

LOCATION:	Vanya Cottage , 1 Orchard Hill, Windlesham, Surrey, GU20 6DB
PROPOSAL:	Erection of a timber single storey granny annexe for ancillary use to the main dwelling.
TYPE:	Full Planning Application
APPLICANT:	Mr and Mrs Cope
OFFICER:	Melissa Turney

This application is being reported to the Planning Applications Committee because the applicant is Cllr Cope.

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 This planning application is for the erection of a detached 2 bedroom annexe/outbuilding in the rear garden of the site. The annexe would be occupied by the applicant's parents.
- 1.2 It is considered that the proposal is acceptable in principle. It would result in no adverse impact on the character of the surrounding area or the host dwelling or the residential amenities of the occupiers of the neighbouring dwellings. The proposal is considered to be ancillary to the main dwelling and would not result in a separate planning unit. The proposal would also have no adverse highway impacts.
- 1.3 The application is therefore recommended for approval subject to conditions, including preventing the subdivision of the plot and the use of the annexe as a separate self-contained residential dwelling.

2.0 SITE DESCRIPTION

- 2.1 The application site is Vayna Cottage, 1 Orchard Hill which is located within the settlement boundary of Windlesham. The site is located on the northern side of Orchard Hill and comprises a four bedroom detached chalet bungalow which has been previously extended, with single storey side and rear extensions and side dormers. The site also has an outbuilding and garage that are located adjacent to the dwelling to the east.
- 2.2 The surrounding area comprises of predominantly residential in nature characterised by detached and semi-detached dwellings. Orchard Hill is characterised by detached chalet bungalows similar to the application dwelling. To the rear of the site is an access road which provides access to a number of dwellings to the east and north east of Orchard Hill. This access road is line by mature trees adjacent to the rear boundary of the site.
- 2.3 The site has no specific planning designations.

3.0 RELEVANT HISTORY

- 3.1 21/0817/FFU Single storey side and first floor side extension. Granted
- 24/0055/CES Certificate of Lawfulness for the proposed stationing of a mobile home for purposes ancillary to the main dwelling.

This application is under consideration.

4.0 THE PROPOSAL

- 4.1 Planning permission is sought for erection of a timber single storey granny annexe for ancillary use to the main dwelling.
- 4.2 The proposed building would be sited within the rear garden of the dwelling. It would have a maximum width of 13.6 metres, a depth of 6.55 metres and a maximum height of 4.1m. It would be sited 0.6 metres from the east boundary, 0.5 metres from the west boundary and 2.2 metres from the rear boundary at the closest points. It would be self-contained and would provide two bedrooms, a kitchen and living room, a shower room and a hallway. The annexe would not be provided with a separate access and would be shared with the main dwelling house. The outbuilding would be finished in external cladding which is light grey in colour.
- 4.3 Planning permission is required due to the size of the outbuilding in terms of the height and distance from the boundaries. The outbuilding would have a height of 4.1m which exceeds the PD requirements. Therefore, the outbuilding would not fall under the size requirements set out in Part 1, Schedule 2, Class E of the GPDO. The outbuilding would also provide primary living accommodation for the relatives which would not be considered incidental.
- 4.4 The Design and Access Statement Appendix A – Supporting Personal Statement submitted as part of the application provides details and confirmation that the building would be used by their parents. The statement sets out while there would be two bedrooms and kitchen/living room they would be reliant upon the main dwelling for laundry and daily support due to health related issues and they would share amenity space. Further, there would no separate access or postal address.
- 4.5 A Design and Access Statement has been submitted in support of this application. Relevant extracts from this document will be referred to in section 7 of this report.

5.0 CONSULTATION RESPONSES

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

External Consultation	Comments Received
Windlesham Parish Council	Objection: <ul style="list-style-type: none">Appears to be the same as 24/0055/CES <p>[Officer comment: The proposals are similar however, are constructed in different ways which results in the proposal being different. This current application does not have join to meet the caravan act requirements]</p>

- Substantial size

[Officer comment: The size is not considered out of character for an outbuilding within the rear garden]

- Close to the boundaries with neighbours

[Officer comment: due to the separation distances (32m to the west and separated by highway to the north) and single storey nature of the proposal it would not result in any harm to the amenities of these neighbouring properties in terms of being overbearing nor would it result in loss of light or loss of privacy.]

