

2018/0093

Reg Date 05/02/2018

Bisley

**LOCATION:** 325 GUILDFORD ROAD, BISLEY, WOKING, GU24 9AA  
**PROPOSAL:** A Minor Material Amendment Application pursuant to Planning Permission SU/16/0961, (relating to erection of 6 three bedroom dwellings in the form of a pair of semi-detached houses and a terrace of two storey houses with accommodation in the roof and 6 two bedroom and 3 studio flats in the form of a three storey block with parking, landscaping and access from Guildford Road following demolition of existing building.) to allow the retrospective reposition of the rear terrace (Plots 12-15) approximately 0.3 metres to the North West (closer to the boundary with 323 Guildford Road). (Additional info rec'd 09/02/18).  
**TYPE:** Relaxation/Modification  
**APPLICANT:** Mr J Moran  
Calidus Homes Limited  
**OFFICER:** Duncan Carty

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

**RECOMMENDATION: GRANT subject to conditions**

## 1.0 SUMMARY

- 1.1 This application relates to a residential development approved at 325 Guildford Road, Bisley, and is currently under construction. The rear block of four terraced properties (Plots 12-15) has been repositioned on the site so that it is positioned 0.3 metres (approximately) closer towards the north flank boundary of the site. The work on this rear block, built up to single storey height, has subsequently ceased. The current proposal is to seek a minor material amendment pursuant to the original planning permission SU/16/0961 to allow the reposition of this rear block.
- 1.2 The existing dwelling at the west boundary, 323 Guildford Road, roughly adjacent to the side wall of this block, would lose a degree of light currently provided from three rooflights over, and a windows in the rear elevation of, a ground floor extension; three rooflights and a rear facing window which serve a family room and a third rooflight serves a study. However, the impact is not considered to be adverse to warrant the refusal of this application and there has been no material change in circumstance since the approval of the original development sufficient to refuse this application. In all other respects, the current proposal is also considered to be acceptable. As such, no objections are raised to the proposal and the application is recommended for approval.

## 2.0 SITE DESCRIPTION

- 2.1 The application site a residential development approved at 325 Guildford Road, Bisley, and is currently under construction. The development site lies on the north flank of Foxleigh Grange, the recently completed redevelopment of the former Fox Garage

located within the settlement of Bisley. The application site relates to the former Affordable Rentals car and van hire site, which contained a single storey building with hardstanding across the remainder of the site. Part of the north flank boundary of the wider development site is with 323 Guildford Road. Part of the south flank boundary of the site is with 9 Foxleigh Grange. The land to the rear of the application site is relatively open (falling within the Green Belt).

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 SU/16/0961 – Erection of 6 three bedroom dwellings in the form of a pair of semi-detached houses and a terrace of two storey houses with accommodation in the roof, 6 two bedroom and 3 studio flats in the front of a three storey block with parking, landscaping and access from Guildford Road following the demolition of existing car rental building. *Approved in May 2017 and commenced.*

*A copy of the officer report for this proposal is attached as an annex to this report.*

### **4.0 THE PROPOSAL**

- 4.1 The proposal is to seek a minor material amendment pursuant to the original planning permission SU/16/0961 to allow the reposition of the rear block within the approved residential development. The rear block of four terraced properties (Plots 12-15) has been repositioned on the site so that it is positioned 0.3 metres (approximately) closer towards the north flank boundary of the site (reducing the minimum gap to the flank wall of the adjoining residential property, 323 Guildford Road, at the rear corner from 1.4 to 1.1 metres), and a corresponding distance further from the south boundary of the site (adjacent to 9 Foxleigh Grove). The work on this rear block, built up to single storey height, has subsequently ceased.
- 4.2 In support of the application, the applicant has provided a light assessment for the light lost by the occupiers of the only affected property, 323 Guildford Road.

### **5.0 CONSULTATION RESPONSES**

- |     |                          |  |
|-----|--------------------------|--|
| 5.1 | County Highway Authority | No comments received to date but no objections were raised to the approved development under permission SU/16/0961.  |
| 5.2 | Bisley Parish Council    | No comments received to date but no objections, in principle, were raised to the approved development under permission SU/16/0961. Any comments will be reported to Planning Applications Committee. |

### **6.0 REPRESENTATION**

- 6.1 At the time of preparation of this report, no representations in support have been received and one representation has been received raising an objection on the following grounds:
- The building should be re-sited in line with the original planning permission due to developer's error [*Officer comment: This would not be a reason to refuse this application*].

