

**LOCATION:** 5 Cedar Gardens, Chobham, Woking, Surrey, GU24 8PG  
**PROPOSAL:** Erection of a single storey rear extension with rooflight.  
**TYPE:** Full Planning Application  
**APPLICANT:** Mr Garry Howard  
**OFFICER:** Rowan Speed

This application would normally be determined under the Council's Scheme of Delegation, but it is being reported to the Planning Applications Committee on the request of Councillor Wheeler because of concerns about the impact of the proposal on residential amenity.

## **RECOMMENDATION: GRANT subject to conditions**

### **1.0 SUMMARY**

- 1.1 The application seeks full planning permission for the erection of a single storey rear extension with rooflights.
- 1.2 The principle of development is considered acceptable. For the reasoning explained in this report, the proposed extension would cause no adverse harm to the character of the area, is acceptable in terms of residential amenity impacts and would not result in any adverse highway impacts.
- 1.3 The proposal is therefore recommended for approval, subject to planning conditions.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site comprises a two-storey detached dwelling with roof accommodation located to the south of the highway, within the settlement area of Chobham. The property is located within a development of 5 detached dwellinghouses accessed via a private driveway off Beta Road.

### **3.0 RELEVANT HISTORY**

- 3.1 02/1307 Outline application for the erection of 5 detached dwellinghouses following demolition of existing bungalow (no. 10 Beta Road) and construction of a new access (Allowed on appeal).
- 3.2 04/0775 Reserved matters application in respect of application SU/02/1307 for the erection of 5 detached dwellinghouses with garages following demolition of existing bungalow (10 Beta Road) together with alterations to No. 12 Beta Road (siting, design, external appearance). (Granted 22.10.2004). Permitted development rights were removed under condition 6:

*Notwithstanding the provisions of the Town and Country*

*Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no further extensions, garages or other buildings shall be erected without the prior approval in writing of the Local Planning Authority.*

*Reason: to enable the Local Planning Authority to retain control over the enlargement, improvement or other alteration to the development in the interests of visual and residential amenity.*

#### 4.0 THE PROPOSAL

- 4.1 The application seeks full planning permission for the erection of a single storey rear extension with roof lights.
- 4.2 The extension would measure 3.4 metres in depth, 4.8 metres in width, and would have a flat roof measuring 2.8 metres in height (3.4 metres to the apex of the roof lantern). The extension would be constructed from brickwork to match the existing dwelling, with an anthracite grey roof and glazing.
- 4.3 The extension would be sited 1 metre from the boundary with 6 Cedar Gardens and 4 metres from the boundary with 4 Cedar Gardens. An adequate area of rear garden would be retained in relation to the host dwelling.

#### 5.0 CONSULTATION RESPONSES

- 5.1 The following external consultees were consulted and their comments are summarised in the table below:

External Consultation	Officer Response
County Highways Authority – no comments or requirements to make.	Noted
<p>Chobham Parish Council – objects to proposal for the following reasons:</p> <ul style="list-style-type: none"> <li>• The development of Cedar Gardens itself was a form of “infill” development and therefore further development should not qualify as “limited infill” for Green Belt purposed (NPPF).</li> <li>• The resulting private garden space would appear to be disproportionately small for a 4-bedroom dwelling (DM9, Residential Design Guide).</li> <li>• The proposal would fail to respect the residential amenity of 6 Cedar Gardens by reason of an enclosing effect on the garden (DM9).</li> </ul>	<p>The application site is within the settlement area of Chobham which is treated as washed over Green Belt and so the principle of a small extension is likely to be acceptable.</p> <p>Although there would be a reduction in the size of the garden, the remaining space is adequate for the dwelling given its modest size.</p> <p>The extension would be set 1 metre from the shared boundary with 6 Cedar Gardens with the boundary treatment consisting of a 1.8 metre high fence. The extension would stand 1 metre taller than the boundary fence and therefore would not result in a</p>

<ul style="list-style-type: none"> <li>• If approved ,any remaining relevant permitted development rights to be removed in order that control is retained over further enlargement to prevent further over-development of the site (DM9).</li> <li>• Note: the conditions of the original planning permission for the dwelling should be checked, as it is understood that one of the properties in Cedar Gardens may have a condition limiting the gross floor area</li> </ul>	<p>harmful impact to the existing neighbour.</p> <p>Permitted development rights for extensions, garages or other buildings and for any further dormer windows were removed by condition (conditions 2 and 6) on the reserved matters application (04/0775).</p> <p>The original planning permission (02/1307) and reserved matters (04/0775) have been checked and there is no condition that restricts the floor area of the properties].</p>
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5.2 The following internal consultees were consulted and their comments are summarised in the table below:

Internal Consultation	Officer Response
Arboricultural Officer - No objection to the proposed development but notes that the supporting documents for tree protection do not comply with BS:5837 so a condition requiring the submission of an updated tree protection plan should be attached to any consent	The agent has been made aware of, and agrees to, the pre-commencement condition requiring the submission of a tree protection plan

## 6.0 REPRESENTATION

6.1 A total of 7 individual letters of notification were sent out on 1<sup>st</sup> March 2023. To date 3 letters of representation have been received. 2 letters of objection were received from the same address, with 1 letter of support having been received.

