

LOCATION: 41 BOSMAN DRIVE, WINDLESHAM, GU20 6JN
PROPOSAL: Division of existing 4 bedroom dwelling to form 2 two bedroom dwellings with associated parking and garden space.
TYPE: Full Planning Application
APPLICANT: Mr G Bertram
John Charles Property Investments
OFFICER: Mr N Praine

This application would normally be determined under the Council's Scheme of Delegation, however, it is being reported to the Planning Applications Committee at the request of Councillor Sturt.

RECOMMENDATION: GRANT subject to conditions and subject SANGs and SAMM liability being secured

1.0 SUMMARY

- 1.1 This application is for the division of an existing property, shown as 4-bedroom on the plans, into two 2-bedroom properties. The existing property has a large extension to the northern side and it is proposed to convert this extension to a separate property. The proposal will not give rise to any additional built development and given its design and secluded location within the road it is not considered that there would be any significant harm to character. The proposal is also considered acceptable in other regards. It is considered that a condition can be imposed to prevent segregation of the front driveway area which would prevent it being obvious externally that it was divided.
- 1.2 This proposal has similarities with the appeal proposal allowed at 49 Bosman Drive in January 2017 (see annex 1). Given the conclusions of this report including the materiality of this appeal decision, this application is therefore recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on the northern side of Bosman Drive, and is bordered by the A30 London Road to the north, within the settlement area of Windlesham as identified by the Surrey Heath Core Strategy Proposals Map. The property is semi-detached with 39 Bosman Drive attached to the south, though most surrounding dwellings are detached, other than two other pairs of semi-detached dwellings to the east. The property has an area of hardstanding to the front which is bordered by tall vegetation to the eastern boundary, and a fence with mature trees to the northern boundary.

3.0 RELEVANT PLANNING HISTORY

3.1 Decisions at the application site

SU/89/0746 - Erection of first floor side extension – approved – 11/09/89

3.2 Decisions on adjoining land at number 49 Bosman Drive

SU/16/0320 – Division of existing four-bedroom dwelling to form two 2-bedroom dwellings with associated parking and garden space.

Officers recommended approval but the application was refused 01/07/2016 by the Planning Committee for the following reason:

- 1. The sub-division of the site to create a separate additional dwelling would result in a density of use that would be inappropriate development, not in keeping with the established neighbourhood and harmful to the character of the area, contrary to Policies CP2 and DM9 of the Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.*

The applicant appealed against this decision (reference APP/D3640/W/16/3154360) and on the 11th January 2017 the appeal was allowed with the Planning Inspector concluding the proposal would not alter the appearance of the property and the resulting increase in the density of housing would be of no material harm to the overall character of this area [Paragraph 19]. For completeness a copy of this appeal is attached as Annex 1.

4.0 THE PROPOSAL

- 4.1 This proposal is for the division of the existing dwelling into two 2-bedroom dwellings. No external changes are proposed apart from a fence dividing the garden area into two. The existing hardstanding to the front is not proposed to be divided but will provide a parking area for both dwellings.

5.0 CONSULTATION RESPONSES

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|-----|------------------------------------|--|
| 5.1 | Surrey County
Highway Authority | No objection. |
| 5.2 | Windlesham Parish
Council | Objection - inappropriate development of the site and not in keeping with the established neighbourhood. |

6. REPRESENTATION

- 6.1 At the time of preparation of this report 3 letters of objection have been received which raise the following issues:
- Will change the character of the road - [see section 7.3]
 - Would be overlooking and loss of privacy - [see section 7.4]
 - Not enough parking already - [see section 7.5]

- Will increase the cars parked at the property which may result in parking on the street and increased risk of accidents - *[see section 7.5]*
- Developer only doing this for profit *[Officer comment: Not a planning consideration]*
- Impact on utility services and drains *[Officer comment: Not a planning consideration this would be covered by Building Control; additionally the extension would already be connected to utility services].*

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 CP6 (Dwelling Size and Type), Policy DM9 (Design Principles) and Policy DM11 (Traffic Management and Highway Safety). It will also be considered against the National Planning Policy Framework (NPPF).

7.2 The main issues to be considered are:

- Principle of the development and impact on character;
- Impact on residential amenity;
- Highways, parking and access; and,
- Impact on infrastructure and the Thames Basin Heaths SPA.

7.3 Principle of the development and impact on character

7.3.1 At the heart of the NPPF is a requirement to deliver a wide choice of quality homes, and to boost significantly the supply of housing. The Framework is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. In this case, the proposal would result in an additional residential unit, which accords with the aims of the Framework.