- Would there be need to remove trees?

[Officer comment: The proposal would not require the removal of trees]

- Concern proposal would have a negative impact on the residential amenity of neighbours, reducing light and privacy, over dominance

[Officer comment: Due to the separation distances (32m to the west and separated by highway to the north) and single storey nature of the proposal it would not result in any harm to the amenities of these neighbouring properties in terms of being overbearing nor would it result in loss of light or loss of privacy]

- Disagree with the Design and Access statement if the height was reduced would be permitted development

[Officer comment: Agree with these comments, however a similar sized outbuilding could be constructed under permitted development rights]

- If planning permission is granted request a condition that the annexe should only be used for purposes ancillary to the main dwelling and

	<p>should not be let out or separated from the main dwelling and sold</p> <p>[Officer comment: Should planning permission be granted a condition for this is recommended.]</p>
--	--

5.2 The following internal consultees were consulted and their comments are summarised in the table below:

Internal Consultation	Comments Received
Arboricultural Officer	The application was not supported with a Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS). However, due to the pile foundation very localised impact on the adjacent trees, such foundations would not pose a significant threat to the trees. It is therefore recommended that an AIA and AMS is secured by condition which would also need to include details of the foundation design.

6.0 REPRESENTATION

6.1 A total of 12 individual letters of notification were sent out on 24th January 2024. A site notice was displayed on the 31st January 2024. To date no letters of representation have been received.

7.0 PLANNING CONSIDERATION

7.1 This application is considered against advice contained within 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 Windlesham Neighbourhood Plan (WNP) and the Residential Design Guide 2017 (RDG).

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

- Principle of the development and the intended use
- Impact on the character and appearance of the area including trees
- Impact on residential amenity
- Highway impacts

7.3 Principle of the development and the intended use

7.3.1 The proposed annexe would have the appearance of a typical dual-pitched roof outbuilding. The proposal would provide two bedrooms and living space which is considered subordinate in scale to the main dwelling and for use solely by a relative.

7.3.2 Under Permitted Development an outbuilding can be constructed within the rear garden however, has a height restriction and would be required to be no more than 4m in height and a maximum height of 2.5m if within 2m of a boundary. It is noted that the proposed outbuilding would be in excess of these height requirements. As the proposed outbuilding

has a height of 4.1m and is located within 2.5m of the common boundary. However, it is considered should the height be altered a similar sized structure without primary living accommodation could also be constructed under permitted development rights which would be a material fall-back position. However, to be considered under permitted development would not be able to have any primary living accommodation to be considered incidental, therefore the comparison is only related in terms of the size of the structure.

- 7.3.3 Application 24/0055/CES Certificate of Lawfulness for the proposed stationing of a mobile home for purposes ancillary to the main dwelling, is also a material consideration. This certificate application results in a similar proposal for the same use (primary accommodation for the relatives) and is considered by officers to be ancillary. This application is reported elsewhere on this agenda.
- 7.3.4 The planning statement submitted as part of this application sets out the applicant's need for the annexe which would be solely used by a relatives who requires assistance. The occupiers of the annexe will be reliant upon the main dwelling for laundry facilities and share amenity space. Furthermore, support would be provided by the occupiers of the main house in relation to day to day activities of the occupants of the annex.
- 7.3.5 The annexe would be located in the rear garden of no. 1 Orchard Hill, with the property having one access point from Orchard Hill which would be shared and no separate, private entrance to the outbuilding would be created. There would be no new postal address created and there would be no subdivision of the curtilage of no. 1 Orchard Hill. Furthermore, utilities would be jointly billed and the outbuilding would share services such as internet, phone line and television with the main dwelling and the annexe would be used by the applicant's parents and not be rented out or sold separately.
- 7.3.6 For the above reasoning, in the officer's opinion the use of the outbuilding would be ancillary to the main dwelling. To provide additional control in the interests of the character of the area, it is considered reasonable to attach a condition to any planning permission granted to restrict the use of the annexe to ancillary to the main dwelling. Additionally, to prevent subdivision of the plot it is recommended that permitted development rights to erect fences and other means of enclosure are removed.

