

**LOCATION:** MAGNOLIA HOUSE, WESTWOOD ROAD, WINDLESHAM, GU20 6LP

**PROPOSAL:** Detached two storey dwelling with associated landscaping following demolition of existing dwelling and annexe building. (Additional information recv'd 19/5/17) (Additional information recv'd 1/6/17).

**TYPE:** Full Planning Application

**APPLICANT:** Mr M Sandiradze

**OFFICER:** Ross Cahalane

**The application would normally be determined under the Council's Scheme of Delegation, however, it has been reported to the Planning Applications Committee at the request of Cllr Conrad Sturt.**

### **UPDATE**

This application was presented to the Planning Applications Committee on 29 June 2017 with a recommendation to refuse planning permission. The following is a written update:

Members resolved to defer the application for a site visit at the request of the Chairman of the Planning Applications Committee. Since then, one neighbouring letter of support has been received, commenting that the proposal is not an extensive addition and will present a far superior and more compact visual appearance than the current house.

### **PREVIOUS COMMITTEE REPORT PRESENTED TO THE PLANNING APPLICATIONS COMMITTEE ON 29 JUNE 2017.**

### **RECOMMENDATION: REFUSE**

#### **1.0 SUMMARY**

- 1.1 This application seeks planning permission for the erection of a detached two storey dwelling with associated landscaping following demolition of existing dwelling and annexe building.
- 1.2 This report concludes the development is inappropriate development in the Green Belt which would be harmful to it. Further harm to the openness of the Green Belt would arise as a result of the additional built form. It is considered that the very special circumstances presented by the applicant do not clearly outweigh the substantial harm to the Green Belt as identified. The application is therefore recommended for refusal.

#### **2.0 SITE DESCRIPTION**

- 2.1 The application site is to the north of the settlement of Windlesham and also within the Metropolitan Green Belt. The application property comprises of a detached two storey dwellinghouse on a large plot. Neighbouring properties in the area are detached two storey dwellinghouses on large plots that vary in design, age and type.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 BGR/4477 Erect one house with double garage.  
Decision: Granted (1964 - implemented)
- 3.2 SU/2008/0992 Erection of a replacement two storey dwelling following demolition of existing.  
Decision: Withdrawn
- 3.3 SU/2011/0844 Certificate of Lawful Development for the proposed erection of a single storey side extension, two storey rear extension and conversion of existing roof space along with the insertion of rooflights in the rear of the building.  
Decision: Agreed (not implemented)
- 3.4 SU/2010/0456 Certificate of Lawfulness for the proposed erection of two outbuildings.  
Decision: Agreed (not implemented)
- 3.5 SU/2012/0323 Certificate of Lawful of Proposed Development for the erection of two outbuildings.  
Decision: Split decision (not implemented)
- 3.6 SU/2013/0520 Permitted Development Prior Notification for the erection of a single storey rear extension to a depth of 8 metres beyond the original rear wall of the dwelling house with a ridge height of 4 metres.  
Decision: Prior Approval (not implemented)
- 3.7 SU/2013/0555 Application for a Lawful Development Certificate for the proposed erection of a single storey side and rear extension, single storey rear extension, hip to gable roof conversion, insertion of 2 dormer windows, conversion of roofspace to habitable accommodation and insertion of 5 rooflights.  
Decision: Agreed (implemented – foundations started)
- 3.8 SU/2013/0581 Creation of a Basement.  
Decision: Refused
- 3.9 SU/2013/0797 Erection of gates, boundary fencing and creation of access (part retrospective).  
Decision: Granted (fencing implemented only)
- 3.10 SU/2014/0462 Certificate of Lawful Proposed Development for the erection of an outbuilding.  
Decision: Refused

3.11 SU/2014/1040 Application for a Lawful Development Certificate (Proposed) for the erection of an outbuilding.

Decision: Agreed (implemented but not complete)

3.12 SU/2016/0188 Application for a Lawful Development Certificate for the proposed erection of a detached pool/gym building.

Decision: Withdrawn

3.13 SU/2016/0268 Application for a Certificate of Lawful Development for proposed erection of an outbuilding to serve as a garage for 4 vehicles.