7.3.2 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.

7.3.3 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. Policy CP6 states that housing mix for new developments should be approximately 10% 1-bed, 40% 2-bed, 40% 3-bed and 10% 4+bed properties.

7.3.4 Within the settlement area such as this site is located, the principle of residential development is acceptable, and Surrey Heath has a shortage of housing at the present time. Policy CP6 shows that within Surrey Heath there is the greatest need for 2- and 3-bed houses and a lesser requirement for 4+ bed houses. As such the principle of converting a larger property into two 2-bed properties is considered to be acceptable.

- 7.3.5 Bosman Drive features almost exclusively detached properties, other than three sets of semi-detached properties on the northern end, of which 39 & 41 Bosman Drive is one (see paragraph 3.2 above). The extension to number 41 Bosman Drive is already in place, having previously been permitted through a planning application as set out in paragraph 3.1 above, and is not in itself considered to cause any harm in character terms. As such the issue is whether converting that existing extension to a separate dwelling will cause any harm to character.
- 7.3.6 Changing this extension into a separate dwelling would result in a row of terraced properties in this location which is not a feature seen anywhere else in the road apart from at number 49 Bosman Drive (see paragraph 3.2 above). Similar to number 49 this current proposal would not be obvious from the exterior as the extension is set off Bosman Drive and enjoys mature screening to the north and east boundaries. Furthermore, visually the proposal would not appear any different from the front than it does at present. The size of the proposed dwelling would not appear significantly different from that of the other semi-detached properties in the road. The front door on the side elevation would not be visible from the street and nor would the fence dividing the rear garden so it would not be obvious that this is a separate dwelling. Additionally a condition could be imposed to prevent any segregation of the front driveway area which would make it more obvious that it was separate.
- 7.3.7 With regard to the issues raised by local residents, it is not considered that dividing one larger dwelling into two smaller dwellings would cause such a noticeable increase in occupancy such that it would overcrowd or spoil the character of the area. With regard to the plot size, the current rear garden is larger than that of the surrounding dwellings and as such the rear gardens of both new properties would not be significantly different in size from those of surrounding dwellings. The plot is already supporting the extension and as such this application will not result in any additional built development on the site resulting in a cramped development or any greater overdevelopment than has already occurred.
- 7.3.8 In addition the Planning Inspector when considering the very similar SU16/0320 planning application (see paragraph 3.2 above and Annex A) at number 49 Bosman Drive stated in his decision letter that:

“Although this proposal would provide for just a single additional dwelling, and its contribution to housing supply would be small, this would nonetheless be a positive social benefit. Although there would be some conflict in relation to the existing character of this area, there would be little harm as a consequence of this development. Any adverse impacts of arising from this proposal would not significantly and demonstrably outweigh the benefits of this additional dwelling. This would mean that this proposal should be supported under the presumption in favour of sustainable development as set out in the Framework” [Para 17].

Indeed in his conclusion the Planning Inspector considered that:

“The proposal would not alter the appearance of the property and the resulting increase in the density of housing would be of no material harm to the overall character of this area”. [para 19]

- 7.3.9 It is therefore considered that the principle of the development is acceptable, and given that there would be no change in the external appearance of the buildings from existing, and the secluded location of the dwelling which would not result in an obvious terrace of properties, it is considered that there would not be any significant harm to the character of the area caused by the proposal, and as such it is considered to be in line with Policies

CP6 and DM9. Given the strong presumption in favour of sustainable development and to boost significantly the supply of housing, it is considered that the development would be supported by the NPPF.

7.4 Impact on 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 nearest neighbour is 39 Bosman Drive which is attached to 41 on the southern side. Converting 41 into a smaller dwelling would not result in any change to the amenities of the occupiers of number 39, given that there is no additional built development. Changing the existing extension into a separate dwelling also would not give rise to any additional impacts on amenity from existing. The situation in terms of overlooking to the properties to the rear or front would not change from existing and would not result in a usual pattern of overlooking between neighbouring dwellings.
- 7.4.3 It is considered that sufficient amenity space would be provided for the occupiers of both new properties, and this amenity space would not be significantly different in size from that of surrounding dwellings. It is not considered that the intensification of the residential use and associated possible increase in occupancy is such that it would give rise to harm in terms of noise or activity.
- 7.4.4 It is therefore considered that the proposal is acceptable in terms of amenity and in line with Policy DM9 and the NPPF in this regard.

