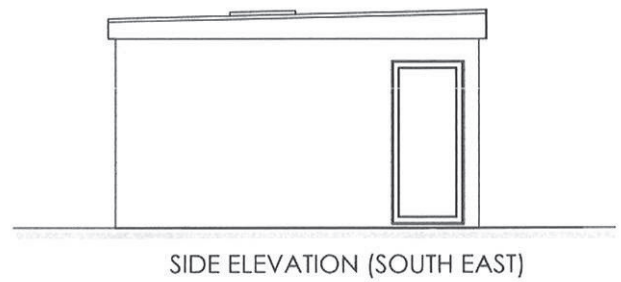
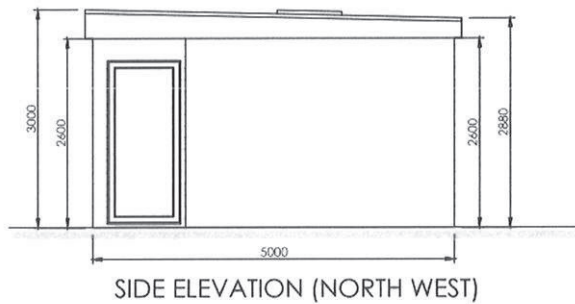




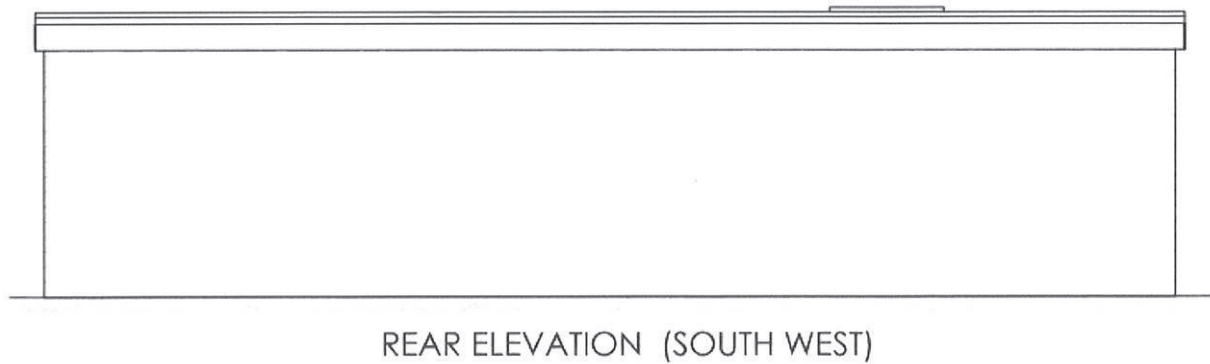
Proposed floorplan (application form also indicates there will be a kitchenette)



