

LOCATION: LAND REAR OF 4, 6 & 8 MACDONALD ROAD, LIGHTWATER, GU18 5TN

PROPOSAL: Erection of 2 linked-detached two storey dwellings with rooms in the roofspace on land rear of 4, 6 and 8 Macdonald Road with new access off Catena Rise, car parking and associated works.

TYPE: Full Planning Application

APPLICANT: Mariinsky Ltd

OFFICER: Aneta Mantio

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 Permission is sought for the erection of 2 linked-detached two storey dwellings with rooms in the roofspace on land rear of 4, 6 and 8 Macdonald Road with new access off Catena Rise, car parking and associated works.
- 1.2 The report concludes that the size of the site is not considered sufficient to accommodate the additional residential units. This proposal would result in cramped, contrived and incongruous development out of character with the established street pattern and would fail to integrate satisfactorily with neighbouring buildings. The proposal would also result in an adverse loss of residential amenity for the immediate neighbouring owner/occupiers of Macdonald Road. In addition, no payment has been made toward SAMM (Strategic Access Management and Monitoring) measures and so this forms an additional reason for refusal. As such the proposal would conflict with the NPPF and the development plan and is recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site is located to the southeast side of Catena Rise, in a settlement area of Lightwater. The plot area of approximately 0.6ha currently forms rear gardens of No's. 4, 6 & 8 Macdonald Road. The application site is occupied by a number of outbuildings, including a shed, a greenhouse and a single garage. The site is fairly flat. There are extant statutory controls on site in the form of a Tree Preservation Order.
- 2.2 The immediate surrounding area is characterised by residential dwellings of various sizes and styles. The properties to Macdonald Road are semi-detached two-storey dwellings, some with rooms in the roof space. Residential dwellings in Catena Rise are predominantly semi-detached two-storey dwellings with an exception of Cape Lodge on the corner plot with Guildford Road. Catena Rise is an approximately 115m long cul-de-sac leading to Lightwater Village School. Properties to the north of the application site are terraced two-storey dwellings.

3.0 RELEVANT HISTORY

- 3.1 There is no relevant planning history relating to the current application.

4.0 THE PROPOSAL

- 4.1 Permission is sought for the erection of 2 linked-detached two storey dwellings with rooms in the roof space on land rear of 4, 6 and 8 Macdonald Road with access off Catena Rise.
- 4.2 The proposed dwellings would be of the same dimensions, measuring a maximum of 9.785m deep, 9.25m wide with ridge and eaves height of 8.35m and 5.2m. Each of the dwellings would have a single attached garage, allocated area for storage of bins and an access from Catena Rise. Cycle provision would be made within the proposed garages.

5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Council Highway Authority Informally advise that no objection is raised. Members will be advised by way of an update in connection with any formal comments.
- 5.2 Windlesham Parish Council Raise objection to the proposal for the following reasons:
- Parking & traffic implications in Macdonald Road and Catena Rise;
 - Access for emergency vehicles to the school would be compromised during construction;
 - Overlooking & loss of privacy;
 - Loss of light to garden of No. 2 Macdonald Road;
 - Overbearing impact within Catena Rise street scene; and
 - The proposed tree planting to the side boundary is in the area of the existing sewer.
- [these issues are addressed in section 7]*
- 5.3 Surrey Heath Tree Officer Raise objection.

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 2 letters of objection and 1 letter of support (from the address in the applicant's ownership) were received from the neighbouring occupiers in connection with the following issues:
- Overlooking *[see para 7.4.3]*;
 - Loss of sunlight to rear garden of No. 211 Guildford Road *[see para 7.4.4]*; and
 - Parking & traffic implications in Catena Rise & in Macdonald Road *[see section 7.5]*.

7.0 PLANNING CONSIDERATION

- 7.1 The National Planning Policy Framework (NPPF); Policies CP1, CP2, CP14, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); the Developer Contributions SPD; the Thames Basin Heath Special Protection Area Avoidance Strategy SPD; the Lightwater Village Design Statement SPD (LVDS SPD); and, Policy NRM6 of the South East Plan are material considerations in this application.
- 7.2 It is considered that the main issues to be addressed in determining this application are:
- Impact on the character of the area, including trees;
 - Impact on residential amenities;
 - Whether the development is acceptable in terms of parking and highway safety;
 - Impact on local infrastructure; and
 - Impact on Thames Basin Heaths SPA.