7.5 Highways, parking and access

- 7.5.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.
- 7.5.2 There is a shared front driveway at the property up from the road which opens out to a parking area. The applicant has demonstrated on the block plan that there is space for at least four cars on to park on this driveway to the front of the property, and it is proposed that this area would be shared between the two properties. There will be no change to the driveway area from existing. Concern has been raised about an increase in the number of cars parked on the road as a result of the proposal. However, the County Highway Authority's parking standards require 1.5 spaces per unit for 2-bedroom houses and by providing 2 spaces per unit this would be in excess of the required amount. It is also considered that a condition can be imposed to ensure the retention of this area for parking only. Concern has been raised about the level of parking with the new development. However, it is considered that a family house of this size could have several cars associated with it and it is not necessarily the case that two 2-bedroom houses would result in a larger number of cars.

- 7.5.3 The Planning Inspector when considering the very similar SU16/0320 planning application (see paragraph 3.2 above and Annex 1) at number 49 Bosman Drive stated in his decision letter that:

“The increase in general domestic activity and traffic movements generated by two two-bedroom houses, compared to a four bedroom house, would not be sufficient to result in material harm to the living conditions of neighbouring occupants. The proposal would not generate a sufficiently greater amount of vehicular movements to be contrary to the interests of the safety or convenience of existing road users. Enough on-site spaces would be provided such that this proposal would not be likely to cause a significantly greater incidence of on-street parking.” [Para 11].

- 7.5.4 The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. As such it is not considered that the proposal is likely to cause any significant impacts in terms of highways, access and parking, and as such the proposal is in line with Policy DM11 in this regard.

7.6 Impact on infrastructure and the Thames Basin Heaths SPA

- 7.6.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule. However, conversion of one dwelling into two does not give rise to any CIL liability given that there is no increase in floorspace.
- 7.6.2 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B of the SHCS states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC).
- 7.6.3 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. All new development is required to either provide SANG on site (for larger proposals) or for smaller proposals such as this one, provided that sufficient SANG is available and can be allocated to the development, a financial contribution towards SANG provided and there is currently sufficient SANG available.
- 7.6.4 Further to an Executive resolution on the 12th July 2016 an interim SANGs charge of £112.50 per sqm of floorspace will be levied to cover maintenance and management of SANGs for residential development from which CIL cannot be levied. This is to ensure that residential development provided can meet the requirements of the Conservation of Habitats and Species Regulations 2010 by contributing to the management and maintenance of SANGs. In this case 88sqm of development is subject to the charge of use (88 x £112.5) = £9,900 liability.

- 7.6.5 The development would also be liable for a contribution towards SAMM (Strategic Access Monitoring and Maintenance) of the SANG, which is a payment separate from CIL and would depend on the sizes of the units proposed. In this case, this proposal is liable for a SAMM payment of £224 which takes into account the existing floorspace.
- 7.6.6 If the payment is received by the statutory expiry date (28th July 2017) the proposal will comply with Policy CP14B and Policy NRM6, and the Thames Basin Heaths SPD. In the event the payments are not received by this date the application will be refused.

8.0 CONCLUSION

- 8.1 The proposed development is considered to be acceptable in terms of the principle of development, in character terms and impact on residential amenity, highways and impact on infrastructure and the Thames Basin Heaths SPA. It is therefore considered that permission can be granted, subject to conditions.

9.0 RECOMMENDATION

The Executive Head of Regulatory to be authorised to GRANT permission subject the collection of SANGs and SAMM liability and 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 proposed development shall be built in accordance with the following approved plans: 1702 p104, 1702 p100, 1702 p104 and 1702 p105 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 41 Bosman Drive as shown in red on the Location Plan received 22.2.17 and along the boundary between the rear gardens of the two new dwellings as shown on the Proposed Ground Floor Plan received 22.2.17 without the prior approval in writing of the Local Planning Authority.

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

4. The parking area to the front of the properties as shown on the Block Plan 1702 p100 received 22.02.17 shall be retained as such at all times unless the prior approval has been obtained in writing from the Local Planning Authority.

Reason: To ensure that sufficient parking remains for the two proposed dwellings so as not to cause a nuisance on the highway, in line with Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Informative(s)

1. Building Regs consent req'd DF5
2. Decision Notice to be kept DS1

In the event that collection of SANGs and SAMM liability has not been secured by 28th July 2017, the Executive Head of Regulatory be authorised to REFUSE for the following reason:

1. In the absence of a contribution or completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012; and, Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures and SANGS (Suitable Alternative Natural Green Space) contributions, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).