

LOCATION: 7 TEKELS WAY, CAMBERLEY, GU15 1HX
PROPOSAL: Erection of a single storey detached building with flat roof in rear garden to be used as an annexe to main dwelling. (Amended plans rec'd 03/03/16).
TYPE: Full Planning Application
APPLICANT: Mr James Bryers
OFFICER: Emma Pearman

This 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: GRANT subject to conditions

1.0 SUMMARY

- 1.1 The proposal relates to the erection of a single storey detached building in the rear garden, to be used as an annexe to the main dwelling. The building would be black timber and glass with a flat roof, and would be located at the end of the garden, and surrounded by other residential gardens. Concern has been raised about the building being tantamount to a new dwelling, however, given its location and design, and lack of potential for a separate access it is not considered likely that the building could be used as a separate dwelling. Conditions are in any case proposed to ensure that it remains ancillary to the main dwelling.
- 1.2 Concern has also been raised with regard to the potential impacts on the amenities of surrounding properties, however it is over 9m from the nearest residential property from which it is unlikely to be visible, and adjacent to the rear boundary of the nearest garden and over 20m from the house, and as such it not considered that there would be any significant impacts on amenity. There has been no objection from the Council's Arboricultural Officer in respect of trees. The application is therefore recommended for approval, subject to conditions.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on the north side of Tekels Way and features a detached chalet bungalow with a large rear garden, on a plot of approximately 1025m². The property lies within the settlement area of Frimley and Camberley as identified by the Surrey Heath Core Strategy Proposals Map 2012. It also lies within the Post War Open Estates Housing Character Area, as identified by the Western Urban Area Character SPD. The application site is surrounded by the curtilage of residential properties on all sides, with a small strip of land to the rear that appears to be outside the curtilage of any residential property. Dwellings in the area are generally detached with deep rear gardens.

3.0 RELEVANT PLANNING HISTORY

- 3.1 SU14/0849 – Erection of a porch, single storey side extension (following demolition of existing store room) and first floor extensions to dwelling incorporating dormer windows.

Granted 07/11/2014 and implemented

4.0 THE PROPOSAL

- 4.1 This proposal is for the installation of a single storey detached building in the rear garden to be used as an annexe.

- The proposed garden building would be installed at the end of the garden on the western side, approximately 34m from the dwelling itself.
- It would be 1m from the rear garden boundary of 4 Badgers Copse.
- The building would be 12m in length and 5m in depth, with a flat roof which would be 2.88m at the back extending to 3m at the front.
- The front of the annexe would face east, into the rear garden of the application property and there would be windows and doors on the front and one window on both sides with a roof light.
- The building would be black timber with white render, flat grey felt roof and there would be some sound insulation.
- Floorplans and the application form show that the annexe would contain a living room/kitchenette, shower room, bedroom and shed.
- No external lighting is proposed.

- 4.2 When the application was first validated the proposed building was shown positioned closer to the house and close to the end of the rear garden of 6 Tekels Way however the applicant chose to relocate the proposed building and neighbours were reconsulted accordingly.

5.0 CONSULTATION RESPONSES

- 5.1 County Arboricultural No objection, subject to condition.
Officer

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report three letters of objection have been received (two from same property) which raise the following issues:

Principle of the development/character [see section 7.3]

- It is tantamount to a separate dwelling as contains all the facilities that would be needed and is of a size of a modest dwelling
- Occupation of the development could not be effectively controlled by restrictive condition or legal agreement *[Officer comment: Conditions can be imposed in respect of use and are often imposed in such cases; if there appear to be any breaches of these conditions then it would be investigated by enforcement]*
- Independent dwelling established where there is no identifiable parking, separate amenity space or appropriate living environment
- Annexe should be physically attached to the main dwelling then it would be wholly incidental to its occupation *[Officer comment: There is no need for an annexe to be physically attached to the main dwelling and consideration must be given to the application as submitted]*
- Does not appear to be a structure for elderly residents, more like an office building
- Would set a precedent for others to do same with impacts on density and infrastructure *[Officer comment: Each application is determined on its own merits and this does not set any precedents]*
- Should not be used for residential or commercial purposes.

Residential amenity [see section 7.4]

- Would be visually obtrusive, affect outlook and be and harmful to urban character
- Will be used as an office with up to five people working there *[see section 7.3 also]*
- Will diminish enjoyment from rear garden of 4 Badgers Copse
- If permission is granted, building should be in a different position that minimises visual impact *[Officer comment: We have to consider the application as submitted]*
- A fence should be installed that minimises visual impact.