- Boundary dispute [*Officer comment: This application submission, in a similar manner to the approved scheme, has indicated that the side wall of 323 Guildford Road, and fence to the rear garden, marks the site boundary and no evidence has been provided by the neighbour to dispute this. This remains a civil matter.*].
- 29% reduction in light to rooms impact from change (to playroom and study) does not constitute low impact, particularly to the study which is regularly used [See paragraph 7.4].
- Loss of light to rooms inside the dwelling and the rear garden [See paragraph 7.4].
- Loss of view [*Officer comment: This would not be a reason to refuse this application.*].
- Maintenance of side of property [*Officer comment: This is not a reason to refusal this application.*].

## 7.0 PLANNING CONSIDERATION

- 7.1 The application proposed is considered against Policies CP1, CP2, CP3, CP5, CP11, CP12, CP14, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP); Policy NRM6 of the South East Plan 2009 (as saved); and the National Planning Policy Framework (NPPF). Advice within the Developer Contributions SPD 2011; Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012; Interim Affordable Housing Procedure Note 2012; and, the Planning Practice Guidance (PPG) are relevant. In addition, the Residential Design Guide SPD 2017, adopted since the approval of the original development under SU/16/0691, is now relevant.
- 7.2 A legal agreement was completed for the SAMP contribution and provision of four affordable units; with a contribution towards SANG, and other infrastructure, has been provided through the Council's CIL scheme. The parking and access arrangements are as approved under the earlier permission SU/16/0961. This proposal relates to the minor re-siting of the rear block of a residential development and as such the main issues to be considered are as follows:
- Impact on character; and
  - Impact on residential amenity.

### 7.3 Impact on character

- 7.3.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design. Policy DM9 of the CSDMP indicates that development will be acceptable where they respect and enhance the local character paying regard to scale, materials, massing, bulk and density. Principle 6.6 of the RDG indicates that new residential development will be expected to respond to the size, shape and rhythm of surrounding plots layouts. Fine residential plot divisions will be supported and encouraged, particularly in intensifying urban areas. Loss of fine grain plots will generally be resisted.

- 7.3.2 The current proposal relates to the re-siting of the rear block of development within a larger approved development. The approved development provided a form of development similar to the adjoining development (Foxleigh Grange); and providing three rows of development, roughly in line with the three rows of housing in that development, with adequate set-ins to flank boundaries.
- 7.3.3 The re-siting of the rear block closer to the north flank boundary would still retain a gap of over 1 metre to the flank wall of 323 Guildford Road; a relationship which is considered to be acceptable. As such, no objections are raised on character grounds with the proposal complying with Policy DM9 of the CSDMP, the NPPF and the RDG.

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

- 7.4.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure 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. Principle 8.3 of the RDG indicates that developments should not result in the occupants of neighbouring dwellings suffering from a material loss of daylight and sun access.
- 7.4.2 The level of light lost from rooflights from development is expected to be relatively low because the majority of the light gained from such rooflights is from a vertical component. During the consideration of the approved development under SU/17/0961, the loss of light to the rooflights was considered to be so small that it was not specifically referred to in the officer report. It is acknowledged that the closer position of the flank wall of the rear terrace of the adjoining development, to this dwelling, requires a reassessment of this impact. In addition, an assessment of the light lost to the rear facing windows needs a reassessment both in terms of the revised position and in the light of the more recently adopted RDG.
- 7.4.3 In relation to the family room, this room gains natural light from openings in the rear elevation and north flank elevation (i.e. facing away from the development proposal). In relation to the rear facing window, adequate light is provided with a 45 degree horizontal angle line of sight retained to this window.
- 7.4.4 Natural light and sunlight to serve this room is only provided from the rooflight. As indicated in paragraph 7.4.2 above, it is expected that the majority of light to this room would be provided from a vertical component.
- 7.4.5 The light assessment report has been provided to test light loss to rooms within this adjoining property, and rear garden, assessed against light requirements the Building Research Establishment standards. The report indicates that all of the rooms, and rear garden, pass these requirements for daylight/sunlight requirements.
- 7.4.6 There are no other properties in close proximity to the application site and no adverse impact on amenity to any other property is therefore envisaged. As such, the proposal is considered acceptable on these grounds, complying with Policy DM9 of the CSDMP and the NPPF.