7.4 Impact on the character and appearance of the area including trees

- 7.4.1 Policy DM9 of the CSDMP is relevant. Principle 10.1 of the RDG advises that developments should not be over-dominant and to be in keeping with the surrounding area and WNP2.1 of the WNP also seeks to maintain the general scale of development in the surrounding area without creating any overbearing presence.
- 7.4.2 The outbuilding would be located in the rear garden of the application site. The building would have a pitch roof with low eaves and a modest ridge height. The proposed footprint would spread the majority of the width of the plot, however is modest in depth and is considered not to be excessively deep. Due to the overall size of the plot and the host dwelling, the outbuilding would appear subservient to the main building. While there is an access road to the rear of the site from which views of the outbuilding would be visible above the rear fence, the outbuilding would not be visible from the Orchard Hill or Thorndown Lane to result in harm to the character of the surrounding area or streetscenes.
- 7.4.3 To the rear of the site and outside of the application site are a number of mature trees which line the access road to the rear. The Council's Arboricultural Officer has reviewed the application and notes that an AIA and AMS have not been submitted to support the application. It should be noted that a similar application is under consideration for a lawful development certificate for a mobile home to be sited in the rear garden in a similar position which would be laid on pile foundations. The mobile home subject to the lawful development certificate is similar to the outbuilding, proposed in this application, in terms of its design and would also be constructed using pile foundation. The adjacent trees are not

protected by a Tree Preservation Order and therefore a Tree Works application would not be required should the certificate be approved. The Council's Arboricultural Officer considers that the proposal is likely to have a direct impact on trees. In this instances as the trees are located outside of the application site it would be considered reasonable to attach a condition requiring AIA and AMS to be submitted prior to works commencing on site to protect the trees and ensure their retention and long term health.

7.4.4 Therefore, the proposed development would comply with Policy DM9 of the CSDMP, subject to conditions.

7.5 Impact on residential amenity

7.5.1 Policy DM9 (iii) of the CSDMP and principles 8.1, 8.3 and 10.1 of the RDG are relevant.

7.5.2 The outbuilding would be located approximately 0.6 metres from the common boundary with no. 2 Orchard Hill. This neighbour's rear elevation is located approximately 15 metres from the front elevation of the outbuilding. Due to these distances and single storey nature the proposed outbuilding would not result in an overbearing form of development to this neighbouring property and would not result in a loss of sunlight/daylight.

7.5.3 The neighbours to the west front Thorndown Lane, and their rear elevations are located approximately 32 metres from the common boundary with the application site. As such due to the separation distances and single storey nature of the proposal it would not result in any harm to the amenities of these neighbouring properties in terms of being overbearing nor would it result in loss of light or loss of privacy.

7.5.4 The neighbours to the north of the site are separated by the access road which provides sufficient separation distance from their rear gardens to prevent overbearing impacts or loss of light and due to the lack of any fenestration to the rear of the building would not result in overlooking or loss of privacy.

7.5.5 There would be additional glazing to the front elevation, however, given the single storey nature of the outbuilding and that the neighbours are located a sufficient distance from these windows as not to result in unacceptable levels of overlooking or result in a loss of privacy. It should also be noted that the property retains its permitted development rights and an outbuilding with similar fenestration could be erected with a similar pattern of overlooking. This would be a material fall-back position.

7.5.6 Consequently, it is considered that the resulting development would not have an adverse impact on the amount of sunlight or daylight that these neighbouring properties, nor would it appear overbearing or result in unacceptable levels of overlooking or loss of privacy and would not be harmful to the detriment of the amenity of the neighbouring occupiers.

