

LOCATION: 34 CURLEY HILL ROAD, LIGHTWATER, GU18 5YH
PROPOSAL: Erection of two storey (with part basement), 4 bedroom detached dwelling house, following demolition of the existing.
TYPE: Full Planning Application
APPLICANT: Ms Sophia Hooper
OFFICER: Patricia Terceiro

This application would normally be determined under the Council's Scheme of Delegation, however, it is being reported to the Planning Applications Committee at the request of Cllr. Valerie White, on the grounds of overdevelopment of the site and impact on character of the area.

RECOMMENDATION: GRANT subject to planning conditions

1.0 SUMMARY

- 1.1 Planning permission is sought for the erection of a two storey (with part basement), 4 bedroom detached dwelling house, following demolition of the existing dwelling.
- 1.2 This current scheme is, in effect, identical to the design considered under 15/1043; the only difference being that the development would be achieved through a new build rather than by extending the existing dwellinghouse. Application 15/1043 was refused in April 2016 on character grounds (following a Planning Applications Committee overturn) and subsequently allowed on appeal September 2016. A copy of the Planning Inspectorate's decision is attached to this report [see Annex A].
- 1.3 It is therefore a material consideration that approval 15/1043 can still be implemented, not expiring until September 2019. Given the materiality of this decision, and given that the change in policy to the NPPF 2018 and the publication of the guidance under the Residential Design Guide Supplementary Planning Document 2017 (RDG) do not change these conclusions the application is 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 nos. 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 nos. 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 15/1043 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. *Refused 2016 on character grounds only and subsequently allowed on appeal in 2016. See Annex A for a copy of this decision.*

4.0 THE PROPOSAL

- 4.1 Full planning permission is sought for the erection of a detached two storey (with part basement) 4 bedroom dwellinghouse, following demolition of the existing dwelling. This replacement dwelling would have an identical design to the extensions allowed under 15/143.
- 4.2 The proposal would create a flat roofed contemporary styled dwelling with a part basement, ground floor and first floor, designed to accommodate the level changes on site. The proposal would result in a dwelling with a staggered three storey appearance to the front (by virtue of the basement) and part two part single storey appearance to the rear.
- 4.3 The proposed development would measure 21.9m in depth, 11.4m in width and the heights would range from 2.5m (basement height to the front) to 8.6m in maximum height to the front elevation.
- 4.4 The dwelling's internal layout would comprise the following:
- Basement: media room, hallway, wine cellar, cloaks and WC;
 - Ground floor: open plan kitchen, family and dining, utility room, office, WC, entertaining and prep kitchen room;
 - First floor: master bedroom with dressing and en-suite, bathroom, 3 no bedrooms (one of which with an en-suite).
- 4.5 The proposal would be externally finished in render and stone to the walls, sarnafil to the roof and aluminium to the windows and doors.

5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Highway Authority No objections
- 5.2 Windlesham Parish Council Objects to the proposal on the following grounds:
- the proposed design would overdevelop the site and be overbearing to neighbouring properties;
 - the modern/contemporary design is not in keeping with the locality;
 - the application conflicts with the Lightwater Village Design Statement Policy B8.

6.0 REPRESENTATION

6.1 At the time of preparation of this report 7 no letter of representation have been received raising the following issues:

- The residents at no 41 have not been consulted on the proposal [*Officer comment: the consultation procedure only requires any adjoining property to be consulted, which has been the case*];
- The application was received by the LPA in July, however the neighbours were only consulted in December and not given sufficient time to comment [*Officer comment: The initial submission was in fact in July, however the application remained invalid until December. In addition, the LPA will continue to accept comments after the expiry of the statutory timeframe for consultation*]
- Incorrect description of development [*Officer comment: Due to level changes the development would be on a split level. The lowest level does not extend to the same depth as the floors above and, due to being below ground level, it would form a basement*];
- The application should be treated as new without prejudice of the scheme allowed at Appeal [*Officer comment: See section 7 of this report for the weight afforded to this appeal decision*];
- The proposed development would set a precedent if approved [*Officer note: Each application is assessed on its own merits*];
- The proposed development would not be in accordance with current Policy, namely the National Planning Policy Framework and the Lightwater Village Design Statement;
- Due to its contemporary design, overall mass and height the proposal would appear out of keeping with the road;
- The proposal would have an overly dominant effect that would fail to respect the spacious character of the area;
- The proposal would provide little scope for landscaping to reduce its impact on the character of the area;
- By virtue of its 3 storey height to the front, the proposal would overshadow neighbouring properties and be overbearing;
- The proposal would provide insufficient parking spaces;
- Various discrepancies between the details submitted.

