

2014/1115

Reg Date 11/12/2014

Chobham

**LOCATION:** 86 HIGH STREET, CHOBHAM, WOKING, GU24 8LZ  
**PROPOSAL:** Demolition of existing single storey building at the rear of Saddlers Halt and replacement with 2 two bedroom cottages.  
**TYPE:** Full Planning Application  
**APPLICANT:** Chobham 123  
**OFFICER:** Chenge Taruvinga

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 Planning permission is sought for the erection of a two storey building comprising 2 two bedroom cottages on land to the rear of Saddlers Halt, 86 High Street following demolition of existing single storey retail building.
- 1.2 The report below concludes that the development would not integrate successfully within the immediate surrounding area and would be harmful to the designated heritage assets including the setting of the adjacent Grade II Listed building, Saddler's Halt, and Chobham Conservation Area. The proposed development would also have an adverse impact on the amenities that the occupants of neighbouring properties as well as future occupiers of the development enjoy. In addition, no payment has been made toward SAMM (Strategic Access Management and Monitoring) measures and so this forms an additional reason for refusal. It is therefore considered that 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 south side of Cannon Crescent, off the High Street in Chobham, within the Chobham Conservation Area. The site is located within the settlement of the village; in an area characterised by a mix of commercial and residential uses. The site is located to the rear of Saddlers Halt, a Grade II Listed Building in a mixed use with offices at the ground floor and a residential flat above. To the southwest, the site is bound by a semi-detached residential cottage, no. 90 High Street that is locally listed. A commercial property operating as a sandwich bar is situated between no's. 86 and 90 to the front of the site, in the area of the existing access onto the application site. The neighbouring properties to the west and south, no's. 84 and 66 High Street respectively, are also in commercial use. In addition, no. 66 has a large rear garden laid to lawn with dense hedges located to the rear of the application site.
- 2.2 The application site of approximately 152 square metres is currently occupied by a detached single storey building in use as an antique shop. Although there are no trees on the application site, the backdrop of the site as viewed from the High Street is treed.

### **3.0 RELEVANT HISTORY**

- 3.1 Planning application SU/14/0616 for the erection of a two storey building comprising of 4 one bedroom flats on land to the rear of Saddlers Halt, was withdrawn on the 23<sup>rd</sup> of September

2014. However it was reported to the committee with an officer's recommendation to refuse on the basis that its layout, size, proximity to common boundaries and neighbouring buildings would have represented a quantum of built form that was cramped, contrived and dominant, harmful to the designated heritage assets including the setting of Saddlers Halt (no. 86 High Street), a Grade II Listed Building, and Chobham Conservation Area.

3.2 Following this withdrawn application, the applicant did not enter into pre-application advice.

#### **4.0 THE PROPOSAL**

- 4.1 Permission is sought for the erection of a two storey building comprising of 2 two bedroom cottages on land to the rear of Saddlers Halt, 86 High Street following demolition of existing single storey flat roofed building.
- 4.2 Notwithstanding the reduction in the number of units proposed from four to two, the proposed built form would be largely similar to the previous scheme under SU/14/0616. To the eastern flank the built form has been reduced from a depth of 7.95 metres to 6.14 metres. Two front windows have been inserted in place of doors to serve each of the units at ground floor level as well as the provision of a central porch area and internal passage and doors to serve both cottages.
- 4.3 In a similar fashion to the previous application SU/14/0616 the proposed building would be characterised by a hipped slate roof with red clay ridge tiles, to match the materials of Saddlers Halt to the front. The height of the revised scheme remains unchanged to that of the previous application, with the only variation being the provision of three front facing dormer windows, in place of the two proposed under the previous proposal.
- 4.4 The side and rear walls of the proposed building would be adjacent to the side and rear boundaries of the application site. This arrangement is identical to that proposed under the previous application.

#### **5.0 CONSULTATION RESPONSES**

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|-----|--|--|
| 5.1 | Surrey County Council<br>Highway Authority | No objection to the proposal, subject to conditions and informative.   |
| 5.2 | Tree Officer                               | No objection, subject to conditions.   |
| 5.3 | Conservation Officer                       | Raise objections due to the impact of the proposed development on the setting of Grade II Listed building of Saddler's Halt. |
| 5.4 | Chobham Parish Council                     | Objection on the lack of amenity space and the overbearing impact of the proposed roof form.                                 |

#### **6.0 REPRESENTATIONS**

- 6.1 At the time of preparation of this report 4 letters of objection had been received concerned with the following issues:
- Loss of residential amenities (privacy, visually intrusive, over-shadowing of small garden of No's. 90 & 92, noise & disturbance) [See paragraph 7.4]

- The problem of the already insufficient parking provision in a narrow unadopted lane (Cannon Crescent) would be exacerbated [See paragraph 7.5];
- Further highway implications in terms of increased traffic volume [See paragraph 7.5]

