

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

PROPOSAL: Erection of one pair of three bedroom, two storey semi-detached dwellings 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: Marinsky Ltd

OFFICER: Mr N Praine

The application would normally be determined under the Council's Scheme of Delegation, however, at the request of a local ward councillor it has been called in for determination by the Planning Applications Committee.

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 Permission is sought for the erection of 2 semi-detached two storey dwellings on land rear of 4, 6 and 8 Macdonald Road with new access off Catena Rise, integral garages, driveway 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 urban 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 SU/14/0943 - 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 – refused 18/12/14 for the following reason:

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 CPA 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,

- a) 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.*

- 3.2 Since the refusal of this application the applicant has not entered into any pre-application discussions with the Local Planning Authority.

4.0 THE PROPOSAL

- 4.1 Permission is sought for the erection of 2 semi-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 8.7m deep, 7.6m wide with a maximum ridge height of 7.5m reducing to 6.53m and eaves height of 5.0m. Each of the dwellings would have a single attached garage, allocated area for storage of bins and cycle stores and an access from Catena Rise. Additional off street driveway parking to the front of the garage would also be proposed for each dwelling.
- 4.3 The main differences between this proposal and the previous refusal are as follows:
- The 2 dwellings are of a semi-detached style whereas previously they were of linked-detached style. With this change in design the footprints of the dwellings have been reduced from 9.25m deep and 7.85m wide to a maximum of 8.7m deep, 7.6m wide and;

- The height of the dwellings has been reduced. Previously they extended to a maximum height of 8.4m. The current proposal reduces this to a maximum ridge height of 7.5m reducing to 6.53m.

5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Council Highway Authority No objections subject to informatives.
- 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
- [these issues are addressed in section 7]*
- 5.3 Surrey Heath Tree Officer No objection subject to conditions.

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 28 letters of objection and 2 letters of support were received from the neighbouring occupiers in connection with the following issues:
- Out of character with the surrounding area *[see para 7.3]*;
 - Overlooking *[see para 7.4]*;
 - Overbearing *[see para 7.4]*;
 - Overshadowing *[see para 7.4]*; 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 CPA, 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 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).
- 7.3.5 Turning to the current proposal it is noted that the application site is located to the rear of the three dwellings in Macdonald Road and the proposal is similar to the previously refused scheme insofar as it is to retain less than 50% of the depth of the existing plots of No's 4, 6 & 8 Macdonald Road to enable the two new dwellings to be erected within the newly formed plots. At an approx 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, officers continue to share the same concerns as previously raised under SU/14/0943 (see paragraph 3.1), that 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 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 still have an oblique relationship with the rear walls of dwellings in Macdonald Road. The separation distances between the rear walls have increased over the previous scheme, however, the rear gardens of numbers 4 & 6 and 8 Macdonald Road are just under 7m which is still considered inadequate for a garden area to serve these dwellings.
- 7.3.7 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 dwelling and garage would be outside of the RPA (Root Protection Area) of any existing trees. Furthermore while part of the access driveway of Plot 2 will pass across the edge of the RPA of a protected tree, the submitted Arboricultural Report advises that no dig excavations should be employed within this RPA when constructing the driveway. Therefore subject to pre-commencement conditions to agree tree protection and site supervision along with full compliance with the submitted Arboricultural Report, no objections are raised on protected tree grounds.
- 7.3.8 For the above reasoning, the proposed development by reason of insufficient plot sizes and the proposed garden sizes 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 Plot 1, located to the north part of the application site, would maintain a minimum separation distance of approximately 16m and 17m to the nearest rear part of No's. 4 & 6 Macdonald Road respectively. While the separation distance has increased over the previous refused scheme, officers do not consider that this improvement goes far enough to protect neighbour amenity. At a maximum height of 7.5m in combination with the separation distances to proposed Plot 1, officers consider the proposal would still result in an overbearing impact on the above existing dwellings in Macdonald Road when viewed from the garden area and closest ground floor windows of these properties. This relationship would be the same when considered vice versa in terms of the overbearing impact of numbers 4 and 6 Macdonald Road on the future occupiers of the Plot 1. Although Plot 2 would be of the identical height as Plot 1, it would be set further back from the rear walls of the neighbouring properties in Macdonald Road, an approximate minimum distance of 20m, and therefore is not considered to result in any adverse overbearing impact on the above neighbouring properties.
- 7.4.3 The separation distances of the first floor rear windows of number 4 Macdonald Road onto the rear wall of Plot 1 at its closest point measures 17.5m. This is considered insufficient and would lead to overlooking of the rear garden areas of Plot 1 resulting in unacceptable loss of privacy to the garden area. The minimum separation distances between the principal rear walls of the other properties in Macdonald Road and from the

first floor habitable rooms of Plot 1 and Plot 2 now exceed 20 metres therefore no objection is raised regarding loss of privacy from the proposal to the occupiers of the other properties in Macdonald Road.

7.4.4 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 overshadowing to the habitable rooms or the rear gardens of properties in Macdonald Road.

7.4.5 Given the location in combination with the proposed separation distances from the other residential properties in Catena Rise (minimum 22m) no undue loss of residential amenity is anticipated by this proposed development to the occupiers of any adjoining or nearby residential properties in Catena Rise.

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 to ensure that no adverse impact on the safe and efficient flow of traffic movement on the highway network results from new development. The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and has advised that is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. It is also noted that the previous application for 2 linked-detached dwellings (see paragraph 3.1 above) was not refused on highway and parking grounds. This application is similar in this regard as the proposal again is for two dwellings with similar off street parking arrangements which again accords with parking standards.

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 estimated to be £38,500. CIL is a land change 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 5.0 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 £1,315 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 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 proposal by reason of the size of the site area, the proposed layout and resultant rear amenity space for the existing 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 - 6 Macdonald Road, and for the future occupiers of the proposed Plot 1, 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 SAMP.

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 dwellings, coupled with the footprint 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 - 6 Macdonald Road, and for the future occupiers of the proposed Plot 1, 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 (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).

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 SAMM contribution, CIL is the only mechanism for collecting Suitable Alternative Natural Green Space (SANG) monies. Therefore if there is SANG capacity at the time of appeal then capacity will be assigned.