6.2 The following matters have also been raised, however they do not constitute material planning considerations and therefore weight has not been afforded to the following:

- Damage to the road during construction phase [*Officer note: Curley Hill Road is a private road, and therefore outside any issues with this road would constitute a civil matter between the applicant and the road owner(s)*];
- Damage to adjoining properties during construction [*Officer note: this would constitute a civil matter between the applicant and their neighbours*].

7.0 PLANNING CONSIDERATIONS

7.1 The principle of development is acceptable as the application site is located in a residential area within a defined settlement, as set out in the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP). In this case, consideration is given to Policies CP1, CP2, CP3, CP6, CP12, CP14B, DM9, and DM11 of the CSDMP. The Residential Design Guide (RDG) SPD 2017, the Lightwater Village Design Statement (LVDS) SPD and the NPPF are also relevant.

7.2 Extant appeal approval 15/1043 is a material consideration. Since this decision the only changes in policy is the release of the 2018 NPPF and the amplification to CSDMP Policy DM9 by the adoption of the RDG. Both of these documents reaffirm the importance of high quality design. This report will therefore focus on these changes. The main issues to therefore be considered are:

- Impact on the character of the area;
- Residential amenity;
- Transport and highways considerations;
- Impact on infrastructure;
- Impact on the Thames Basin Heaths SPA.

7.3 Impact on the character of area

7.3.1 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 in terms of architectural design and materials in the vicinity. The sense of spaciousness is evident in the streetscene, mostly due to the separation gaps between the built form, depths of front gardens and provision of vegetation which positively contributes to the soft, green character of the area.

7.3.2 In the appeal scheme the Inspector notes that, as a result of the proposal, *'a new house would be created with some accommodation at lower ground level, the main living areas at the upper ground floor level and four bedrooms (together with ancillary spaces) at first floor level. The finished house would be overtly contemporary in style, using modern materials, flat roofed and geometrical elements and extensive areas of glass'*. Para. 11 of the Appeal Decision goes on to say that *'the house would, however, appear as a new contemporary building, different from its traditionally designed neighbours, and it would amount to a significant architectural intervention in the locality. It would be in bold contrast to some of its neighbours but it has been well designed in itself and there is no good planning reason for it to imitate other styles'*. Para. 20 states that *'the appeal scheme would create an interesting and practical new dwelling and would make a positive contribution to the streetscene'*.

7.3.3 Paragraph 127 c) of the NPPF 2018 is consistent with the Inspector's approach as this requires development to be sympathetic to local character, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Similarly Principle 7.8 of the RDG does not preclude contemporary design provided that it is attractive, high quality, honest and legible within its setting. Furthermore, RDG Principle 7.5 advises that when a roof form that diverges from the prevailing character of residential development is introduced, this should demonstrate that it would make a positive contribution to the streetscape. In the officer's opinion there is therefore no reason to come to a different conclusion on this submission than 15/1043. This decision was supported by LVDS paragraph 5.11, which advises 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.