7.3 Impact on the character of the area, including trees

- 7.3.1 The NPPF has a presumption in favour of sustainable development and to secure high quality design, as well as taking account of the character of different areas. However, the NPPF rejects poor design that fails to take the opportunity to improve the character and quality of an area. Paragraph 59 of the NPPF requires design policies to 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 generally.
- 7.3.2 Policy CP2 (Sustainable Development and Design) of CSDMP 2012 is reflective of the NPPF as it requires development to ensure that all land is used effectively within the context of its surroundings and to respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 (Design Principles) of CSDMP 2012 also promotes high quality design that respects and enhances the local environment, paying particular regard to scale, materials, massing, bulk and density.
- 7.3.3 The application site, as it lies within the settlement of the Lightwater village, is subject to the design principles outlined in the LVDS SPD. This document states that new development should pay regard to the locally distinctive and valued patterns of development, ranging from the shape of streets, the size of building plots, the spaces between buildings, the scale and shape of buildings, the architectural detailing and materials of individual buildings, boundary treatments, and landscaping. The overdevelopment of sites should be resisted due to its harmful impact on residential amenity, increased traffic generation and harm to the character of the area through eroding the generally smaller scale character of the Village.
- 7.3.4 The application site is located to the rear of three dwellings in Macdonald Road. This residential winding road is approximately 1.6km long. At such a length, it accommodates a great variety of design, architectural styles, scale and form of dwellings. The general pattern of plots to the west side of Macdonald Road within the application site stretch (No's 2 - 32) is of long, narrow and regular rectangular plots. No's 4, 6 and 8 Macdonald Road are very similar to the others, albeit slightly irregular in shape, as these abut Catena Rise to the rear (which runs diagonally to Macdonald Road). Due to its location, the proposed layout would relate to the urban grain of the surrounding area, particularly to the aforementioned properties in Macdonald Road and the properties in Catena Rise.

- 7.3.5 The proposal is to retain less than 50% of the depth of the existing plots of No's 4, 6 & 8 to enable two new dwellings to be erected within the newly formed plots. At the depth of 25m, the retained plots of the host dwellings would be substantially smaller when compared with those to their south, namely No's 10 – 32, all of which are fairly identical with a depth of approximately 53m. As such, the proposal would result in a cramped and contrived layout that would be at odds with the existing pattern of development to the west side of Macdonald Road (as identified above) and therefore harmful to the character of the surrounding area.
- 7.3.6 The frontages of the proposed Plots 1 & 2 would be sited parallel to Catena Rise. As such, the rear elevations of the proposed dwellings would have an oblique relationship with the rear walls of dwellings in Macdonald Road. The separation distances between the existing and proposed rear walls would be 12m at their minimum which is considered inadequate not only in terms of the scale of rear gardens, but also in terms of residential amenities (see section 7.4 below).
- 7.3.7 The visual impact of the proposed development would be most apparent within the Catena Rise street scene. Catena Rise accommodates five pairs of two-storey semi-detached dwellings and two detached dwellings, one to each end of the cul-de-sac. The proposed linked-detached dwellings would be of a maximum height of 8.4m and would accommodate a habitable space within the roof space. Although the proposed height might be similar to the semi-detached properties in Catena Rise, coupled with the proposed massing, plot sizes and layout, the proposal would appear cramped and as a contrived form of development.
- 7.3.8 The two oak trees within the southwest corner of the application site are protected by a TPO (Tree Protection Order) ref. TPO 17/09. An Arboricultural Report, including the Impact Assessment, Method Statement and a Tree Protection Plan submitted with the application states that the proposed construction would be outside of the RPA (Root Protection Area) of any existing trees. However, the supplied site plan is inaccurate, showing an RPA of 2.9m for Oak T2 [T1 on the TPO plan] when in fact it should be 8.7m. Accordingly, there is an intrusion into the RPA of this tree by almost 9%. The supplied Method Statement and Tree Protection Plan are therefore inaccurate and there are concerns regarding site supervision of excavation works within the RPA for foundations, ground preparation for driveway construction, storage of materials etc.
- 7.3.9 The supplied plan also advises new planting using 4 Birch trees. The location of these trees is unacceptable with the flank wall of the adjacent building a mere 1.5m distant and the electric substation 2.5m. Long term retention is not a viable option; and in addition, it was brought to the council's attention that a sewer runs along this boundary.
- 7.3.10 For the above reasoning, the proposed development by reason of insufficient plot sizes, proposed layout and massing coupled with its height, would result in a cramped, contrived and incongruous built form that would fail to integrate satisfactorily into its context and not respect or enhance the character and quality of the area, so contrary to Policy DM9.

7.4 Impact on residential amenities

- 7.4.1 The NPPF seeks a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 (Design Principles) ensures that the amenities of the occupiers of the neighbouring properties and uses are respected.
- 7.4.2 The proposed Unit 1, located to the north part of the application site, would maintain a minimum separation distance of approximately 12m and 15m to the nearest rear part of No's. 4 & 6 Macdonald Road respectively. At the maximum height of 8.35m, given the separation distances, the proposed Unit 1 would result in overbearing impact on the above

existing dwellings in Macdonald Road. Although Unit 2 would be of the identical height as Unit 1, it would be set further back from the rear walls of the neighbouring properties in Macdonald Road at approximate minimum of 20m and therefore not considered to result in any adverse overbearing impact on the above neighbouring properties.

