

LOCATION: 34 CURLEY HILL ROAD, LIGHTWATER, GU18 5YH
PROPOSAL: Conversion of garage to habitable space, erection of a two storey rear extension following demolition of existing extension and conversion of roof space to provide habitable space. (Amended Plans Rec'd 11/02/2016), (Additional information recv'd 17/2/16)
TYPE: Full Planning Application
APPLICANT: Ms Sophia Hooper
OFFICER: Helen Murch

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

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 This application seeks planning permission for the extension and alteration of the dwelling including conversion of a garage to habitable space. The works, while described as extensions or alterations, are comprehensive and would change the character and scale of the host property.
- 1.2 The proposal is considered to be acceptable in terms of its impact on local character and, subject to conditions is considered to be acceptable in regards to residential amenity. The application is therefore recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The application site lies on Curley Hill, an unmade road in a hilly area south of Lightwater Country Park. This part of Lightwater is characterised by strong level changes and detached dwellings set well back from the road on spacious well vegetated plots. Front and rear building lines in the area are variable, as is the size and style of the dwellings.
- 2.2 The site itself is a roughly rectangular plot that is slightly wider at the rear. The plot, and wider area has complex level changes. The rear of No. 34 is a plateau sitting above its neighbours at No. 34 and 30, whilst it is slightly below its other neighbour at No. 36. A significant level change of around 4m occurs in the middle of the plot leaving the front of No. 34 sitting in a hollow between its adjoining neighbours at No. 36 and 32. In common with other properties in the area the property is well vegetated with mature vegetation on the boundaries.
- 2.3 The plot accommodates a split level dwelling with a part single storey and part two storey arrangement. The two storey element is to the front and includes basement accommodation and an integral garage with a ground floor front facing terrace above it. The dwelling has an irregular footprint with a long straight flank side wall

facing No. 32 and staggered side rear and front elevations. The single storey elements of the application site dwelling sit some 2-3m above the dwelling at No. 32.

3.0 RELEVANT PLANNING HISTORY

- 3.1 96/385 – Erection of single storey rear extension and front porch and associated alterations. *Approved.*
- 3.2 15/0532 - Conversion of garage to habitable space, the erection of a two storey rear extension following demolition of existing extension and conversion of roof space to provide habitable space. (Amended & additional plans rec'd 12/08/15), (Additional plans rec'd 13/08/15), (Additional info rec'd 17/08/15).

Withdrawn: Application was recommended for refusal on residential grounds only and was reported to the September 2015 committee meeting. However, it was withdrawn by the applicant before being presented to the Committee.

4.0 THE PROPOSAL

- 4.1 The proposal is to create a flat roofed contemporary styled dwelling with single, 2 storey and 3 storey elements from the pitched roofed part single/part 2 storey building. The staggered footprint of the existing dwelling will be reduced in depth and filled in to create a more rectangular shape, although there will be a series of staggered sets backs at first floor level. The enlargement and re-shaping of the dwelling will involve demolishing the rear conservatory and bedroom extension, removing the pitched roof and then adding various single and two storey elements at the front, sides and rear. The proposal will also involve the conversion of the garage to habitable space.
- 4.2 The 3 storey elements would be to the front of the property with the two and single storey elements to the rear. The proposed dwelling would have a maximum depth of 22m and heights which would range from 3m (single storey elements) to 8.8m (3 storey elements).

5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Highway Authority: No highway requirements.
- 5.2 Windlesham Parish Council Object on the grounds of overdevelopment and on the basis that it is overbearing to neighbouring properties and would result in a loss of privacy to those properties.

6.0 REPRESENTATION

- 6.1 Nine representations were received as original consulted on including 7 letters of objection and 2 letters of support.

6.2 The letter of support are summarised below:

- Variety of styles of dwellings in the road and the proposal would be a welcome addition, sit well and complement its surroundings.