## **8.0 CONCLUSION**

- 8.1 The current proposal is considered to be acceptable in terms of its impact on local character and residential amenity. All other considerations in the original application SU/16/0961 still apply and there has been no material change in circumstance, since the original planning permission was granted to warrant a change to the original determination. As such, this application is recommended for approval.

## **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 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.

## **10.0 RECOMMENDATION**

GRANT subject to the following conditions:-

1. The proposed development shall be built in accordance with the following approved plans: 2016-14-04, 2016-14-05, 2016-14-10 and 2016-14-11 received and validated on 12 October 2016; and 2016-14-03 Rev. C, 2016-14-06 Rev. B, 2016-14-07 Rev. B, 2016-14-08 Rev. B and 2016-14-09 Rev. B received on 9 March 2017 all provided for planning permission SU/16/0961; and 17-T1427-410 Rev. C2 and PRI21279-11C received on 18 January 2018, 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 approved shall be implemented with external materials as approved by letter dated 30 August 2017, except where amended and approved by letter dated 25 October 2017, all provided for permission SU/16/0961, unless the prior written approval has been obtained from the Local Planning Authority.

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.

3. The parking spaces shown on the approved plan shall be made available for use prior to the first occupation of the development and shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure the provision of on-site parking accommodation and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

4. Notwithstanding the provisions of Classes A and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended, or any Order revoking and re-enacting that Order), no further extensions, garages or other buildings shall be erected within the Plots 1, 2, 12, 13, 14, 15, and 16, as shown on site plan drawing 17-T1427-410 Rev. C2, hereby approved, without the prior approval in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargement, improvement or other alterations to the development in the interests of visual and residential amenity and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

5. The development hereby approved shall be implemented in accordance with the requirements set out in Part 5 (Recommendations) of the Guildford Road Ecology 2016 Bat Survey Report by Hankinson Duckett Associates Ref. 708.1 dated September 2016, provided for permission SU/16/0961, unless the prior written approval has been obtained from the Local Planning Authority.

Reason: In the interests of nature conservation and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012.

6. The development hereby approved shall not be occupied until the proposed access from the site has been provided in accordance with the access arrangements shown on approved drawing No. PRI21279-11C unless the prior written approval has been obtained from the Local Planning Authority.

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.

7. The development hereby approved shall be implemented with the method of construction details approved by letter dated 30 August 2017, provided for permission SU/16/0961, unless the prior written approval has been obtained from the Local Planning Authority. In addition, a method for keeping the public highway clean during construction shall be submitted to and approved by the Local Planning Authority within one month of the date of this permission. The hours of construction at the site shall be limited to 08:00 and 18:00 hours from Mondays to Fridays and from 08:00 and 13:00 hours on Saturdays and at no time on Sundays or on Public Holidays. For the avoidance of doubt, 'Public Holidays' include New Years Day, Good Friday, Easter Monday, May Day, all Bank Holidays, Christmas Day and Boxing Day.

Reason: In the interests of visual amenities of the area and highway safety to accord with Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

8. The development hereby approved shall be implemented with land contamination details as approved by letter dated 30 August 2017, and validation report approved by letter dated 5 January 2018, all provided for permission SU/16/0961, unless the prior written approval has been obtained from the Local Planning Authority.

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.

9. The development hereby approved shall be implemented with landscaping details as approved by letter dated 30 August 2017, provided for permission SU/16/0961, except where amended by Drawing No. PRI21279-11C hereby approved, unless the prior written approval has been obtained from the Local Planning Authority.

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.

10. The approved development shall be implemented in accordance with the Arboricultural Report (Part 1: Tree Survey and Part 2: Arboricultural Implications Assessment) by Ian Keen Ltd. dated 27 October 2016 [Reference IJK/8388-RevB/WDC] and tree protection plan 8388/02 Rev. B received on 2 November 2016, all provided for permission SU/16/0961, unless the prior written approval has been obtained from the Local Planning Authority.

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.

11. Before first occupation of the development hereby approved, the first and second floor window(s) in the flank elevations shall be completed in obscure glazing and any 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 these elevations without the prior approval in writing from 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.

12. The development hereby approved shall be implemented with surface water details as approved by letter dated 5 January 2018, provided for permission SU/16/0961, unless the prior written approval has been obtained from the Local Planning Authority.

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.