## 7.0 PLANNING CONSIDERATION

- 7.1 The National Planning Policy Framework (NPPF); Policies CP1, CP2, CP14B, DM9, DM11 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); and, the principles contained within the Community Infrastructure Levy & Infrastructure Delivery Supplementary Planning Document are material considerations in this application.
- 7.2 It is considered that the main issues to be addressed in determining of this application are:
- Impact on the designated heritage assets and character of the area;
  - Impact on residential amenities;
  - Whether the development is acceptable in terms of parking and highway safety;
  - Impact on the provision of community infrastructure; and
  - Impact on the Thames Basin Heath SPA

### 7.3 Impact on the designated heritage assets and the character of the area

- 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 more generally. Paragraph 133 of the NPPF advises that development which leads to substantial harm to a heritage asset should be refused consent unless such harm is necessary to achieve substantial benefits.
- 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. Policy DM17 (Heritage) of CSDMP 2012 promotes conservation and enhancement of the Designated Heritage Assets, such as conservation areas and listed buildings.
- 7.3.3 The application site is located in a courtyard of a Grade II listed building and within the Conservation Area. The proposal would maintain a minimum separation distance of 4.5 metres to Saddlers Halt, which is also a two-storey property. Although the eaves and ridge of the proposed building have been kept low at a maximum height of 5.5 metres, the width (13.9 metres) of the building and its close siting to the listed building would result in a contrived and cramped form of development, with a built relationship that is largely similar to the refused scheme under SU/14/0616. The resulting development would have a dominant presence within the plot, and as such detract from the setting of the listed building and wider conservation area. On this basis the Historic Building Officer has

advised that the current proposal does not overcome the objection raised under SU/14/0616.

- 7.3.4 The lack of space to be retained about the proposed building also means that the proposal makes no provision for basic requirements, such as bin stores, cycle parking or drying areas. It is reasonable to assume that occupiers of the proposed units would need such facilities. As a consequence, this would result in residential detritus creeping forward of the application site in an unplanned manner further harming to the setting of the Listed Building and the Conservation Area. This lack of provision, or even an indication that they could be provided in a satisfactory manner on site, is indicative of the fact that the scale of development proposed is significantly above what the site can comfortably accommodate.
- 7.3.5 To facilitate the development, three Category C trees would be removed. However, none of these are outstanding and their loss would not result in significant impact on the landscape character of the area.
- 7.3.6 In conclusion, the scale of development sought under this revised scheme is considered to be over and above what the site can comfortably accommodate. The proposed layout, with the built form of the replacement building occupying the entire application site would result in a cramped and contrived built form, which would be harmful to the setting of the Listed Building. Moreover, the application's failure to make provision for the future occupiers' basic requirements (in the form of cycle parking, bin storage etc.) would be likely to lead to further harm to both the setting of the Listed Building and the wider character and appearance of the Conservation Area. The proposal is therefore considered to be non-compliant with policies DM9 and DM17 of the CSDMP 2012 and the NPPF.

#### **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) of CSDMP 2012 ensures that the amenities of the occupiers of the neighbouring properties and uses are respected.
- 7.4.2 The development would comprise two residential cottages. All windows and openings are situated to the north/front elevation. No windows/openings are proposed within the side or rear elevations. As such, none of the kitchens or bathrooms would have an opening to the outside wall. In comparison with the previous scheme under SU/14/0616, the reduction in the number of units proposed does marginally improve the quality of internal living spaces proposed, particularly in respect to the level of natural light received through the windows that are only concentrated on the northern elevation. However, the limited separation distance between the proposed development and the rear elevation of Saddlers Halt would mean that occupiers of the proposed units would have an outlook dominated by that property. The above factors, in combination with the lack of amenity space, would, in the officer's opinion, result in unsatisfactory living arrangements.
- 7.4.3 Turning to the proposal's impact on neighbouring properties, the rear elevation of a first floor flat at no. 86 High Street (Saddlers Halt) contains two windows and an entrance door. Each window serves as the only source of light to a bedroom. At a minimum separation distance of approximately 4.5 metres, the first floor habitable room windows of the proposal would look directly into the habitable room windows of the first floor flat at no. 86. As such, it is considered that the proposal would result in adverse overlooking and loss of privacy to the occupiers of the first floor flat at Saddlers Halt and the future occupiers of the development and would be unacceptable in terms of the aforementioned policy considerations.
- 7.4.4 Two of the proposed bedrooms serving either cottage would have a secondary window facing the entrance porch of the building that is located centrally within the site. One of

these secondary bedroom windows serving the residential unit to the west would be situated approximately 10.9 metres away from the nearest rear windows of no. 90 High Street to the east. At such a distance, the proposal is not considered to result in any adverse overlooking of the above property. All the proposed primary windows serving lounges and bedrooms would look forward towards Saddlers Halt and would offer only limited oblique views of the other neighbouring properties. As such, it is not considered that the proposal would result in any adverse overlooking and loss of privacy to No's. 90 or 84 High Street. As no windows would be located within the west/side, south/rear and east/side elevations, no detrimental loss of privacy to the neighbouring properties to those directions is considered to occur.