6.3 The letters of objection are summarised below:

Character

- Out of character and will have a detrimental impact on the streetscene

[Officer comment: See paras 7.3.5]

- Overdevelopment

[Officer comment: See paras 7.3.7]

- Proposals contrary to Lightwater Village Design Statement 2007

[See paras 7.3.5]

Amenity

- Overbearing

[See paras 7.4.3]

- Loss of sunlight to rear garden of No. 32

[See paras 7.4.4]

- Overlooking of No. 43

[See paras 7.4.5]

- Concern over the impact of reflected light from glass elevation to No. 43

[See paras 7.4.8]

- Loss of privacy to rear garden area of No. 30.

[See paras 7.4.7]

Other matters

- Comparable planning applications have been rejected. Approval would set a precedent for allowing dwellings that contrast sharply with neighbouring properties.

[Officer comment: No indication of what these other applications could have been. However, each application has to be considered on its own merits and see Paras 7.3.5]

- Lack of respect for existing boundaries

[Officer comment: This is not a material consideration in this application and is a private matter]

- Will cause damage to road during construction

[See para. 7.5.3]

6.4 Amended proposals were received in February 2016 to address neighbours' concerns regarding the impact of the 2 storey elevation adjacent to No. 32. This proposed a stagger of setbacks at first floor level adjacent to No. 32 and to remove an awkwardly positioned living green wall. The revised proposals and additional submitted information were consulted on and a further 7 objections were received to the proposals, all from people who had previously commented on the application. The majority of the representations reiterated concerns about the design which have already been dealt with above. Representations raising new issues, or responding to the substance of the revised proposals are set out below:

- Reduction of building mass adjacent to No. 32 is negligible and will not improve light and sunlight loss to No. 32, including rear swimming pool.

[See paras 7.3.1- 7.3.9]

- Loss of privacy to No. 32, especially rear swimming pool.

[See paras 7.4.3 & 7.4.5]

- Revised proposals take mass away from No. 32 but adds to mass adjacent to No. 36.

[See para 7.4.6]

- 45 degree angle to ascertain whether there will be a loss of light has been applied incorrectly.

[See para 7.4.4]

- Rear/side flat roof with door onto it adjacent to No. 32 will result in a severe loss of privacy.

[See para 7.4.5]

- Full height rear glazing will create overlooking of pool area at no. 32.

[See para 7.4.5]

- Terrace at front and new west facing windows and door detrimental to privacy of No. 36

[See para 7.4.6]

- Change of materials from light to dark colouring will result in a loss of light for No. 36.

[See para 7.4.6]

Other matters

- Due to narrow access, topographical changes and lack of details, unsure how potential damage to adjoining properties will be avoided.

[Officer comment: This is a matter that could be addressed through the imposition of conditions]

- Concerned issues of rainwater runoff towards No. 32 have not been addressed.

[Officer comment: Provision of adequate measures for the containment and disposal of water run-off will be addressed through the Building Regulation procedures]

7.0 PLANNING CONSIDERATIONS

7.1 The proposal is considered against the principles of the National Planning Policy Framework (NPPF); DM9 (Design Principles) and DM11 (Traffic Management and Highway Safety) of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP). The proposal will also be considered against the Lightwater Village Design Statement – ‘Design Principles for All Areas’ and ‘Design Principles for the Rest of the Village’.

7.2 It is considered that the main issues to be addressed in assessing this application are:

- The impact on character;
- Impact on residential amenity;
- Highways; and,
- Other matters.

7.3 The impact on character

7.3.1 Paragraph 59 of the NPPF states that design policies should avoid unnecessary prescription or detail and should 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. Policy DM9 (Design Principles) of CSDMP 2012 reiterates the NPPF by also promoting high quality design that respects and enhances the local environment, with regard to scale, materials, massing, bulk and density.

7.3.2 Guidance is also provided in the Lightwater Village Design Statement (LVDS) and in this regard Policy B1 states that new development should pay regard to the size of building plots, the scale and shape of buildings, the architectural detailing and materials of individual buildings, boundary treatments and landscaping. Policy B2

states that the Village character of Lightwater should be protected and the over-development of sites should be resisted due to harmful impact on residential amenity and harm to the character of the area through eroding the generally smaller scale character of the Village. Policy B3 states that all new development should maintain the style, balance and character of the existing building, and be sympathetic to the scale and character of adjoining properties and the street scene. Policy B8 states that new development should consist principally of two-storey buildings and should respect the spacious character of the residential areas through reflecting the predominant depths of front gardens and the size and frequency of gaps between houses. Finally this policy states that new development should provide substantial landscaping through trees, shrubs and hedges.