Decision: Agreed (implemented but not complete)

3.14 SU/2016/1046 Detached two storey dwelling with associated landscaping following demolition of existing dwelling and annexe building.

Decision: Granted (not implemented)

#### **4.0 THE PROPOSAL**

4.1 Permission is sought for the erection of a detached two storey dwelling with associated landscaping following demolition of existing dwelling and annexe building.

4.2 The proposed dwelling would consist of a flat roof with parapet wall, and would have a maximum depth of approx. 15.2m (excluding front portico), maximum width of approx. 32.4m (reducing to approx. 24.1m at first floor level), maximum eaves height of approx. 8m and maximum roof height of approx. 8.7m from adjacent ground level. The proposal would utilise the existing vehicular access off Westwood Road.

4.3 The proposal is similar in design to the dwelling approved under 16/1046 but would be larger in size by virtue of the single storey wings and increased two storey depth.

#### **5.0 CONSULTATION RESPONSES**

5.1 Windlesham Parish Council No objection.

5.2 Council Highway Authority No objection raised.

5.3 Surrey Wildlife Trust Awaiting comments [See Section 7.6].

#### **6.0 REPRESENTATION**

6.1 At the time of preparation of this report no representations have been received.

#### **7.0 PLANNING ISSUES**

7.1 The application site falls within the Metropolitan Green Belt, detached from the settlement area of Windlesham as outlined in Policy CPA of the Surrey Heath Core Strategy & Development Management Policies 2012 (CSDMP). Policies DM9, DM11 and CP14A of

the CSDMP are material considerations in the determination of this application. The national guidance contained in the National Planning Policy Framework (NPPF) is also a material consideration to the determination of this application. The main issues to be considered are:

- Impact on Green Belt;
- Impact on character of the surrounding area;
- Impact on residential amenities of neighbouring properties;
- Impact on highway safety;
- Impact on ecology;
- Impact on local infrastructure; and,
- Very Special Circumstances.

## **7.2 Impact on Green Belt**

7.2.1 Paragraph 79 of the National Planning Policy Framework 2012 (NPPF) states that;

*“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*

Paragraph 87 of the NPPF continues to advise that:

*“As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*

7.2.2 Paragraph 89 of the NPPF states that:

*“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt”.*

The applicant contends that the current proposed replacement dwelling would not be materially larger than the unimplemented replacement dwelling approved under 16/1046. However, the relevant listed exception at paragraph 89 is:

*“the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”*

As such, to assess the impact upon the Green Belt the starting point must be to consider the current proposal against the existing development on the site, not the 16/1046 approved dwelling.

7.2.3 The NPPF does not contain specific percentage figures for replacement buildings in the Green Belt. However, it is long established that one method of assessing a proposal's impact on openness involves a comparative assessment of the size of the existing and the proposed development. As outlined in the officer's report for the extant 16/1046 replacement dwelling scheme (see Annex 2), it is also acknowledged that further extensions to the existing dwelling could be added under permitted development, which forms an additional material consideration to be addressed below.

7.2.4 The following table summarises the floor area and footprint of the existing dwelling comparing this with the relevant cumulative floorspace and footprint figures above the existing/original dwelling, including the part-implemented single storey side and rear extensions granted certificates under 13/0520 and 13/0555:

Floorspace

<b>Existing</b>	<b>16/1046 approved dwelling</b>	<b>Lawful extensions (13/0520 + 0555)</b>	<b>Current proposed dwelling</b>
333 sq. m	527 sq. m (+ 58.3%)	527 sq. m (+ 58.3%)	685 sq. m (+ 105.7%)

Footprint

<b>Existing</b>	<b>16/1046 approved dwelling</b>	<b>Lawful extensions (13/0520 + 0555)</b>	<b>Current proposed dwelling</b>
237 sq. m	293 sq. m (+ 23.6%)	290 sq. m (+ 22.4%)	407 sq. m (+71.7%)

7.2.5 The combined GIA arising from the existing dwelling and the abovementioned lawful and part-implemented extensions matches the GIA of the 16/1046 unimplemented replacement dwelling scheme, which was considered to amount to very special circumstances. However, as demonstrated in the table above the current proposed dwelling would have a significantly greater impact upon the openness of the Green Belt in terms of additional floorspace and footprint. This additional increase in width, depth and bulk is considered to nullify the benefits arising from approval 16/1046 which consolidated built form on the site compared to the existing dwelling. Additionally, the proposed dwelling would be up to approx. 0.5m higher than the dwelling proposed for demolition.

