

LOCATION: LAND SOUTH OF ARANDALE, RECTORY LANE,
WINDLESHAM, GU20 6BW

PROPOSAL: Erection of detached dormer bungalow dwelling including
attached garage and rear balcony.

TYPE: Full Planning Application

APPLICANT: Mr & Mrs Tear

OFFICER: Ross Cahalane

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. Conrad Sturt, who feels that this is an acceptable development and is ideal infill despite the Green Belt Designation.

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 Full planning permission is sought for the erection of detached dormer bungalow dwelling including attached garage and rear balcony, within an undeveloped site in the Green Belt.
- 1.2 The proposal represents inappropriate development in the Green Belt and would be harmful to the openness of the Green Belt and conflict with its purposes. By association, the additional building and the residential nature and scale would lead to an increased urbanised appearance that, in addition to the Green Belt harm, would fail to respect the existing rural, open and natural attributes that the site possesses. There are no very special circumstances that would outweigh the identified inappropriateness and harm. Therefore, this application is recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The current proposal relates to a 0.095 hectare greenfield site with a five bar access gate, on the east side of Rectory Lane near to its junction with Church Road, Windlesham. The land is undeveloped but is enclosed by dwellings to the north and south. There is open land beyond the site to the east and the garden area of the Listed Building of Birch Hall is opposite the highway, enclosed by dense shrubbery. The area therefore has a rural character.
- 2.2 The application site lies to the west of and detached from the designated settlement area of Windlesham Snows Ride and is located in undeveloped Green Belt land. The site inclines slightly to the south and is adjacent to the Windlesham Church Road Conservation Area to the west.

3.0 RELEVANT PLANNING HISTORY

- 3.1 BGR 2650 Erect a chalet bungalow.

Decision: Granted (1959 - not implemented)

- 3.2 BGR 4071 Outline application to erect a detached house.
Decision: Refused (1963 – appeal dismissed)
- 3.3 BGR 5262 Outline application to erect 2 semi-detached houses.
Decision: Refused (1965)
- 3.4 BGR 7191 Outline application to erect a chalet bungalow.
Decision: Refused (1970 – appeal dismissed)
- 3.5 1974/0051 Outline application to erect a chalet bungalow and detached garage.
Decision: Refused (1974 – appeal dismissed)
- 3.6 1982/0343 Erect one house with integral garage.
Decision: Refused (1982 – appeal dismissed)
- 3.7 1988/1268 Erection of detached dwellinghouse.
Decision: Refused (1989 – appeal dismissed)

4.0 THE PROPOSAL

- 4.1 Full planning permission is sought for the erection of detached dormer bungalow dwelling including attached garage and rear balcony.
- 4.2 The proposed dwelling would consist of pitched roof forms including front dormer windows and front and side gable ends, apart from a hipped form above the side garage. The dwelling would have a maximum width of approx. 17.2m, maximum depth of approx. 13m, eaves height of approx. 2.8m and maximum height of approx. 7.5m. The proposal would contain one bedroom on the ground floor and one very large bedroom on the first floor, with floor area of 61 sq m excluding its wardrobe and bathroom.
- 4.3 The supporting statement advises that new dwelling is a chalet bungalow design to keep the overall height to a minimum and reduce the massing of the building to a minimum level. The materials and roof design have been used to give the new dwelling a “barn conversion” feel and appearance in this semi-rural locality. The existing access to the front from Rectory Lane would be used, with a parking/turning area proposed to the front of the dwelling. The proposed site plan also indicates that the existing hedging to the front is to be retained.

5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Highway Authority: No objections raised subject to conditions. *[See Section 7.6]*
- 5.2 Surrey Wildlife Trust: No objection, subject to compliance with recommendations of ecology report. *[See Section 7.7]*
- 5.3 Council Conservation Consultant: No objection. *[See Section 7.4]*

5.4 Windlesham Parish Council: No objection.

6.0 REPRESENTATION

6.1 At the time of preparation of this report three general letters of support have been received from neighbours.

7.0 PLANNING CONSIDERATIONS

7.1 The application is considered against the NPPF and the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP), and in this case the relevant policies are Policies CP1, CP2, CP6, CP12, CP14, DM9, DM11 and DM17. Regard must also be had to the Windlesham Neighbourhood Plan (WNP) and the Residential Design Guide (RDG) SPD 2017.

7.2 The main issues to be considered are:

- Principle of the development and impact on the Green Belt;
- Impact on the character of the area, including nearby Heritage Assets;
- Impact on residential amenity;
- Impact on access, parking and highway safety;
- Impact on ecology;
- Impact on infrastructure;
- Impact on the Thames Basin Heaths SPA;
- Other matters, and:
- Very Special Circumstances.