7.3.3 The application property is set in a mixed character area with bungalows, some of which have been extended and have loft space conversions / extensions and a small number of two storey dwellings. There is not, however, a uniformity of architectural design in the vicinity and neither is it in an area of special control such as a conservation area. An analysis of the local area identifies the valued features within the street scene as including: the dominant landscaping; the feeling of spaciousness, which is largely due to the size and frequency of the gaps between houses; the depths of front gardens and visual interest; and, the architectural variation, in the appearance of the dwellings themselves.

7.3.4 The proposed development would fundamentally change the appearance of the application property from a 2 storey, detached 1960's style dwellinghouse with pitched roofed to a 3 storey flat roofed home in a contemporary design incorporating large amounts of glazing. The contemporary design would appear very different from neighbouring properties. However, the NPPF is clear that variation in architecture is not a reason to refuse when a development integrates into its context. Paragraph 60 of the NPPF states:

“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”

7.3.5 Paragraph 61 of the NPPF reinforces this by stating that although visual appearance and the architecture of individual buildings are important factors, securing high quality and inclusive design goes beyond aesthetic considerations and should address the connections between people and places and the integration of new development into the natural, built and historic environment. Moreover, paragraph 5.11 of the LVDS supports this approach by stating that new development should predominantly respect the existing character and valued features of the streetscene, although modern designs are acceptable where the overall character of the streetscene is not prejudiced.

7.3.6 Curley Hill saw development from the interwar period onwards and contains a diversity of 20th Century building styles and character, although much of it was developed in the 1960's and 70's. The road is not a conservation area and there has been an on-going process of improvements and additions to properties up to

this current day. The proposals would add to this diversity. It is useful to note that although a number of representors indicated their concern about the aesthetic and architectural design, others have welcomed the additional variety it would bring and felt it would integrate into the streetscene.

- 7.3.7 Although the proposals would have a maximum height some 1.4m above the ridge height of the existing dwelling, and would appear as a 3 storey building in a street of predominantly 2 storey homes, its scale would be largely consistent with the height of other buildings in the road due to its flat roofed design. Although the visual mass of the building will increase the development is not expected to appear cramped or overly dominant in the street scene, due to the depth of the front garden and maintenance of the gaps with neighbouring properties and existing trees and vegetation. The size of the proposal would therefore integrate into its context and would not undermine the valued features set out above.
- 7.3.8 In summary, the NPPF is clear that planning authorities should not seek to stifle design or impose any particular architectural design. This is reflective of local plan policies and design guidance which seek to retain and protect valued spatial characteristics whilst allowing properties to be developed. The proposed development would result in a very different designed property to the original. However, it would not undermine the spatial characteristics of the area or result in harm to landscape features of merit. It is therefore considered the proposal would comply with the aims and objectives of the NPPF, LVDS and Policy DM9 of the CSDMP 2012.

7.4 Impact on residential amenity

- 7.4.1 The NPPF sets out a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 ensures that any new proposals respect the amenities of the occupiers of the neighbouring properties and uses.
- 7.4.2 From the road No. 34 Curley Hill appears as sitting below the adjoining neighbours at No. 32 and 36. However, a 2m change of level part way up the plot leaves the rear of the property level with No. 36 and above the gardens of both No. 32 and 30. The difference in the rear ground levels between No. 34 and these properties is abrupt and significant with No. 34 sitting some 1-2m above their garden areas. This level change creates awkward relationships between the properties, particularly so in relation to No. 32.
- 7.4.3 No. 34 sits some 2m above the side wall and rear gardens areas of No. 32. The existing long flank elevation running adjacent to No. 32 contains 5 side facing windows and extends some 7.8 beyond the rear elevation of No. 32. This elevation is single storey and has an eaves height of 2.4m height and sits 1.1m from the boundary and 4.6m from the flank elevation of No. 32. The ridgeline lies a further 6.8m back from the boundary with No. 32. Privacy and light access is currently managed through a combination of vegetative screening and the single storey height of the dwelling at No. 34. The application proposes a number of measures to reduce the impact of the new development on No. 32:

