

**LOCATION:** LAND BETWEEN 4 AND 5, SCHOOL LANE,  
WINDLESHAM, GU20 6EY

**PROPOSAL:** Erection of a detached three bedroom, two storey dwelling  
and detached garage. (Amended Plan - Rec'd  
10/01/2017).

**TYPE:** Full Planning Application

**APPLICANT:** Mr & Mrs Maffre

**OFFICER:** Mr N Praine

**The application would normally be determined under the Council's Scheme of Delegation, however, it has been reported to the Planning Applications Committee at the request of Cllr. White.**

**RECOMMENDATION: GRANT subject to conditions**

## **1.0 SUMMARY**

- 1.1 The proposal relates to the erection of a detached two storey dwelling house with 3 bedrooms. As part of the proposal highway works are proposed to improve visibility splays from the junction of School Lane onto Chertsey Road. The works include a small build out on Chertsey Road which will narrow the carriageway and provide a wider footway. The result of this wider footway will allow a driver leaving School Lane to have a better sight of existing traffic on Chertsey Road.
- 1.2 This current proposal is similar to the proposal considered under application SU/15/0166 refused in January 2016 and dismissed at appeal in August 2016 [*a copy of the Planning Inspectorate's decision notice is attached to this report as Appendix 3*]. The reasons for refusal of 15/0166 related to matters of highway safety and local character. At appeal the Planning Inspector found no reasons to dismiss the appeal on highway grounds, but did raise objection to the design of the dwelling and its impact upon the local character of the area.
- 1.3 Given the materiality of SU/15/0166, this report focuses on whether the current application overcomes the reason for dismissal of the appeal. Given that this proposal includes an identical highway improvement proposal the report concludes that there is no adverse impact on the highway. The amended design and reduced size of the dwelling is sufficient to overcome the harm on the character of the area. The proposal is also considered to have no adverse impact on residential amenities, harm the provision of local infrastructure, negatively impact on protected species or the Thames Basin Heath SPA. On this basis the application is recommended for approval.

## 2.0 SITE DESCRIPTION

- 2.1 The application site is located to the eastern side of School Lane an unmade single lane track. Access to School lane is from the northern side of Chertsey Road which is next to Chertsey Road Hall. The application site, an undeveloped plot of land is bounded by mature vegetation and boundary fencing. The site is moderately overgrown with scrub vegetation.
- 2.2 Residential properties along School Lane are broadly 2 storey in nature with a mix of detached and semi-detached style properties of varying architectural finishes and designs which include white renders, brown renders, red bricks, hip ended and gable ended properties. The immediately adjoining residential properties number 4 and 5 School Lane are white rendered semi-detached two storey dwelling houses.

## 3.0 RELEVANT HISTORY

- 3.1 SU/98/0042 - Erection of one detached 3-bedroom dwelling house with integral garage. *Refused 19/03/98 due to the impact on the character of the area; on residential amenities; and, highway safety grounds. At this date the development failed to comply with the Surrey Structure Plan 1994 and the Surrey Heath Local Plan 1994.*
- 3.2 SU/00/0917 - Erection of a detached two storey dwelling house with detached single garage. *Refused 06/11/00 for the same reasons as SU/98/0042 and dismissed on appeal 5/6/2001. The appeal was dismissed on character and highway safety grounds only with the Inspector concluding no adverse impact on residential amenities.*
- 3.3 SU/01/0851 - Erection of a detached two storey dwelling house and attached single garage. *Refused 01/11/2001 and dismissed on appeal 15/5/2002 on highway safety grounds only, namely due to increase in traffic movements from an existing inadequate vehicular access at School Lane adjoining Chertsey Road. There was no objection to this development on character or residential amenity grounds.*
- 3.4 SU/15/0166 - Erection of a detached 4 bedroom, two storey dwelling (with accommodation in the roof space) and integral garage. *Refused January 2016 and dismissed on appeal 16/8/2016.*

Members will recall that this application was before the Committee on the 11 November 2015 with an officer recommendation for approval. Members resolved to defer the application for a site visit, due to concerns over highway safety. This took place on the 7 January 2016 and the County Highway's Transport Planner also attended. On the 20 January 2016 the application was reported back to Committee. The Committee was advised that the County Highway Authority had undertaken their own assessment of the proposal, in consultation with the Surrey County Council Road Safety Team, and both were satisfied that the proposal would not have a material impact on the safety and operation of the adjoining public highway, subject to conditions.

