

LOCATION: 39 HAMESMOOR ROAD, MYTCHETT, CAMBERLEY, GU16
6JB
PROPOSAL: Conversion of three bedroom dwelling into two one-bedroom
flats (part retrospective).
TYPE: Full Planning Application
APPLICANT: Mr R Grant
OFFICER: Emma Pearman

This application would normally have been determined under the Council's scheme of delegation, however at the request of a local ward Councillor it has been called in for determination at the Planning Applications Committee.

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 The application site is located within the settlement area of Mytchett, on the south side of Hamesmoor Road. This application is retrospective, and is for the conversion of a single, three-bedroom dwelling house into two one-bedroom flats. No external changes to the building have been carried out or are proposed, and the flats are accessed using the existing front and rear doors, with two parking spaces provided within the existing driveway.
- 1.2 Although there is no relevant planning history at the site, the site was originally brought to the attention of the Council's Enforcement Officer, as the conversion was carried out without planning permission. This application has been submitted in order to regularise the situation in planning terms. There have been some objections from local neighbours, however the proposal is considered to be acceptable in terms of the principle of development, and the impacts on character, highways and parking, and the Thames Basin Heaths SPA. It is also considered to be acceptable in terms of its impact on residential amenity, subject to a condition requiring the submission of details in terms of acoustic insulation. While the development should not have been carried out without planning permission, this application can only consider the planning merits of the proposal and in this regard it is considered to be acceptable, therefore it is recommended that permission is granted.

2.0 SITE DESCRIPTION

- 2.1 The application property is a two-storey, end of terrace dwelling, located on the southern side of Hamesmoor Road, within the settlement of Mytchett. It also lies within the Victorian/Edwardian subdivisions of the Historic Route Housing Character Area, as identified by the Western Urban Area Character SPD. The property is open to the front, with a driveway with space for two cars. There is a low wall on either side of the boundary to the front, and an archway to the side of the house leading to the rear garden. Within the rear garden there is a single storey, brick outbuilding.
- 2.2 Although within the Victorian/Edwardian subdivisions character area, the surrounding dwellings are very mixed in architectural style, with many detached single storey dwellings, more modern two-storey dwellings and some Victorian/Edwardian terraced cottages.

3.0 RELEVANT HISTORY

- 3.1 There have been no previous relevant planning applications at this site. However Surrey Heath's Enforcement Officer received complaints in December 2014 that the property had been converted into two separate flats. Initial investigations revealed that the change of use was temporary; however, it has since become apparent that, subject to this application being successful, the change of use is intended to be permanent.

4.0 THE PROPOSAL

- 4.1 The application is a retrospective proposal to convert the three bedroom dwelling into two one-bedroom flats. Externally there have not been any changes to the building, however it has been reconfigured internally to provide one-bedroom flats on both the ground and first floor. The first floor dwelling is accessed from the original front door, and the ground floor dwelling from the back door, via the archway and passage to the side of the building. The occupiers would have use of the two parking spaces in the driveway to the front of the property.

5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Highway Authority No objection.
- 5.2 Head of Environmental Services No objection, subject to a condition.

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report three letters of objection have been received which raise the following issues:

- Additional noise because there are now 3 or 4 people living there / properties have poor sound insulation

[Officer comment: this number of people would not be unusual for a three bedroom house, however noise is discussed further in Section 7.5 below and a condition proposed in this respect]

- Parking has become a problem and there is a school close by

[See Section 7.6]

- Fire risk

[Officer comment: Fire safety forms part of building regulations approval]

- There are not two separate Council Tax/utilities accounts

[Officer comment: Not a planning consideration]

- Property should have been made into a house by September/ Owner has broken the law in undertaking the conversion

[Officer comment: see paragraph 3.1 above for planning/enforcement history; however this application can only consider the planning merits of this application and cannot take these matters into account. This application was submitted to regularise the situation in planning terms.]

7.0 PLANNING CONSIDERATION

- 7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012, and in this case the relevant policies are Policy DM9 (Design Principles) and Policy DM11 (Traffic Management and Highway Safety). The proposal will also be considered against the Guiding Principles of the Victorian/Edwardian subdivisions Housing Character Area. The guidance provided by the National Planning Policy Framework (NPPF) is also a relevant consideration.
- 7.2 The main issues to consider are:
- Principle of the development;
 - Impact on the character of the area;
 - Impact on residential amenity;
 - Highways, Access and Parking; and,
 - Impact on the Thames Basin Heaths Special Protection Area.

7.3 Principle of the development

- 7.3.1 At the heart of the NPPF is the requirement for sustainable development, and it states that new housing should be directed to sustainable locations with good access to jobs, services and infrastructure. Within a settlement area such as this, the principle of residential development is generally acceptable and in this case the flats are within a road which largely comprises residential dwellings. No additional land is required as a result of the proposal as it comprises the conversion of the existing building. As such, no objection is raised to the principle of the development.

7.4 Impact on the character of the area

- 7.4.1 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Paragraph 58 goes on to say that planning decisions should aim to ensure that developments respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture.
- 7.4.2 Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density. The Guiding Principles of the Victorian/Edwardian subdivisions Housing Character Area advise on the architectural design of new buildings and extensions to existing buildings, to ensure they respect the existing character of the area.