Trees [see section 7.5]

- Would be pressure for tree loss which would be harmful to the verdant nature of the locality; trees have already been removed.

Other

- Drainage and sewerage arrangements are not clear/should be a full survey *[Officer comment: These are matters for building control, however the planning statement suggests that black plastic rainwater guttering would be used and a soakaway]*
- After extension's the main dwelling now has five bedrooms so why is extra space for relatives needed *[Officer comment: This does not appear to be the case and is in any case not relevant to the application, they do not have to demonstrate a need]*
- No air conditioning units should be placed at the rear *[Officer comment: The application does not include any air conditioning units].*

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). It will also be considered against the Guiding Principles of the Hedged Estates Housing Character Area. The National Planning Policy Framework (NPPF) is also a relevant consideration.

7.2 The main issues to be considered are:

- Principle of the development and impact on character;
- Residential amenity; and
- Trees.

7.3 Principle of the development and impact on character

7.3.1 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.

7.3.2 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 Post War Open Estates Housing Character Area state that new development should include space to enable the retention of existing trees and mature vegetation.

7.3.3 The building will not be visible from any public viewpoints and appears as a modern garden building and as such is not considered harmful to the character of the property or surrounding properties or gardens. Concern has been raised with regard to the building being tantamount to a new dwelling which would be harmful to character and density.

The proposal is for an annexe with no separate residential curtilage as ancillary to the main dwelling and the applicant has advised that there will be no separate access, address, utility meters, curtilage or laundry facilities.

- 7.3.4 There does not appear to be any way that the proposed building could be accessed other than through the garden of the main dwelling and there is no separate parking area, and as such it is not considered likely that the building could ever be used as a separate dwelling. However, because use of the building as a new dwelling would have an impact on infrastructure and the Thames Basin Heaths SPA, and potentially character and parking provision, conditions are proposed to restrict its use and the creation of a separate curtilage. Concern has also been raised in respect of the building being used as an office for 'up to five people', which may give rise to a material change in character of the dwelling or give rise to noise. While this potential use has not been mentioned within the application documentation, again this would be covered by the above condition requiring an ancillary residential use. A use as a home office would be ancillary to the main dwelling and would not give rise to a breach of planning control. However, the use of the building for a wider commercial purpose, perhaps one involving staff may well need planning permission and as such the Planning Authority could consider any impacts from such a use if this arose.
- 7.3.5 It appears that sufficient space has been left between the proposed location and the boundary to enable the retention of existing trees and mature vegetation and this is considered further in section 7.5 below. It is therefore considered that the proposal is acceptable in character terms, subject to the imposition of conditions restricting its use to that stated in the application. If the building was to be used as a separate dwelling or, for commercial purposes planning permission would have to be applied for and the issues arising from such a proposal would be considered at that time.

7.4 Residential amenity

- 7.4.1 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. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.
- 7.4.2 The proposed building would be 1m from the western side boundary, adjacent to the rear boundary of 4 Badgers Copse, though 25m approx. from the main rear elevation of this dwelling and 20m approx. from the conservatory. There is already a shed in this location which would be removed, which measures 2.1m high and 3m wide and the boundary between the two properties is fairly open with a low wire mesh fence and some mature vegetation. The rear boundary of number 4 Badgers Copse is 25.5m in width approx. and as such the building would be adjacent to just under half of it. There would be no windows facing towards the garden of number 4 and the building would be partly hidden by the existing mature vegetation. Given these facts along with its single storey height, the distance from the house and the most used garden areas of number 4 immediately behind the

house, and the timber materials proposed, it is not considered that there would be any significant adverse effects on the occupiers of number 4. While a fence in this location has been requested to minimise the effects of the proposed building, given that no significant adverse effects have been identified, it is not considered reasonable to impose such a condition.

- 7.4.3 The proposed building would be approximately 9m from the side elevation of 14 Badgers Copse but given the significant mature vegetation and boundary fence in between it is not considered that the building is likely to even be visible from this property and would not give rise to any adverse effects on amenity. The building would also be 9m approx. from the end of the rear garden with 8 Tekels Way, however given the boundary fence and significant mature vegetation in between the two gardens again it is not considered likely that the building would be visible from this property and would not cause any impacts on amenity.
- 7.4.4 The building is proposed as an annexe for elderly relatives though it is noted that neighbours have been told that it could be an office. If used as an annexe as described or as a home office it is not considered that there would be any significant adverse effects in terms of noise given the limited amount of people that would be using the building, and the fact that it includes soundproofing and is located at the end of the gardens of 4 Badgers Copse and 8 Tekels Way. Although it is closer to the side elevation of 14 Badgers Copse, given the significant vegetation and boundary fence, again it is not considered that any significant noise impacts would arise. However, if the building was used for a purpose other than ancillary residential use it could give rise to additional impacts on amenity and for this reason also a condition restricting its use is proposed.
- 7.4.5 It is therefore considered that subject to the proposed condition, the proposal is acceptable in terms of its impact on residential amenity and in line with Policy DM9 and the NPPF in this regard.