Notwithstanding that, the Committee resolved to refuse the proposal for the following reason:

*“The proposal by reason of its scale and mass would result in an incongruous form of development that would form poor relationships with neighbouring dwellings in the immediate area and fail to satisfactorily integrate into its wider context. Furthermore, an additional vehicular access from the application site onto School Lane, which is a narrow and private road, would increase comings and goings of vehicles and exacerbate existing traffic movement problems on School Lane including pedestrian safety and associated impacts on residential amenities. In addition, the Chertsey Road highway works do not meet the minimum visibility distance required in the easterly direction for a road used by HGVs and so it has not been adequately demonstrated to the satisfaction of the Planning Authority that these works will adequately mitigate for this development and sufficiently improve highway problems in the vicinity”*

- 3.5 In dismissing the appeal on the 16 August 2016 the Inspector found no reason to dismiss on highway grounds and stated the following [See Appendix 1 attached to this report]:

*“The highway authority indicates that the proposed road narrowing of Chertsey Road would provide an appropriate balance between improving visibility at the junction with School Lane, whilst maintaining an acceptable carriageway width on Chertsey Road itself. Furthermore, that the features being introduced as part of the scheme would offer a traffic calming effect. I have no reason to disagree with this assessment and, to my mind, the proposed works would mitigate any effects created by increased traffic movements along School Lane from the proposed development and would generally improve the safety of this junction”* [Paragraph 17]

*Overall, I have no reason to conclude that the development incorporating the highway works proposed would result in any adverse effect on highway or pedestrian safety. I therefore find no conflict with the Framework or Policy DM11 of the CS”* [Paragraph 18]

Only the detailed design of the dwelling and its impact on the character of the area failed at appeal with all other issues considered to be acceptable by the Planning Inspectorate.

## **4.0 THE PROPOSAL**

- 4.1 The proposal is for a detached two storey dwelling house with 3 bedrooms. The dwelling would have a detached single storey garage and front entrance on its western side facing School Lane. Vehicular access would be from the north western side of the application site with driveway and integral garage parking for at least three vehicles provided onsite.

- 4.2 This proposal seeks to overcome the reason for dismissing 15/0166, summarised in paragraphs 3.4 and 3.5 above. The highway solution would be identical to this previous application. The changes relate to the design of the dwelling and these are summarised below:
- The proposed dwelling would have a maximum footprint of 12.5 metres in width by 8 metres in depth (*15.5 metres by 8 metres under refusal 15/1066*);
  - The dwelling would measure a maximum of 5 metres in height to the eaves and 8 metres to the ridge (*8.5 m to the ridge under 15/1066*)
  - Reduction in bulk and massing with hipped roof design rather than gabled and two storey rather than three storey with no accommodation in the roof
  - Reduction in floor area of the proposed dwelling from 263 m<sup>2</sup> to 182 m<sup>2</sup>.
- 4.3 The dwelling would have minimum separation distance of 8.2 metres from the northern boundary shared with no. 5 School Lane and 9.2 metres from the southern boundary shared with no.4 School Lane. The broadly rectangular plot size is to remain as existing measuring 30.9 metres in width by 19.6 metres in depth. The dwelling would be of brick and tile construction and incorporate a hipped roof design and a front, street facing bay window with porch overhang.
- 4.4 The detached garage would have a maximum footprint of 3.5 metres in width, 6.5 metres in depth and 4 metres to the ridge. The garage would be sited to the northern boundary and would be separated from it by approximately 1 metre.

## 5.0 CONSULTATION RESPONSES

- 5.1 County Highways Authority No objection subject to conditions and informatives.
- 5.2 Windlesham Parish Council Objection raised regarding;
- scale of development / overdevelopment [*See paragraph 7.4 below*]
  - Vehicle access and highway safety concerns [*See paragraph 7.2 below*]
- 5.3 Surrey Heath Borough Council Drainage Officer No objections.

## 6.0 REPRESENTATIONS

- 6.1 At the time of writing this report, no letters of support and 8 letters of objection have been received. The reasons for objecting are summarised below:
- Vehicle access and highway safety concerns [*See paragraph 7.2 below*].