6.2 The table below summarises the material planning reasons for objection:

Material Reason for Objection	Officer Response
<u>Character and Design</u>	
It would be an overdevelopment of the plot.	The extension is modest in depth and height and is commensurate with the scale of the existing property.

<u>Amenity</u>	
The scale of the development is unneighbourly and will have a negative and dominant impact on our property and affect our quality of life.	The extension would be set 1 metre from the shared boundary with 6 Cedar Gardens and would stand 1 metre taller than the existing boundary fence and therefore it is considered that this arrangement would not be overbearing or result in overshadowing to warrant refusal of this application
Extension will reduce the size of their garden considerably and may contravene principle 8.4 of the RDG for a minimum amenity space of 70sqm for a house of this size.	Although there would be a reduction in the size of the garden, the remaining space is adequate for the dwelling given its modest size. Furthermore, principle 8.4 is not applicable in this case.
Concern raised by the impact of the amount of sunlight that would be lost in both our garden and living room, due to the size and proximity of the proposed extension.  Also note that the proposed elevation plans on the westerly side is fully glazed and supplemented by a 1.4 m skylight which would support our objection that the extension would have a detrimental impact on the ambient light levels to the rear of the properties.	The extension would not breach the 60° rule in relation to the nearest habitable rear window of this neighbouring dwelling. Moreover, given that the extension will be set 1 metre from the shared boundary and stand approximately 1 metre taller than the existing fence and the orientation of the two properties, with no. 6 east of the application site, the impact would be lessened.
The separation between the two properties is less than 10m so the 60 degree rule may apply.	The 60° rule has been applied and the extension does not breach this.
<u>Other Issues</u>	
Requested to see a copy of the developers Daylight and Sunlight assessment for this planning application.	A daylight and sunlight assessment has not been submitted as part of this application, and for a development of this scale this would not be a reasonable requirement. Furthermore, given that the development does not breach the 60 degree rule, no objection has been raised in this regard.

6.3 The table below summarises the non-material planning reasons for objection:

<b>Non-Material Reason for Objection</b>	<b>Officer Response</b>
Gardens of the houses are small and buildings staggered. The application property already projects 70-80cms behind our house and this would be increased by an additional 3.4 metres, meaning there would be a solid brick wall 1 metre higher than the boundary fence and extending over a third of the length of our fence, restricting light.	This application relates to the assessment of the proposed extension as the existing dwelling has already been approved with a staggered layout.  The extension would project 3.4 metres past the rear elevation of the host dwelling and would be set in 1 metre from the shared boundary, standing 1 metre taller than the existing boundary fence. This arrangement would not result in any

	detrimental overbearing or overshadowing impacts to warrant refusal of the application.
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6.4 The table below summarises the non-material planning reasons for support:

<b>Non-Material Reason for Support</b>	<b>Officer Response</b>
Letter received offering general support for the application with no reasons given.	This letter of support has been noted.

## **7.0 PLANNING CONSIDERATION**

7.1 This application is considered against advice contained with the National Planning Policy Framework (NPPF) where there is a presumption in favour of sustainable development. Regard will be given to Policies DM9 and DM11 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP). In addition, regard will be given to the adopted Supplementary Planning Documents (SPD) including the Residential Design Guide 2017 (RDG).

7.2 The main issues to be considered with this application are:

- Impact on the character and appearance of the area
- Residential amenity
- Other matters

### **7.3 Impact on the character and appearance of the area**

7.3.1 Policy DM 9 of CSDMP along with the principles of 10.1 and 10.4 of the RDG are relevant for the assessment of this application.

7.3.2 The proposed extension is single storey and located to the rear of the dwelling and as such it would not impact on the wider character. The modest depth, projecting approximately 3.3 metres past the rear elevation and height of 2.8 metres are commensurate with the scale of the existing property. In addition, the design of the proposal along with the proposed materials are considered sympathetic and would not result in harm to the host dwelling.

7.3.3 In light of the above, the proposal would not result in harm to the character of the host dwelling or the area and complies with the NPPF, policy DM9 of the CSDMP and principles 10.1 and 10.4 of the RDG.

### **7.4 Residential Amenity**

7.4.1 Policy DM9 of the CSDMP 2012 along with principles 8.1, 8.3 and 10.1 of the RDG are relevant for the assessment of this application.