7.2.6 No volume calculations of the proposed extensions have been provided by the applicant and it is acknowledged that the abovementioned lawful extensions would have a significant volume. However, given the significant additional footprint, bulk and height above the existing development on site as outlined above (including the implemented lawful extensions), it is considered that the proposed replacement dwelling does not benefit from support under Para 89 of the NPPF and is therefore inappropriate development in the Green Belt. Furthermore, owing to this substantially greater footprint, bulk and height, the proposal would be more harmful to the openness of the Green Belt than the existing dwelling and implemented lawful extensions.

7.2.7 Although the applicant maintains that the proposal is policy compliant in the Green Belt, notwithstanding this Very Special Circumstances are put forward within the Planning Statement and are outlined further in section 7.8, below.

### **7.3 Impact on character of the surrounding area**

7.3.1 Policy DM9 (Design Principles) of the CSDMP continues to promote high quality design that respects and enhances the local environment, paying particular regard to scale, materials, massing, bulk and density. The National Planning Policy Framework seeks to secure high quality design, as well as taking account of the character of different areas.

7.3.2 The proposed dwelling would be widely visible from public vantage points when viewed from the vehicular entrance area. However, the current proposal would still retain significant separation distances from the site boundaries and views further to the northeast along Westwood Road would be largely restricted by screening within and along the front boundary and along the highway verge. As such, it is considered that although the proposed roof forms and fenestration design forming an international neo classical style would vary significantly from the simpler post-war architecture of the existing dwelling, it would not give rise to adverse harm to the character of the surrounding area. Additionally, the proposed significant distances to the site boundaries would be sufficient to avoid a cramped or overdeveloped appearance.

7.3.3 Therefore, whilst the proposal would be harmful to Green Belt openness, in visual amenity terms the proposed development would sufficiently respect the character of the site and the surrounding area in accordance with Policy DM9 of the CSDMP.

#### **7.4 Impact on residential amenities of neighbouring properties**

7.4.1 Policy DM9 (Design Principles) states that the amenities of the occupiers of the neighbouring properties should be respected by proposed development. The thrust of one of the core planning principles within the NPPF is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

7.4.2 The current proposed replacement dwelling would have an additional two storey depth to the rear but would remain sited at significant distance of approx. 3m from the rear garden side boundary of the detached dwelling Springwood House (marked as Heyho Place on the site plan). Given the significant separation distance to all boundaries, it is considered that the proposal would not lead to adverse harm to the amenity of the above neighbour and other surrounding neighbours in terms of loss of light, outlook, privacy or overbearing impact, in compliance with Policy DM9.

#### **7.5 Impact on highway safety**

7.5.1 Policy DM11 (Traffic Management and Highway Safety) 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 and mitigate such impacts to acceptable levels can be implemented.

7.5.2 The proposal would utilise the existing vehicular access off Westwood Road which leads to a large parking area. The County Highway Authority (CHA) has been consulted and has no comments to make on safety, capacity or policy grounds. The Local Planning Authority is therefore satisfied that the proposal would not conflict with the aims of Policy DM11.

#### **7.6 Impact on ecology**

7.6.1 Policy CP14A seeks to conserve and enhance biodiversity within Surrey Heath, and states that development that results in harm or loss of features of interest for biodiversity will not be permitted.

7.6.2 No ecological survey information was provided under the 16/1046 scheme, as the proposal site is not located within any local or statutory areas of ecological conservation and the existing dwelling appears to have been constructed in the 1960s and contains no weatherboarding or hanging tiles. As such, having regard to the Criteria for Bat Surveys in the Planning Process as outlined by the Surrey Bat Group it was considered unlikely that the proposal would affect existing bat roosts.