## **7.0 PLANNING CONSIDERATIONS**

- 7.1 The application site is located within the settlement area of Windlesham, as identified by the Proposal Map of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP). As such policies CPA, CP3, CP11, CP12, CP14, DM9 and DM11 of the CSDMP apply and the National Planning Policy Framework (NPPF) 2012 is also relevant.
- 7.2 The application is similar to dismissed application SU/15/0166 and given the limited period of time since the determination of this application this is a material consideration. Since this decision there has been no material change in circumstances, such as a significant change in planning policy or significant change in the site or its surroundings. Paragraphs 3.4 and 3.5 of this report explains that the only reason for dismissing this appeal was due to the impact on the character of the area. The Inspector found no reason to dismiss the appeal on highway grounds and given the highway improvements before the Inspector have not altered in this current application, the same conclusion must apply.
- 7.3 Having regard to all of the above it is therefore considered that the principal consideration to be addressed in the determination of this application is the impact of the development on the character of the area. This report will also consider the impacts of the amended size of development on residential amenities and address other matters including the Thames Basin Heath SPA.

### **7.4 Impact on the character of the area**

- 7.4.1 The main changes between this proposal and the previous refusal are summarised at paragraph 4.2 of this report. In the appeal scheme the Inspector found that although the ridge of the roof of the proposed dwelling reflected a similar level to its neighbours, it was observed that there were no other examples of dwellings on three floors within the immediate streetscape. This, in combination with the width and depth of the roof form as previously proposed, lead the Inspector to conclude that the appeal scheme would of had a considerably greater bulk, height, depth and mass overall, resulting in a strident feature which would be over dominant and out of keeping with the nearby smaller scale cottages.
- 7.4.2 In addressing the Inspector's objections, the ridge height has been brought down by 500mm and the applicants have removed the accommodation from the roof space. The applicant has also reduced the impact of the roof by designing in a hipped roof design to all four roof planes. This reduces the bulk and mass at roof level which was one of the Inspector's primary objections. In addition, the physical footprint of the dwelling has been reduced. This reduction in height and footprint combined with the reduced height and lesser hipped roof design is considered to significantly reduce the bulk and mass of the roof when compared to the previous appeal proposal.
- 7.4.3 Therefore, it is now considered that the proposal is acceptable in character terms and that the proposed development would accord with the character considerations set out within Policy DM9 of the CSDMP.

7.4.4 Given, however, the plot size, proposed building size and separation to surrounding buildings, it is considered appropriate to remove the permitted development rights for roof enlargements, extensions and outbuildings.

## **7.5 Impact on residential amenity**

7.5.1 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. Whilst no objection was raised on appeal to the previous proposal in respect of the impact on residential amenities, including the comings and goings of vehicles, given that this is an amended design it is necessary to revisit with this proposal's impacts.

7.5.2 The proposed dwelling would be separated by approximately 23 metres from no. 5 School Lane (proposed garage separated by approximately 16m). This separation distance is considered sufficient to guard against potential overshadowing or overbearing impacts of the proposal. Turning to loss of privacy, the proposed two storey elements of the proposal are sited in excess of 20m from the closest wall of 5 School Lane and again this level of separation is sufficient to protect the amenity enjoyed at 5 School Lane.

7.5.3 No. 4 School Lane is sited 13.5 metres from the proposal and this is also sufficient to guard against potential overshadowing or overbearing impacts of the proposal. In terms of loss of privacy, no first floor facing windows are proposed in the facing elevation and therefore no objections are raised on privacy grounds for this neighbouring property.

7.5.4 The neighbouring property to the rear of the site is 3 Herrings Lane. The proposed garage is sited approximately 5.5 metres from this neighbouring property and the proposed dwelling sited approximately 7 metres. By reason of the separation distances and the building relationship between the two properties it is not considered that the proposal will result in adverse overshadowing or overbearing impact to this neighbour. In regard to privacy it is noted that oblique views of this neighbour and its primary garden area would be possible from the first floor windows of the proposal. However, the separation to the primary garden area is approximately 15m from the closest window and at an oblique angle approximately 40 degrees north east of this window. Taking these separation distances and built relationships into account, no objections are raised on privacy grounds.