- 7.4.2 The proposed extension would be set 1 metre off the shared boundary with 6 Cedar Gardens to the east of the host dwelling and it would stand approximately 1 metre taller than the existing 1.8 metre high fence on the boundary. It is considered that this arrangement would not be overbearing or result in overshadowing to a degree that would warrant refusal of the application. It is noted that the neighbours have raised an objection regarding a loss of light to their property and garden, with their objection stating a concern over loss of light to their living room due to the size and proximity of the extension to the rear of the property. However, the extension would not breach the 60° rule in relation to the nearest habitable rear window of this neighbouring dwelling, as set out in the RDG, and therefore would not materially impact on the levels of light currently received by the property. Furthermore, given the orientation of the properties, with no 6 to the east of the application property, the impact would be lessened. On this basis, it is considered that there would be limited loss of daylight to this property. Therefore, it is considered that the relationship between the proposed development and 6 Cedar Gardens is acceptable.
- 7.4.3 A separation distance of 4 metres would be retained to the shared boundary with no. 4 Cedar Gardens and the staggered nature of the build line means that the extension would project 1.4 metres past the rear elevation of this neighbouring dwelling. Given this, along with the modest scale of the extension, it is not considered that the development would result in any adverse overbearing or overshadowing impacts on the occupiers of this neighbouring dwelling.
- 7.4.4 The proposal includes patio doors in the rear and western side elevation of the extension which would provide views into the rear garden of the host dwelling. Whilst the doors in the western side elevation would face no. 4 Cedar Gardens, given these are at ground floor level and there is a 1.8 metre high fence and gate between the extension and this neighbouring dwelling, it is not considered that the proposal would result in any new patterns of overlooking.
- 7.4.5 Given the above, the proposal is acceptable in terms of its impact on the residential amenity of the neighbouring occupiers and is in accordance with the NPPF, policy DM9 of the CSDMP, principles 8.1, 8.2, 8.3 and 10.1 of the RDG.

## **7.5 Other matters**

- 7.5.1 Policy DM11 of the CSDMP 2012 is relevant for the assessment of the planning application. The application site benefits from a driveway to the side of the property and garage to the rear which provides off-street parking. These parking arrangements would be unaffected by the proposed development and it would not result in any additional bedrooms. Therefore, the proposal is in line with Policy DM11 of the CSDMP 2012.
- 7.5.2 There is a Cedar tree at the front of the property protected under TPO/7/03. The Council's Arboricultural Officer has been consulted on the proposal and has no objection to the development in principle but notes that the supporting documents for tree protection do not comply with the requirements of BS:5837 and as such will not adequately protect the tree at the front of the property. An updated tree protection plan to secure the protection of this tree can be secured through a pre-commencement condition on this application. The agent was notified of the intention to impose a pre-commencement condition and they agreed this via email on 30<sup>th</sup> May 2023.
- 7.5.3 The proposal is not CIL liable.

## **8.0 PUBLIC SECTOR EQUALITY DUTY**

- 8.1 Under the Equalities Act 2010 the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability,

pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this duty.

## **9.0 CONCLUSION**

- 9.1 The proposed development would have no adverse impact on the character and appearance of the host dwelling or local area, nor on the amenities of the neighbouring residential properties. Furthermore, it would be acceptable in terms of its impact on trees and highways and parking. Therefore, it complies with Policy DM9 and DM11 of the CSDMP and principles 8.1, 8.3, 10.1 and 10.4 of the RDG. The application is recommended for approval, subject to the recommended conditions.

## **10.0 RECOMMENDATION**

GRANT 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 development shall be built in accordance with the following approved plans:
  - Location Plan and Site Plan, drawing no. 001 Rev B (received 20.04.2023)
  - Proposed Floor Plans, drawing no. 004 Rev A (received 27.02.2023)
  - Proposed Elevations, drawing no. 005 Rev A (received 27.02.2023)

unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning as advised in ID.17a of the Planning Practice Guidance.

3. The building works, hereby approved, shall be constructed in the materials specified on the application form and submitted plans (drawing no. 005 Rev A).

Reason: To ensure the development is of a high quality in accordance with Policy DM9 of the Core Strategy and Development Management Policies DPD.

4. No demolition works or development shall take place until a Tree Protection Plan specific to this scheme, has been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan shall be written in accordance with, and address sections 5.5, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction - recommendations.

Nothing shall be stored or placed in any area in accordance with this condition and the agreed fencing is to remain in situ for the duration of the development, the ground levels within those protected areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details until completion of the development.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

## **Informative(s)**

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## **Informative(s)**

1. This Decision Notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained, however, there is a charge for this service.
2. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land.
3. The applicant's attention is drawn to the Party Walls (etc) Act 1996.

4. The applicant is advised that this permission is only pursuant to the Town and Country Planning Act 1990 and is advised to contact Building Control with regard to the necessary consents applicable under the Building Regulations and the effects of legislation under the Building Act 1984.
5. The applicant is expected to ensure the safe operation of all construction traffic in order to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. Where repeated problems occur the Highway Authority may use available powers under the terms of the Highways Act 1980 to ensure the safe operation of the highway.