- 7.4.5 However, No. 90 High Street is a semi-detached cottage with a very limited size rear garden area. The proposal, if implemented, would be located on the west/side boundary of No. 90 with its flank wall at the eaves height of 4.5 metres at a length of 6.14 metres. Following withdrawal of SU/14/616, the depth of the proposal on the eastern flank has been reduced by 1.8 metres. As a consequence, the gap between the front elevation of the proposal and the rear elevation of No. 90 is now 4.7 metres compared to the 3 metre gap proposed under SU/14/0616. Notwithstanding this however, the proposed built form would still have an imposing and overbearing presence when viewed from No. 90 given its two-storey height and close proximity to the rear garden area and habitable rooms.
- 7.4.6 The surrounding area of the application site contains a variety of uses. The additional residential occupation of 2 cottages is not considered to result in such a level of further noise in this mixed use locality that would be detrimental to the amenities of the adjoining residents.
- 7.4.7 As such, although the development would not give rise to an unacceptable level of noise, the limited separation distance between the proposed development and the rear elevation of Saddlers Halt in combination with the lack of amenity space and bin storage areas would, result in unsatisfactory living arrangements for the future occupiers of the cottages. It is also considered that the proposal would result in adverse mutual overlooking and loss of privacy between the occupiers of the first floor flat at Saddlers Halt and the future occupants of the development. Finally it is considered that despite the reduction in the depth of eastern flank, the proposal would still have an imposing and overbearing presence given its two-storey height and proximity to the rear garden area and habitable rooms of No. 90. On this basis, the proposal would be contrary to the requirements of Policy DM9 of the CSDMP and the NPPF.

## **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 Although the proposal would not provide any parking provision, it is considered that the application site is situated in a sustainable location, close to the local amenities and modes of transport, where need for a car is not essential. 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, subject to conditions and informative.

## **7.6 Impact of the development on the provision of community infrastructure**

- 7.6.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014 and took effect on the 1st December 2014. Surrey

Heath charges CIL on residential and retail developments where there is a net increase in floor area of 100 square metres or more. The proposal would result in a net increase in residential floor space of approximately 69 square metres. Accordingly the development is not liable for a contribution towards community infrastructure as set out in Community Infrastructure Levy Regulations 2010 (as amended) and the Community Infrastructure Levy & Infrastructure Delivery Supplementary Planning Document.

## **7.7 Impact on the Thames Basin Heath Special Protection Area**

- 7.7.1 The application site is located within approximately 1.1 km of 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 2 units, which in combination with other development, to have a significant adverse impact on the protected site.
- 7.7.2 In January 2012 the Council adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD which 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. As the provision of SANGS is considered to be a form of infrastructure, they are pooled through CIL. The Council currently has sufficient SANGS capacity to mitigate the impact of the development on the SPA.
- 7.7.3 Policy CP14B requires that all net new residential development provide contributions toward Strategic Access Management and Monitoring (SAMM) measures. Neither a payment nor legal agreement has been completed. On this basis, the proposal would fail to accord with Policy CP14B of the Core Strategy and the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document.

## **8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT)**

**ORDER 20**

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 proposed development would represent a quantum of built form that would be harmful to the designated heritage assets and fail to integrate successfully within the surrounding area. The proposal would fail to take the opportunity to promote and improve the character and quality of the area. The proposed development would also result in adverse loss of

residential amenities to the occupiers of the existing neighbouring properties. In addition, the proposal would provide inadequate amenities for future occupiers and would not provide a contribution towards SAMM

- 9.2 The proposal would therefore conflict with Policies CP1, CP2, CP14B, DM9 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012; and requirements of the National Planning Policy Framework 2012.

## **10.0 RECOMMENDATION**

The Executive Head of Regulatory to be authorised to REFUSE the application for the following reasons:

REFUSE for the following reason(s):-

1. The proposal by reason of its layout, size, proximity to common boundaries and neighbouring buildings would represent a quantum of built form that would be cramped, contrived and dominant, harmful to the designated heritage assets including the setting of Saddlers Halt (no. 86 High Street), a Grade II Listed Building, and Chobham Conservation Area. Consequently, the proposal would fail to integrate into its context nor promote and improve the character and appearance of this high quality area and would conflict with Policies CP1, CP2, DM9 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2012.
2. Due to its layout and position on the boundaries of the application site, coupled with its height and massing, the proposed development would be an unneighbourly form of development resulting in adverse overbearing effects and loss of light for the owner/occupiers of no. 90 High Street; and, overlooking and loss of privacy for the owner/occupiers of the first floor flat of Saddlers Halt (no. 86 High Street) and the future occupiers of the development. In addition, due to its layout and orientation, the proposal would result in poor and inadequate residential amenities for the future occupiers of the development. The proposal would therefore conflict with Policies CP1, CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2012.
3. 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 (SAMM) 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).