- Maintenance of the existing separation distance between the flank walls of the two dwellings;
- Reduction of the depth of No. 34 adjacent to No. 32 by 1.1m;
- Reduction in the number of side facing openings from 5 to 3;
- Retention of over half of the elevation as single storey accommodation. The height of the single storey element is only 0.3m higher than the eaves height of the existing; and,
- The two storey elements set back between 4.3 – 6m from the side boundary with No. 32.

As a result of these measures it is considered that the development would not have an overbearing impact on No. 32.

7.4.4 No. 32 has raised concern that the proposals would result in a loss of sunlight and light to their rear garden (especially the rear pool area) and side facing windows. No. 34 lies to the west of No 32 and sits some 2m above it. A tall and relatively dense vegetative screen lies along the boundary between the two properties and contributes to shading and loss of light in the existing situation. The tree covered rising ground to the west and north of the properties also reduces light and afternoon sunlight access to both properties. The proposals are not expected to worsen this situation, given:

- The set back of the 2 storey elements;
- The placement of the 2 storey elements behind a 45 degree line from the existing windows on the rear facing elevation; and,
- The hilltop ridgeline to the west will remain the main determinant of sunlight access to the properties.

Accordingly, no objection is raised in respect of overshadowing effects or a loss of light/sunlight for No. 32.

7.4.5 No. 32 has also expressed concern that the proposals would result in a loss of privacy to side and rear rooms and their private rear garden, including the pool area. Of particular concern was the full length rear facing window which it was felt could be used to access the flat roof of the single storey element as a balcony/terrace resulting in severe overlooking of private areas of No. 32. The submitted plans do not show any opening onto this roof area or suggest that it has been designed for use as a raised terrace area. Any view from the rear facing first floor windows would be oblique and some 4.5m from the side boundary with No. 32. The ground floor side facing windows are small and serve utility and toilet areas and present less glazing towards No. 32 than existing. Conditions could be used to prevent the use of the flat roofed area as a balcony and to obscure glaze the side facing windows. This, along with the presence of existing vegetative screening, is expected to maintain the privacy of No. 32.

7.4.6 The adjoining neighbour at no. 36 Curley Hill is set on slightly higher ground (to the rear) than the application site and the increase in overall height and mass will be readily apparent to this neighbour. However, a separation gap of approximately 10 metres would be retained between the two properties, which together with their respective siting would be sufficient to prevent any overbearing impact or loss of

light to either this neighbour's habitable rooms or its primary amenity areas. Although the boundary between these two properties is visually open at present both neighbours have the space to plant a vegetative screen, if desired. Two ground floor windows are proposed to the side elevation facing this neighbour. This is a reduction from the existing situation where there are three ground floor side facing windows. The proposed windows are of a similar size and siting to existing windows and, given the separation distance and boundary treatment, would be unlikely to cause any material loss of privacy above the existing arrangement. No. 36 has expressed concern that the front terrace area is being extended across the full width of the property leading to loss of privacy to their front garden area. Given the existence of the existing front balcony on No. 34, the fact that ground on the eastern side of the property adjacent to No. 36 is already raised and the presence of a number of large trees and vegetation on the boundary between the two properties this is not expected to cause unacceptable increase in overlooking of a front garden.

- 7.4.7 In respect of other neighbours in the vicinity, No. 30 shares a rear boundary with the application site and the rear amenity space of this neighbour extends behind the application site. The proposed development is, however, set a sufficient distance as to not impact on any primary amenity areas serving that property.
- 7.4.8 Nos.43 and 45, the neighbours on the opposite side of Curley Hill Road, are at a minimum separation distance of 44 metres from any front elevation of the proposal and as such are unlikely to experience any overbearing impact, loss of light or loss of privacy. No. 43 has expressed concern related to glare impacts from the large area of glazing. Given the separation distance and the presence of a large number of mature trees and vegetation in the front gardens of both properties any potential impacts from possible glare effects are likely to be minimised
- 7.4.9 In summary, the proposal is not expected to result in an unacceptable impact on the residential amenities of the occupiers of adjoining neighbours and therefore is in accordance with Policy DM9 of the CSDMP 2012.