7.5.5 Given its location and retained separation distances no undue loss of residential amenity is anticipated by this proposed development to the occupiers of any other adjoining or nearby residential properties. It is also considered that the proposed development would benefit from adequate amenity garden space. Notwithstanding this, given the plot size, proposed building size and separation to neighbouring properties, in order to protect the residential amenity enjoyed at the surrounding residential properties, it is considered appropriate to remove the Permitted Development rights for extensions and outbuildings.

7.5.6 Therefore it is considered the proposal complies with Policy DM9 (iii) of the CSDMP.

## **7.6 Impact on the provision of 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 came into effect on the 1st December 2014 an assessment of CIL liability has been undertaken. Given the proposal would provide a new dwelling with a floor space of 155 square metres, the development would be liable for an estimated CIL contribution of £34,100.00, in accordance with the Council's CIL Charging Schedule. The final total will be stated in the CIL notices that will be served on the liable party(s).
- 7.6.2 In addition to CIL the development proposed will attract New Homes Bonus payments and as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) these are local financial considerations which must be taken into account, as far as they are material to the application, in reaching a decision. It has been concluded whilst the implementation and completion of the development will result in a local financial benefit this is not a matter that needs to be given significant weight in the determination of this application.
- 7.6.3 In accordance with the requirements of the CIL Regulations 2010 (as amended) and the Council's Infrastructure Delivery Supplementary Planning Document, should this application be approved, a land charge will be levied on the land to which this application relates, with payment required prior to commencement of development.

## **7.7 Impact on biodiversity and the Thames Basin Heath SPA**

- 7.7.1 The application site is located within 5 km of 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 1 unit, which in combination with other development, to have a significant adverse impact on the protected site.
- 7.7.2 In January 2012 the Council adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD which 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. The Council's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. As SANGS is considered to be a form of infrastructure, it is pooled through CIL. The Council currently has sufficient SANGS capacity to mitigate the impact of the development on the SPA.
- 7.7.3 Policy CP14B also requires that all net new residential development provide contributions toward strategic access management and monitoring measures (SAMM), this is not part of CIL and is collected separately. The applicant has paid SAMM in full and therefore no objections are raised on these grounds.

It is therefore considered that the development would accord with Policy CP14B of the Core Strategy and the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document.

7.7.4 Having regard to Natural England's Standing Advice, in respect to the surrounding residential uses, size of the site, limited woodland on site and absence of buildings to be demolished, it is considered that the application site has low potential for protected species habitat. On this basis it is considered appropriate for an informative to be added to the decision notice informing the applicant to seek guidance from a suitably qualified ecologist in the event any protected species are discovered on site.

## **8.0 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.

## **9.0 CONCLUSION**

9.1 This report concludes that the proposal is acceptable in regard to its impacts upon the character of the area, residential amenity and matters of highways, parking and access. The application is also not considered to harm the provision of local infrastructure, negatively impact on protected species or the Thames Basin Heath SPA. On this basis the application is recommended for approval.

## **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. 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 brick, tile, 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.

3. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved and implemented prior to first occupation, unless otherwise agreed in writing. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, period of maintenance and management together with the new planting to be carried out and methods to protect existing landscaping and trees during the construction phase.

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

4. The development hereby permitted shall be carried out in accordance with the following approved plans 22014-1317-PL H and 2014-1173-PL H 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.

5. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no extensions, garages, alterations to the roof, structures or other buildings shall be erected without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargement, improvement or other alterations to the development in the interests of visual and residential amenity having regard to the plot size and neighbouring relationships and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

6. The development hereby approved shall not be occupied until the proposed highway improvement works on Chertsey Road have been constructed in general accordance with drawing no. 140915-02 Rev A and will include:

- (i) the deletion of the yellow lines shown on the southern side of Chertsey Road.

- (ii) the placement of timber posts on each corner of the narrowest section.
- (iii) localised adjustment of the carriageway narrowing to suit the existing highway features.
- (iv) a minor reduction in the length to the narrowing on the eastern extent outside number 39 Chertsey Road.
- (v) the reduced extent of yellow lines on the eastbound approach on the northern side of Chertsey Road.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to satisfy Policy 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. CIL Liable CIL1
4. The applicant is reminded of Natural England's standing advice in respect of Protected Species and if any protected species are found on the site, an appropriate licence should be obtained from Natural England.
5. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).
6. The developer is advised that as part of the detailed design of the highway works required by the above condition, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.