7.3 Principle of the development in the Green Belt

7.3.1 Paragraph 145 of the NPPF states that new buildings in the Green Belt are inappropriate but lists exceptions a) – g) including: e) limited infilling in villages; and, g) on previously developed land provided no greater impact on the openness of the Green Belt than the existing development. The application site is clearly undeveloped as it does not contain any buildings or hard standing areas within it. Additionally, the site, although adjacent other development to the north and south at each side, is entirely detached and outside of the defined settlement area of Windlesham Snows Ride. Therefore, in the officer's opinion, the proposal does not meet any of the exception tests as outlined in Para 145 of the NPPF. The applicant also accepts that the proposal would be inappropriate development in the Green Belt.

7.3.2 However, the Planning Statement seeks to justify the development on the basis that it constitutes limited infilling within an established ribbon of development, in a sustainable location, and sited only 250m west of the defined village settlement. Whilst there is development to either side boundary, it is clear that the location is rural in character and very different from the more suburban character of the defined settlement. This settlement

contrasts sharply with the narrow laneway accessing the site, the non-uniform dwellings, the open fields to the east of the site and dense shrubbery opposite to the west protected within the Conservation Area.

- 7.3.3 The applicant argues that although the site is in the Green Belt, a single dwelling on the site would not harm the openness of the Green Belt because as already outlined above, it would be visibly contained between two existing two-storey houses - Arandale to the north and Braeholme to the south. In addition, the abovementioned dense shrubbery of Birch Hall running down the west side of Rectory Lane blocks any open views in this locality, including views to and from the site. However, public views of the proposed dwelling from along Rectory Lane itself would clearly be possible. In any event, the proposed residential development of this site, by virtue of the quantum of built form across undeveloped land, would clearly be harmful to openness. Furthermore, given that the application site is located between the settlement areas of Windlesham Snows Ride to the east and Bagshot to the west, the proposed additional building would clearly lead to countryside encroachment and the coalescence of settlement areas, contrary to the Green Belt purposes as outlined in Para 80 of the NPPF.
- 7.3.4 In light of all the above, the proposal is considered to constitute inappropriate development in the Green Belt and would cause harm to the openness of the Green Belt and conflict with its purposes. This opinion has been based upon caselaw whereby it has been established that the concept of openness has a spatial and visual aspect, is open textured and not narrowly limited to an approach based upon a measurement of volume. Very Special Circumstances would therefore be required to justify the proposed development in the Green Belt, which are considered under Section 7.9 below. However, it is first necessary to consider whether any other harm exists in addition to the Green Belt harm, considered in Sections 7.4-7.8 below.

7.4 Impact on the character of the area, including nearby Heritage Assets

- 7.4.1 The NPPF requires planning policies and decisions to ensure that new development makes efficient use of land and is visually attractive as a result of good architecture, layout and appropriate and effective landscaping, whilst being sympathetic to local character and history, including the surrounding built environment and landscape setting. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents (paragraphs 122, 127 and 130 of the NPPF). Policies CP2 (iv) and DM9 (ii) of the CSDMP reflect these requirements.
- 7.4.2 Policy DM17 states that development which affects any Heritage Asset should first establish and take into account its individual significance, and seek to promote the conservation and enhancement of the Asset and its setting. The Council's Conservation Consultant has raised no objection, commenting that as the plot would be in between other properties, it would have a minimal impact on the character of the adjacent conservation area. The proposal would also be located within the existing linear building line.
- 7.4.3 The RDG provides further guidance relating to the design of residential developments. In particular, Principle 6.6 sets out that new residential development will be expected to respond to the size, shape and rhythm of surrounding plot layouts. Proposals with plot layouts that are out of context with the surrounding character will be resisted. Principle 7.4 advises that new residential development should reflect the spacing, heights and building footprints of existing buildings. Having regard to the neighbouring plot sizes and layouts, in this instance it is considered that the proposed residential plot would not give rise to an unacceptable increase in density, or an overdominant or incongruous layout at odds with

the surrounding plot rhythms and the rural character of the area. It is also considered that the separation distances to each side boundary would be sufficient to avoid the creation of a cramped appearance.

- 7.4.4 However, the proposed built form and residential nature and scale of the development across undeveloped land would lead to an increased urbanised appearance that, in addition to the Green Belt harm and by association, would fail to respect the existing rural, open and natural attributes that the area possesses, contrary to Policy DM9 (ii) of the CSDMP.