- 7.4.3 The separation distances to the rear boundary from the first floor habitable rooms of Unit 1 would vary between 7m to 10.3m; and of Unit 2 between 10.3m and 5.7m. The minimum separations are considered insufficient in terms of overlooking of the rear garden areas of the neighbouring properties, namely No's 4, 6, 8 and 10 Macdonald Road, resulting in unacceptable loss of privacy. This relationship would be the same when considered vice versa in terms of the existing occupiers overlooking, resulting in a loss of privacy to the future occupiers of the development.
- 7.4.4 Unit 1 would maintain an average separation distance of 13m to the rear boundary of No. 211 Guildford Road; and although its orientation would be to the southwest with a maximum ridge height of 8.35m, it is not considered that Unit 1 would result in any adverse loss of light or sunlight to the rear garden area of the above dwelling to warrant refusal of the scheme on this basis.
- 7.4.5 Due to the retained separation distances and the orientation of the proposed and the existing dwellings, it is not considered that the proposed development would result in any adverse loss of light to the habitable rooms or the rear gardens of properties in Macdonald Road.

7.5 Whether the development is acceptable in terms of parking and highway safety

- 7.5.1 Policy DM11 (Traffic Management and Highway Safety) seeks all development ensures that 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 informally advised that is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. Members would be advised by way of an update in connection with any formal comments received prior to the Planning Applications Committee meeting.

7.6 Impact on local infrastructure

- 7.6.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. As the CIL Charging Schedule will come into effect on the 1st December 2014 an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential and retail developments where there is a net increase in floor area. As the proposal relates to a net increase in residential floor area, the development is CIL liable.
- 7.6.2 At the time of writing of this report, the required CIL forms were submitted and the Council was able to calculate the liable sum, which is £67,760. CIL is a land charge that is payable at commencement of works. An informative advising of this would be added.

7.7 Impact on the Thames Basin Heaths Special Protection Area

- 7.7.1 Policy NRM6 of the South East Plan (Thames Basin Heaths Special Protection Area) seeks to protect the ecological integrity of the TBH SPA, Policy CP14B of the Core Strategy builds on this as does adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2012). This SPD identifies Suitable Alternative Natural Green

Space (SANGS) within the Borough and advises that the impact of residential developments on the SPA can be mitigated by providing a financial contribution towards SANGS.

- 7.7.2 The application site is located approximately 630m from the Thames Basin Heaths Special Protection Area (SPA). Natural England are currently advising that new residential development within 5km of the protected site has the potential to significantly adversely impact on the integrity of the site through increased dog walking and an increase in general recreational use. The application proposes a net increase of 5.7 in occupancy and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site. From 1st December 2014, a financial contribution towards the provision of SANG is included within the CIL payment.
- 7.7.3 In addition to the financial contribution towards the mitigation on likely effects of the proposed development on the TBH SPA in terms of SANG, Policy CP14B requires that all new residential development contributes toward SAMP (Strategic Access Management and Monitoring) measures. As this is not included within the CIL, a separate financial contribution towards SAMP is required. In this instance a payment of £1,500 is needed and has to be secured by way of a legal agreement, if not paid in full prior to the determination of the application. At the time of writing of this report, no such payment was or the satisfactory legal agreement was received by the Council.

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.

9.0 CONCLUSION

- 9.1 The proposal by reason of the size of the site area, the proposed layout and resultant rear amenity space for the existing and proposed dwellings; and, coupled with the footprint, height and massing of the proposed dwellings would result in a cramped, contrived and incongruous development at odds with the established pattern of development forming poor relationships with the host dwellings and neighbouring buildings along the west side of Macdonald Road. As such the proposal would fail to integrate, respect and improve the character and quality of the area contrary to Policies CP1 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, the Lightwater Village Design Statement Supplementary Planning Document and the NPPF. The proposal would also represent an unneighbourly form of development for nos. 4 - 12 Macdonald Road, and for the future occupiers of the proposed units, resulting in an adverse loss of residential amenity

contrary to Policy DM9 (iii) of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework. In addition, the applicant has failed to make financial contribution or secure legal agreement in terms of SMM.

10.0 RECOMMENDATION

REFUSE for the following reason(s):-

1. The proposal by reason of the size of the site area, the proposed layout and resultant rear amenity space for the existing and proposed dwellings; and, coupled with the footprint, height and massing of the proposed dwellings would:
 - a) result in a cramped, contrived and incongruous development at odds with the established pattern of development forming poor relationships with the host dwellings and neighbouring buildings along the west side of Macdonald Road. As such the proposal would fail to integrate, respect and improve the character and quality of the area contrary to Policies CP1 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, the Lightwater Village Design Statement Supplementary Planning Document and the National Planning Policy Framework; and,
 - b) represent an unneighbourly form development for nos. 4 - 12 Macdonald Road, and for the future occupiers of the proposed units, resulting in adverse overbearing impacts, loss of privacy and overlooking contrary to Policy DM9 (iii) of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
2. In the absence of a 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 (SMM) measures, 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).

Informative(s)

1. The applicant is advised that if this application had been acceptable in all other respects, the scheme would be Liable to the Community Infrastructure Levy (CIL) Schedule which came into effect on 1st December 2014. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development. In respect of the second reason for refusal, in addition to SMM contribution, CIL is the only mechanism for collecting Suitable Natural Green Space (SANG) monies. Therefore if there is SANG capacity at the time of appeal then capacity will be assigned.