- 7.4.3 The character of this part of Hamesmoor Road is very mixed in architectural style and design. This application does not propose any external changes to the existing building, which will appear the same as when it was a three-bedroom dwelling. The provision of two flats rather than one house is not considered to harm the character of the area as there is no reason why flats could not be provided in this location. In addition, the provision of two one-bedroom flats rather than one three-bedroom house is not considered to cause a significant intensification of the use of the site, such that it would harm the character of the area.
- 7.4.4 It is therefore considered that the proposal is acceptable in terms of character, and does not contravene Policy DM9, the Guiding Principles of the Victorian/Edwardian Subdivisions Housing Character Area, or the NPPF.

7.5 Impact on residential amenity

- 7.5.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses.
- 7.5.2 The property adjoins 41 Hamesmoor Road to the southern side elevation, and on the northern side, shares a boundary with 37 Hamesmoor Road, which is approximately 4m away. This boundary is fairly open, with a low fence of approximately 1m in height, resulting in mutual views between the sides of the two properties. The side passageway which gives access to the rear of the building (and now one of the flats) is on this side. While it is possible that this passageway may be used more frequently as a result of this proposal, it is not considered that this would cause any significant harm to the amenities of this adjoining neighbour.
- 7.5.3 There are no external changes to the building, therefore no harm to amenity is caused as a result of unneighbourly built development. Concern has been raised with regard to noise however, and the Environmental Health Officer has been consulted. He has stated that as no details have been provided of sound insulation measures carried out, a condition will be required for the applicant to submit these details within a reasonable period following any grant of permission. This is in order to protect adjoining neighbours from additional noise, and to protect the residents of the new flats from noise from the neighbouring flat.
- 7.5.4 It is not considered that the development will give rise to an intensification of the use of the site, to such an extent that it would cause harm to residential amenity. This is because it is not considered that there is likely to be a significant number of additional persons residing in two one-bedroom flats as opposed to one three-bedroom house. There is a rear garden of approximately 17m in length which the applicant has stated will be for the shared use of the occupiers of the flats.
- 7.5.5 As such, it is considered that subject to the above condition, the proposal will not cause any significant harm to residential amenity and is in line with Policy DM9 and the NPPF in this regard.

7.6 Highways, Parking and Access

- 7.6.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.

- 7.6.2 There is already a driveway to the front of the property with space for two cars. These would be for the use of the two flats. There have been no changes to the driveway at the front as a result of this application. Surrey County Council's parking guidance states that one-bedroom flats require one parking space each, and as such the proposal is in line with these standards. It is however, considered prudent to add a condition to ensure this is retained.
- 7.6.3 The County Highway Authority have undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision, and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore have no highway requirements.
- 7.6.4 It is therefore considered that the proposal is acceptable in terms of highways, parking and access and in line with Policy DM11 and the NPPF in this regard.

7.7 Impact on the Thames Basin Heaths SPA

- 7.7.1 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA and this site is approximately 1.2km from the SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development will be permitted within 400m of the SPA. All new development is required to either provide SANG on site (for larger proposals) or for smaller proposals such as this one, provided that sufficient SANG is available and can be allocated to the development, a financial contribution towards SANG provided, which is now collected as part of CIL. In this case, sufficient SANG is available to be allocated to the development, however the conversion of a single dwelling house into flats is not liable for CIL.
- 7.7.2 The development is however liable for a contribution towards SAMM (Strategic Access Monitoring and Maintenance) of the SANG, which is a payment separate from CIL and depends on the sizes of the existing and proposed units. Converting a three-bedroom house into two one-bedroomed flats gives rise to a SAMM contribution of £79. This has been paid by the applicant, and as such the proposal is not considered to cause harm to the Thames Basin Heaths SPA and therefore is in line with Policy NRM6, Policy CP14B and the Thames Basin Heaths Avoidance Strategy SPD.

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 the following:

- 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 It is considered that the development is acceptable in terms of the principle of development, and the impacts on character, highways and parking, and the Thames Basin Heaths SPA. In terms of residential amenity it is considered acceptable subject to the proposed condition. As such, it is considered that permission can be granted.

10.0 RECOMMENDATION

GRANT subject to the following conditions:-

1. There shall be no variation from the following approved plans: Plans and Elevations Drawing number HRM/100/01 received 01/09/2015, 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.

2. Within six weeks of the date of this decision, the applicant must supply to the planning authority acoustic test results that show that both flats comply with the acoustic requirements outlined in Approved Document E 'Resistance to the Passage of Sound' 2003 edition plus amendments 2004. If the test results show non-compliance with these regulations, within a period of time specified by the Local Planning Authority the applicant shall submit details of the proposed works to be carried out to ensure compliance, followed by further results of acoustic testing. This condition shall not be discharged until acoustic test results show compliance with the above legislation.

Reason: To ensure no harm is caused to the amenities of neighbouring properties and the occupiers of the flats hereby proposed, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

3. No additional windows shall be created in the first floor side elevation of the development hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

4. The two parking spaces as shown on drawing number HRM/100/01 shall be retained exclusively for their designated purpose as solely for the use of the two flats hereby permitted, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of residential amenity and to prevent inconvenience to other highway users, in accordance with Policies DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

Informative(s)

1. Decision Notice to be kept DS1
2. Building Regs consent req'd DF5

3. Planning permission required DF1
4. The applicant is advised that because the dwelling has been converted into two flats, there are now no permitted development rights for extensions to the building.