7.5 Trees

- 7.5.1 Policy DM9 states that development will be acceptable where it protects trees and other vegetation worthy of retention. The applicant has submitted a tree report with the application which has been prepared by a qualified arboriculturalist. It advises that there are nine significant trees within the vicinity of the application site, including two beech trees on the boundary with the neighbour at 4 Badgers Copse and within the neighbour's garden.
- 7.5.2 The tree report advises that no trees will need to be felled as a result of this application. Concern has been raised that this is because clearance work has already taken place, however as there are no Tree Protection Orders in place at this property the applicant was within his rights to do so. The report also advises that specialist foundations will be used in order not to harm the retained trees and the County Arboricultural Officer has not objected, subject to a condition requiring evidence of the tree and ground protection being in place before work commences.
- 7.5.3 It is therefore considered that the proposal is acceptable in terms of its impact on trees, subject to the proposed condition and is therefore in line with Policy DM9 in this regard.

7.6 Other matters

Permitted development rights

- 7.6.1 Permitted development rights are still intact for this property. Under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, outbuildings are permitted as long as they do not cover more than 50% of the curtilage of the property (excluding the original house), and if they are within 2m of the boundary they must not be more than 2.5m in height. The proposed building has a height of 2.88m extending to 3m at the front. As such, if the height was reduced to a maximum of 2.5m, a building of the same size could be installed in this location under permitted development in any case.
- 7.6.2 Class E allows for outbuildings that have a purpose incidental to the dwelling house, which does not include primary living accommodation such as a bedroom, bathroom or kitchen. As such these elements would also have to be removed from the proposal in order for it to fall under Class E. However it is considered that its use as ancillary residential accommodation can be controlled by condition as previously described.

CIL

- 7.6.3 There is less than 100m² of additional floorspace proposed and as such the proposal is not CIL liable.

8.0 CONCLUSION

- 8.1 It is considered that the principle of the development is acceptable and that there will be no significant adverse effects on character, residential amenity or trees as a result of this proposal. Conditions are proposed however restricting the use to an annexe as described and in respect of trees. It is therefore considered that the proposal is acceptable and permission can be granted.

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

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 proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

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 building works, hereby approved, shall be constructed in external fascia materials as stated on the application form.

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.

3. The proposed development shall be built in accordance with the following approved plans: Amended Site Plan 002 Rev B received 3.3.16, Amended Location Plan 001 Rev B received 3.3.16, Proposed Elevations 005 Rev A received 12.02.16, Finished Levels 006 Rev A received 12.02.16, Proposed Ground Floor 003 Rev A received 19.01.16, Proposed Roof 004 Rev A received 19.01.16 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.

4. The development hereby approved shall be occupied only as residential accommodation ancillary to the use of the dwelling currently known as 7 Tekels Way and shall not be used as an independent residential unit or business premises.

Reason: To ensure that the dwelling remains in single family occupation and does not give rise to harmful impacts upon the Thames Basin Heaths Special Protection Area, infrastructure, character, amenity or parking provision in accordance with Policies DM9, CP11, CP12 and CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no gates, fences or walls shall be erected under

Schedule 2, Part 2, Class A of that Order other than along the existing boundaries defining the curtilage of 7 Tekels Way as shown in red on the Amended Location Plan 001 Rev B received 03.03.16; without the prior approval in writing of the Local Planning Authority.

Reason: To prevent any sub-division of the dwelling and to accord with Policies DM9, CP11, CP12 and CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

6. The development hereby permitted shall be carried out wholly in accordance with the submitted Arboricultural Report prepared by Mr A J Scott dated 10th February 2016. No development shall commence until photographs have been provided by the retained Consultant and forwarded to and approved by the Council's Arboricultural Officer. This should record all aspects of tree and ground protection measures having been implemented in accordance with the Arboricultural Report. The tree protection measures shall be retained until completion of all works hereby permitted.

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

Informative(s)

1. Party Walls (etc) Act 1996 DE3
2. Advice regarding encroachment DE1
3. Building Regs consent req'd DF5
4. Decision Notice to be kept DS1