- 7.3.4 The size and scale of this replacement dwelling would also be identical to approval 15/1043. Namely, the proposal would mostly retain the same set back from the main road as the existing dwelling. Although it would result in a dwelling with a three storey appearance due to the level changes on site, the proposal's scale would be largely consistent with the height of the other buildings in the road, given its flat roofed design. The proposal would retain a 1.1m separation distance to the dwelling at no 32 to the northeast and, at its closest point, a 1m towards the common boundary with no 36 to the southwest, therefore allowing for views towards the backdrop and retaining an appropriate amount of space around the built form. It is considered that this would also adhere to the RDG. In particular, Principle 7.1 states that setbacks in new developments should complement the streetscene; Principle 7.4 refers that new residential development should reflect the spacing, heights and building footprints of existing buildings; and, Principle 7.3 goes on to say that building heights will be expected to enable a building to integrate well into its surrounding context.
- 7.3.5 As such, the proposal would not adversely affect the character and appearance of the surrounding area and would be in accordance with Policies CP2 and DM9 of the CSDMP, the RDG and the LVDS. Consistent with conditions imposed under 15/1043 a condition requiring the provision of a landscape scheme has been included on this recommendation.

7.4 Impact on residential amenity

- 7.4.1 Policy DM9 of the CSDMP 2012 states that development should respect the amenities of the adjoining properties and uses. Section 8 of the RDG advises, through Principles 8.1 and 8.3, that new residential development should not have a significant adverse effect on the privacy, loss of daylight and sun access to neighbouring properties. Principle 7.6 recommends that new housing complies with the national internal space standards, whereas Principle 8.4 provides guidance on the minimum outdoor space size standards for houses.
- 7.4.2 Although application ref 15/1043 was not refused on residential amenity grounds, these matters have also been considered by the Inspector. The Inspector concluded at paragraph 19 that *'the proposal would not cause unacceptable harm to residential amenities of neighbours, whether by overbearing appearance or overshadowing or intrusion on privacy'*. Given the similarities between both proposals and in the absence of any material change in the surrounding dwellings during the period of time between both applications for 34 Curley Hill Road (the planning history for both nos 32 and 36 does not indicate the submission of any application for these properties), this scheme would be considered acceptable with regards to residential amenities. The planning conditions regarding residential amenity contained on the appeal decision have therefore been transposed to this recommendation.
- 7.4.3 Although it is noted that a section of the boundary that separates nos 34 and 32 is missing, this section is located towards the back area of no 34's rear garden. Due to this current arrangement, it is possible to see into no. 32 and 30's rear gardens. The proposal would provide rear facing floor windows at two storey height, however these would face towards the site's rear boundary. As such, given the siting and orientation of the proposal in relation to the missing side fence, it is not considered it would materially change the current levels of overlooking on site. Following an Officer site visit to no 32, attention was drawn to a limited section of boundary planting that has been removed between both properties. Although this would increase the proposal's visibility from this dwelling's rear garden, it is not considered it would materially change the conclusions of the Appeal Decision.

7.4.4 As such, the proposal would not be considered to affect the residential amenities of the neighbouring properties and would be in accordance with Policy DM9 of the CSDMP and the RDG.

7.5 Parking and access

7.5.1 Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be supported by the Council, unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.

7.5.2 The proposal has been considered by the County Highway Authority who has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision. The Authority is satisfied that the proposal would not have a material impact on the safety and operation of the adjoining public highway.

7.5.3 The application site is accessed via a private road and does not form part of the public highway, therefore it falls outside of the County Highway Authority's jurisdiction. It is not considered that the proposed development would result in a significant increase vehicular trips on the surrounding highway network.

7.5.4 The proposal is therefore in line with Policy DM11 of the CSDMP.

7.6 Impact on infrastructure

7.6.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development. In the longer term, contributions will be via the Community Infrastructure Levy (CIL) charging schedule, in order to offset the impacts of the development and make it acceptable in planning terms. The Council's Infrastructure Delivery Supplementary Planning Document (2014) sets out the Council's approach to delivering the infrastructure required to support growth.

7.6.2 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted on 16 July 2014 and the CIL Charging Schedule came into effect on 1 December 2014. Regulation 123 CIL sets out the list of infrastructure projects that may be funded (either entirely or in part) through CIL. These include, for example, open spaces, community facilities or play areas. It is noted that these projects do not have to be directly related to the proposed development.