Proposed side elevations



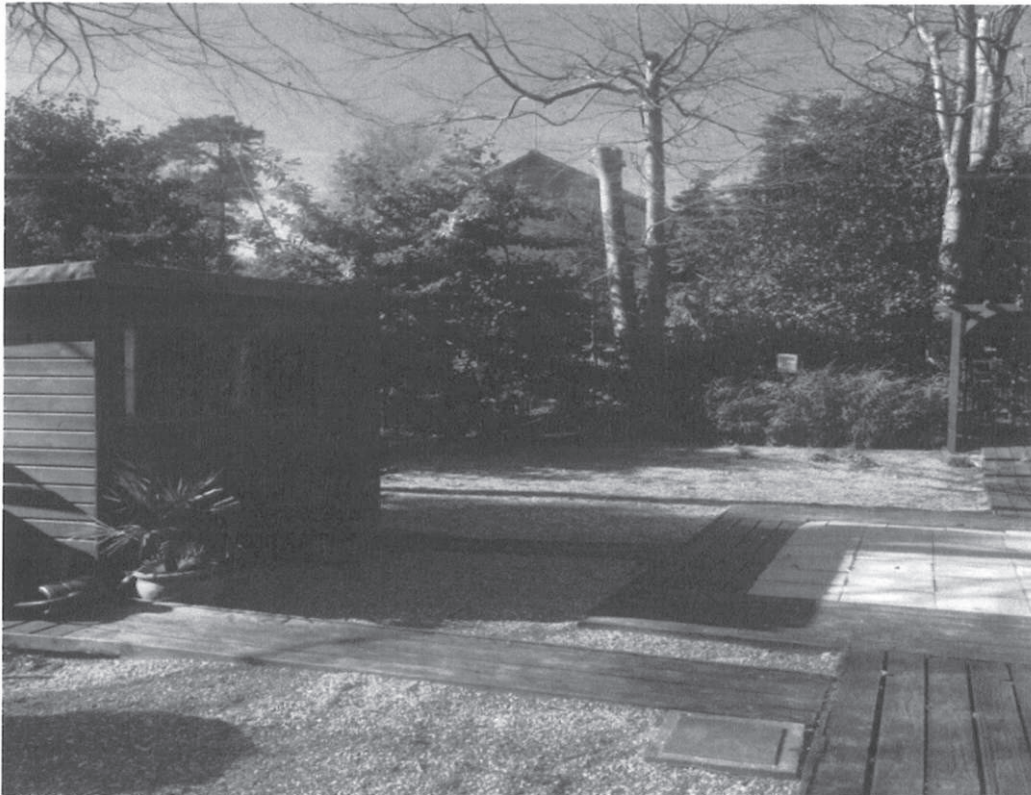
Proposed rear elevations



Application site showing location of proposed building and rear boundary of 4 Badgers Copse



Rear boundary of property with 14 Badgers Copse beyond – application site to left of picture





Looking north-east towards garden of 7 Tekels Way



Looking south-east towards the application property – application site on right



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**APPLICATIONS FOR PLANNING PERMISSION & RELATED APPLICATIONS FOR  
CONSIDERATION BY THE PLANNING APPLICATIONS COMMITTEE**

**NOTES**

**Officers Report**

Officers have prepared a report for each planning or related application on the Planning Committee Index which details:-

- Site Description
- Relevant Planning History
- The Proposal
- Consultation Responses/Representations
- Planning Considerations
- Conclusion

Each report also includes a recommendation to either approve or refuse the application. Recommended reason(s) for refusal or condition(s) of approval and reason(s) including informatives are set out in full in the report.

**How the Committee makes a decision:**

The Planning Applications Committee's decision on an application can be based only on planning issues. These include:

- Legislation, including national planning policy guidance and statements.
- Policies in the adopted Surrey Heath Local Plan and emerging Local Development Framework, including Supplementary Planning Documents.
- Sustainability issues.
- Layout and design issues, including the effect on the street or area (but not loss of private views).
- Impacts on countryside openness.
- Effect on residential amenities, through loss of light, overlooking or noise disturbance.
- Road safety and traffic issues.
- Impacts on historic buildings.
- Public opinion, where it raises relevant planning issues.

**The Committee cannot base decisions on:**

- Matters controlled through other legislation, such as Building Regulations e.g. structural stability, fire precautions.
- Loss of property value.
- Loss of views across adjoining land.
- Disturbance from construction work.
- Competition e.g. from a similar retailer or business.
- Moral issues.
- Need for development or perceived lack of a need (unless specified in the report).
- Private issues between neighbours i.e. boundary disputes, private rights of way. The issue of covenants has no role in the decision to be made on planning applications.

**Reports will often refer to specific use classes. The Town & Country Planning (Use Classes) Order 1995** (as amended) is summarised for information below:

<b>A1. Shops</b>	Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops and funeral directors.
<b>A2. Financial &amp; professional Services</b>	Banks, building societies, estate and employment agencies, professional and financial services and betting offices.
<b>A3. Restaurants and Cafes</b>	For the sale of food and drink for consumption on the premises – restaurants, snack bars and cafes.
<b>A4. Drinking Establishments</b>	Public houses, wine bars or other drinking establishments (but not nightclubs).
<b>A5. Hot Food Takeaways</b>	For the sale of hot food consumption off the premises.
<b>B1. Business</b>	Offices, research and development, light industry appropriate to a residential area.
<b>B2. General Industrial</b>	Use for the carrying on of an industrial process other than one falling within class B1 above.
<b>B8. Storage or Distribution</b>	Use for the storage or as a distribution centre including open air storage.
<b>C1. Hotels</b>	Hotels, board and guest houses where, in each case no significant element of care is provided.
<b>C2. Residential Institutions</b>	Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.
<b>C2A. Secure Residential Institutions</b>	Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.
<b>C3. Dwelling houses</b>	Family houses or houses occupied by up to six residents living together as a single household, including a household where care is provided for residents.
<b>C4. Houses in Multiple Occupation</b>	Small shared dwelling houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.
<b>D1. Non-residential Institutions</b>	Clinics, health centres, crèches, day nurseries, day centres, school, art galleries, museums, libraries, halls, places of worship, church halls, law courts. Non-residential education and training areas.
<b>D2. Assembly &amp; Leisure</b>	Cinemas, music and concert halls, bingo and dance halls (but not nightclubs), swimming baths, skating rinks, gymnasiums or sports arenas (except for motor sports, or where firearms are used).
<b>Sui Generis</b>	Theatres, houses in multiple paying occupation, hostels providing no significant element of care, scrap yards, garden centres, petrol filling stations and shops selling and/or displaying motor vehicles, retail warehouse clubs, nightclubs, laundrettes, dry cleaners, taxi businesses, amusement centres and casinos.