7.5.7 The proposal would comply with policy DM9 of the CSDMP and principles 8.1 and 8.3 of the RDG.

7.6 Highways impacts

7.6.1 The site has a large amount of hardstanding to the front of the property which could provide at least 4 off street parking spaces. This existing hardstanding to the front of the property would therefore provide sufficient off street parking for the residential dwelling and any additional occupiers of the outbuilding.

7.6.2 The proposed development would therefore have no adverse impact upon the highway and would comply with Policy DM11 of the CSDMP and WNP4.1.

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 result in no adverse impact on the character of the area, host dwelling or residential amenities of the occupiers of the neighbouring dwellings. The dwelling would retain adequate off-street parking and there would be no impact on the highway. Whilst self-contained the proposed outbuilding's intended use would be ancillary to the main dwellinghouse and it is recommended that the ancillary nature of the annexe is secured by condition. The proposed development would therefore comply with the NPPF, Policies DM9 and DM11 of the CSDMP, principle 10.1 of the RDG and WNP2.1 and WNP4.1.

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 proposed development shall be built in accordance with the following approved plans:

2179.12.23D.10.23.01 Received 22.01.2024
2179.12.23D.10.23.02 Received 22.01.2024
2179.12.23D.10.23.03 Received 22.01.2024
2179.12.23D.10.23.04 Received 22.01.2024
2179.12.23D.10.23.05 Received 22.01.2024
2179.12.23D.10.23.06 Received 22.01.2024

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.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with approved plan 2179.12.23D.10.23.02 and 2179.12.23D.10.23.02 Received 22.01.2024 and the Design and Access statement page 8.

Reason: In the interests of the visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

4. The outbuilding hereby approved shall be used for purposes ancillary and incidental the enjoyment of the main dwelling house. In addition the outbuilding shall be retained within the curtilage of the host dwellinghouse and a separate curtilage shall

not be created. At no time shall the outbuilding be sold, sub-let or rented independently to the occupation of Vanya Cottage 1 Orchard Hill.

Reason: To maintain planning control of this property and to ensure that the additional accommodation is not in any way severed from the main dwelling to provide a self-contained dwelling unit to the detriment of the character of the area and the integrity of the Thames Basin Heath SPA in accordance with Policies DM9 and CP14 of the of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

5. No works or development shall take place until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) specific to this scheme, has been submitted to and approved in writing by the Local Planning Authority. The TPP and AMS shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction - recommendations, once approved all development shall be undertaken in entire accordance with the approved plans, documents and particulars.

Specific issues to be dealt with in the TPP and AMS (where applicable):

- a) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees (if applicable).
- b) Location and installation of services/utilities/drainage
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the installation of boundary treatments within the RPA including site security hoarding.
- e) A full specification for any specialist foundations proposed within RPA's, details shall include a relevant cross section through them.
- f) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include a relevant cross section through them.
- g) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses and highways.
- h) A specification for protective fencing and ground protection to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- i) Tree protection during construction indicated on a TPP and construction activities clearly identified as prohibited in this area, details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- j) Methodology and detailed assessment of root pruning (if proposed)
- k) Arboricultural supervision and inspection by a suitably qualified tree specialist. details of the satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction shall be submitted to and approved in writing as per the submitted schedule by the Local Planning Authority.

Nothing shall be stored or placed in any area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, the protective fencing shall be retained intact, for the full duration of the demolition and development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority. Thereafter the works shall be carried out in full 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.

6. Notwithstanding the provisions of Schedule 2 Part 2 Class A, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) no fence or wall or other means of enclosure shall be erected in the rear garden of 1 Orchard Hill without the prior approval in writing of the Local Planning Authority.

Any development under the Classes stated above undertaken or implemented between the date of this decision and the commencement of the development hereby approved shall be demolished and all material debris resulting permanently removed from the land within one month of the development hereby approved coming into first use.

Reason: To maintain planning control of this property and to ensure that the additional accommodation is not in any way severed from the main dwelling to provide a self-contained dwelling unit to the detriment of the character of the area and the integrity of the Thames Basin Heath SPA in accordance with Policies DM9 and CP14 of the of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

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.
-