7.6.3 The proposed development would involve the provision of a replacement residential unit and, as such, the additional residential floor space above 100m² would be CIL liable. The site falls within the Eastern Charging Zone, for which the charge is £220 per m² for developments which do not provide their own SANG. It is however noted that the applicant has claimed the self-build CIL exemption.

7.6.4 It is therefore considered that the proposal would be in accordance with Policy CP12 of the CSDMP.

7.7 Impact on Thames Basin Heaths SPA

7.7.1 Policy CP14B of the CSDMP states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Special Protection Area (SPA) and Special Areas of Conservation (SAC) sited within the Borough. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD

(2012) identifies Suitable Alternative Natural Green Space (SANGS) within the Borough and advises that the impact of residential developments on the SPA more than 400m away from the SPA can be mitigated by providing a financial contribution towards SANGS.

- 7.7.2 The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2012) identifies Suitable Alternative Natural Green Space (SANGS) within the Borough and advises that the impact of residential developments on the SPA can be mitigated by providing a financial contribution towards SANGS.
- 7.7.3 The proposed development would lie within the 400m buffer of the Thames Basin Heaths SPA. However, the proposal would comprise replacing an existing dwelling and therefore new net residential development would not be provided. As such, it is not considered the proposal would give rise to a significant adverse effect upon the integrity of the protected area.
- 7.7.4 It is therefore considered that the proposal complies with Policy CP14B of the CSDMP and with the TBH SPD.

8.0 POSITIVE/PROACTIVE WORKING

In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraphs 38 to 41 of the NPPF. This included the following:

- a) 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.
- b) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

9.0 CONCLUSION

- 9.1 Extant approval 15/1043 is a material consideration. This proposal would have the same design and form and scale as this approval and it is therefore considered to be acceptable with no harm on the character of the area or any other matters. The proposal complies with adopted policy and therefore subject to conditions it is recommended for approval.

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 development hereby permitted shall be carried out in accordance with the following approved drawings:

- Drawing no 14608(PL)001 rev A – location plan, received 27 July 2018
- Drawing no 14608(PL)002 rev F – existing and proposed block plan, received 27 July 2018
- Drawing no 14608(PL)011 rev G – proposed site plan, received 27 July 2018
- Drawing no 14608(PL)150 rev K – proposed floor plans, received 27 July 2018
- Drawing no 14608(PL)250 rev G – proposed elevations, received 27 July 2018
- Drawing no 14608(PL)400 rev C – existing and proposed streetscene, received 27 July 2018

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

3. No development shall take place until samples (or specifications) of the external materials and drawings (at appropriate scales) of the construction details to be used in the construction of the external surfaces of the new development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, using the approved 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no additional windows, doors or openings of any kind shall be inserted in the north-east or south-west (side) elevations of the development hereby permitted without the express written approval 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.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no part of any flat roof which forms part of the development hereby permitted shall be used as a balcony, roof terrace or amenity area of any sort without the express written

approval of the Local Planning Authority, other than those which are specifically identified as balconies or terraces at the front of the building, on the drawings that are hereby approved.

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. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. All these works shall be carried out as finally approved in detail. The details to be submitted shall include proposed and existing finished levels, means of enclosure and functional services above and below ground. The details of the hard landscape works shall include details of provision for car parking, boundary treatment and access design. The details of the soft landscape works shall include details of all existing trees in the vicinity of the proposed development (any details of the method of protecting retained trees during the course of the work); planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plans (noting species, plant sizes and proposed numbers or densities where appropriate) and implementation programme.

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.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme approved by the Local Planning Authority. Any trees or plants which within a period of five years from completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent of 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.

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.

Informative(s)

1. Decision Notice to be kept DS1
2. Advice regarding encroachment DE1
3. Party Walls (etc) Act 1996 DE3
4. Building Regs consent req'd DF5
5. Exemption Informative CIL5