7.5 Highway matters

- 7.5.1 Policy DM11 (Traffic Management and Highway Safety) seeks that all development ensures no adverse impact on the safe and efficient flow of traffic movement on the highway network results.
- 7.5.2 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. The County Highway Authority has therefore no highway requirements.
- 7.5.3 Residents have expressed concern that the construction traffic associated with the development could potentially damage the surface of the unadopted road. As Curley Hill is not a public adopted highway the maintenance and use of this road is a private matter between the frontagers of the road.

7.6 Other matters

- 7.6.1 Surrey Heath charges CIL on residential and retail developments where there is a net increase in floor area of 100 square metres or more. This proposal has a net increase in residential floor area over 100 square metres and thus is CIL liable. However, the applicant has claimed the self-build CIL exemption.
- 7.6.2 Concern has been raised that consideration has not been given to how the development will be constructed on this heavily treed steep site with narrow access. This is a matter that could be dealt with via conditions.

8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER

- 8.1 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.
 - c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
 - d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

9.0 CONCLUSION

- 9.1. The design and massing of the proposal is considered acceptable in character terms and there are no policy grounds to object to the proposed architecture and general design. Subject to the imposition of conditions, the revised proposals are also considered acceptable in their impact on the amenities of adjoining neighbours. Accordingly it is recommended the application be approved.

RECOMMENDATION

GRANT subject to the following conditions:-

1. The proposed development shall be built in accordance with the following approved plans: 14608 (PL) 001, 011F, 150J, 250F and 400B, 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. 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.

3. No development shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Materials to be agreed will include the proposed cladding, guttering and fenestration. Once approved, the development shall be carried out using only the agreed materials.

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

4. Before first occupation of the development hereby approved the glazing in the side elevations facing west and east shall be completed in obscure glazing. Any window opening shall be at high level only (greater than 1.7m above finished floor level) and retained as such at all times. No additional openings shall be created in this elevation 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.

5. Before first occupation of the development hereby approved the full height window serving the stair and circulation area at first floor level in the rear elevation facing north shall be completed in obscure glazing and contain no openings and be retained as such at all times.

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.

6. The roof areas of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of planning permission from the Local Planning Authority.

Reason: To ensure that the development does not affect the amenity of existing properties by overlooking in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7. There shall be no alteration to site and finished floor levels identified in Plan 14608(PL) 011 F without the prior written approval of the Local Planning Authority.

Reason: In the interests of the visual and residential amenities enjoyed by neighbouring occupiers and the occupiers of the buildings hereby approved in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

8. No development shall take place until a Method of Construction Statement, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management on Curley Hill)
 - (e) provision of boundary hoarding/protection between No. 32 & No. 34

has been submitted to and approved in writing by the Local Planning Authority.

Only the approved details shall be implemented during the construction period.

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

9. No development including demolition shall take place until a detailed arboricultural method statement has been submitted and approved in writing by the Local Planning Authority. The statement will be in accordance with British Standard 5837:2012 "Trees in Relation to Design, Demolition and Construction" and shall contain details of pruning or removal of trees, specification and location of tree and ground protection (for both pedestrian and vehicular use), all demolition processes, details of construction processes for hard surfaces. The statement should also contain details of a pre-site start meeting with the Council's Tree officer, details of supervision and frequency of inspection along with a reporting process to the Council's Tree Officer. All works to be carried out in strict accordance with the approved details.

Any retained trees or plants, which within a period of five years of commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased shall be replaced as soon as practicable with others of similar size and species, following consultation with the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

Reason: To preserve and enhance the visual amenities of the locality and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Informative(s)

1. CIL Liable CIL1
2. Exemption Informative CIL5
3. Decision Notice to be kept DS1
4. Party Walls (etc) Act 1996 DE3
5. Advice regarding encroachment DE1