7.6.3 A preliminary ecological appraisal has been submitted as part of the very special circumstances case for the current application (see Section 7.8 below). As this was only received on 01 June, no response has been received from Surrey Wildlife Trust. The ecological appraisal concludes that the site was found to be of overall low ecological value, with no evidence of protected species recorded on the site and limited habitat suitability for any species of wildlife, other than some potential bird nesting habitat. Due to the low ecological value of the site, no specific mitigation measures are considered necessary; however, a number of general ecological mitigation and enhancement measures have been recommended. The proposed enhancement measures include provision of soft landscaping species of known wildlife value to provide enhanced habitat for nesting birds and invertebrates and an availability of berries and nectar through every season of the year.

7.6.4 On the basis that the Trust still considers that the submitted ecology information adequately demonstrates that there is no significant risk to legally protected species, no objections are raised on ecology grounds. If the Trust subsequently raises objection, an update will be provided.

## **7.7 Impact on local infrastructure**

7.7.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014, and came into effect on the 1st December 2014. An assessment of CIL liability has therefore been undertaken. Surrey Heath charges CIL on residential and retail developments where there is a net increase in new build Gross Internal Area (GIA) of more than 100 sq. m.

7.7.2 The proposed development is CIL liable, as the calculated new build GIA would be over 100 sq. m. However, the applicant has applied for the self-build exemption, which is subject to conditions as outlined in the CIL Regulations. An advisory informative will be added, should an appeal be submitted and allowed by the Planning Inspectorate.

## **7.8 Very Special Circumstances**

7.8.1 Paragraph 88 of the NPPF states that:

*“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”*

7.8.2 It is contended in the Planning Statement that as the proposed dwelling is not materially larger than the one it replaces, in policy terms it is not necessary to consider whether there are very special circumstances. That said, it is also stated that there are planning benefits which this proposal offers that are equivalent in evidential weight to very special circumstances, and can be summarised and assessed in turn below:

(i) The proposal continues to offer a high quality design. The addition of the wings provides a high quality and symmetrical design;

(ii) The proposal will be a low carbon development (the Design and Access Statement refers); and,

(iii) The proposal provides a materially important improvement of the ecology and landscape on site by advancing a landscape scheme and an ecology report from a nationally recognised consultant.

7.8.3 Policy DM9 of the CSDMP and the NPPF both require new development to be of a high quality design in order to be acceptable and therefore, the design merits of the proposal cannot be considered to amount to VSC. The design as approved under 16/1046 is also symmetrical and therefore, the current proposed symmetrical approach is not considered to possess any additional particular design merit or provide any additional enhancement to the character of the surrounding area than what has already been approved. The low carbon benefits arising from the proposed replacement dwelling are noted. However, again such benefit would be similar to the 16/1046 scheme already approved. Finally, Policy CP14A of the CSDMP requires development to conserve and enhance biodiversity within Surrey Heath and therefore, the potential ecological benefits as outlined are also prerequisite requirements for development to be policy-compliant and thus cannot reasonably amount to VSC.

7.8.4 As such, it is considered that the VSC, either alone or in combination, as outlined by the applicant does not outweigh the inappropriateness and harm of the development in the Green Belt as already outlined above.

## **8.0 CONCLUSION**

8.1 The proposed replacement dwelling, by reason of its significant additional footprint, bulk and height, would result in a materially larger dwelling than the existing development it replaces (including implemented lawful extensions), constituting an inappropriate form of development within the Green Belt which would also be prejudicial to its openness. There are no known very special circumstances, outlined by the applicant or otherwise, which either alone, or in combination, clearly outweigh the harm to the Green Belt which would arise. The application is therefore recommended for refusal.

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

9.1 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:

- 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.

## **10.0 RECOMMENDATION**

REFUSE for the following reason(s):-

1. The proposed replacement dwelling, by reason of its significant additional footprint, bulk and height, would result in a materially larger dwelling than the existing development it replaces (including implemented lawful extensions), constituting an inappropriate form of development within the Green Belt which would also be prejudicial to its openness. There are no known very special



circumstances, outlined by the applicant or otherwise, which either alone, or in combination, clearly outweigh the harm to the Green Belt which would arise. The proposal is therefore contrary to the objectives of Chapter 9 of the National Planning Policy Framework 2012.

Informative(s)

1. Advise CIL Liable on Appeal CIL3