7.5 Impact on residential amenity

- 7.5.1 Policy DM9 (Design Principles) states that the amenities of the occupiers of the neighbouring properties should be respected by proposed development, and further guidance is provided in the Residential Design Guide SPD.
- 7.5.2 The proposed dwelling would be sited approx. 3.8m-4.8m from the side boundary of the detached dwelling Arandale to the north, and would project beyond its rear elevation. However, the nearest rear elevation of this neighbour serves a garage, meaning that the proposed dwelling would be sited approx. 9.8m from the main rear elevation of this neighbour. This is considered sufficient to avoid adverse harm in terms of loss of light, outlook or overbearing impact.
- 7.5.3 The proposed side garage of the dwelling would be sited approx. 2.2m-2.8m from side boundary of the two storey semi-detached dwelling of Braeholme to the south. The application site's land level is higher than that of Braeholme, which contains ground and first floor side elevation windows facing the proposal. However, the ground floor window appears to serve the integral garage and although the two first floor windows serve a bedroom each, these bedrooms are also served by windows on the front and rear elevations. Given this neighbouring layout, the site orientation of the proposal to the north and the minimal proposed projection with separation of approx. 9.7m between the neighbouring rear elevations, in this instance it is not envisaged that the proposal would lead to adverse impact upon the amenity of current and future occupiers of Braeholme in terms of loss of light, outlook, or overbearing impact.
- 7.5.4 Both the above neighbours benefit from a generous rear garden in excess of 30m in depth and the proposed rear elevation windows would not directly face these private amenity areas. No side elevation windows are proposed and therefore, it is considered that the proposal would not lead to adverse impact upon the amenity of current and future occupiers of these neighbours in terms of loss of privacy.
- 7.5.5 Given the significant distance to the elevations and private amenity areas of the other surrounding neighbours, it is considered that the proposal would not give rise to adverse harm to residential amenity.
- 7.5.6 In light of all the above built form and boundary relationships, it is considered that the proposed development would respect the amenity of all surrounding neighbours and future occupiers, in compliance with the amenity requirements of Policy DM9 of the CSDMP and the relevant principles of the RDG SPD.

7.6 Impact on access, parking and highway safety

- 7.6.1 Policy DM11 (Traffic Management and Highway Safety) states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce and mitigate such impacts to acceptable levels can be implemented.
- 7.6.2 The proposed dwelling would be accessed via the existing access point from Rectory Lane, with parking/turning space in front of the dwelling and an attached side garage also proposed. No new access will be formed. The County Highway Authority has been consulted and has no objections to make on safety, capacity or policy grounds, subject to conditions requiring the provision of the parking space prior to occupation and an electric vehicle fast charge socket in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 7.6.3 It is therefore considered that the proposed development would not prejudice highway safety nor cause inconvenience to other highway users.

7.7 Impact on infrastructure and Thames Basin Heaths SPA

- 7.7.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on 16 July 2014. As the CIL Charging Schedule came into effect on 01 December 2014, an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential developments involving one or more new dwellings through new build. As the proposal includes an additional market housing unit, the development is CIL liable. CIL is a land charge that is payable at commencement of works, should an appeal be submitted to and allowed by the Planning Inspectorate. An informative advising of this will be added.
- 7.7.2 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule. All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 states that no new residential development is permitted within 400m of the SPA. The application site is not within 400m of the SPA but all new development is required to either provide SANG on site (for larger proposals) or for smaller proposals such as this one, provided that sufficient SANG is available and can be allocated to the development, a financial contribution towards SANG provided, which is now collected as part of CIL. There is currently sufficient SANG available.
- 7.7.3 In addition to the financial contribution towards the mitigation on likely effects of the proposed development on the TBH SPA in terms of SANG, Policy CP14B requires that all new residential development contributes toward SAMM (Strategic Access Management and Monitoring) measures. As this is not included within CIL, a separate financial contribution towards SAMM is required. In this instance a payment of £526 is needed on account of the number of proposed bedrooms. In order to comply with Policy CP14B and Policy NRM6 and the Thames Basin Heaths SPD, this would have to be paid by the applicant before full planning permission can be granted, if the scheme is considered acceptable regarding all other relevant planning merits. This has not been paid by the applicant and will therefore constitute an additional reason for refusal.

7.8 Other matters

- 7.8.1 A Preliminary Ecological Appraisal has been provided, which concludes that the habitats to be affected by the proposal are of very limited ecological value and very unlikely to host protected species. Surrey Wildlife Trust has been consulted and raised no objection, subject to the applicant undertaking the recommended actions in the ecological report – providing bat/bird boxes and using native species when planting new trees. This could be secured by a planning condition. On this basis, it is not envisaged that the proposal would give rise to adverse impact upon legally protected species.
- 7.8.2 Any development proposal for new residential development attracting New Homes Bonus payments as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) is a local financial consideration which must be taken into account, as far as they are material to an application, in reaching a decision. Whilst the implementation and completion of the development will result in a local financial benefit, it has however been concluded that this proposal does not accord with the Development Plan as it would give rise to significant harm that would not be outweighed by the above financial consideration.

7.9 Very special circumstances

- 7.9.1 The Green Belt harm is summarised in Paragraph 7.3.4 above. The supporting statement outlines a case for very special circumstances (VSC), and can be summarised and assessed in turn below:
- (i) It is considered that there would be no harm to the openness of the Green Belt;
 - (ii) It is contended that the proposal is consistent with the manner in which the Council determined planning application 18/0610 [Land at 80 Guildford Road, Bagshot] and therefore, this identified VSC should be afforded significant weight to a degree that it justifies approval of the application; and,
 - (iii) The Council cannot currently demonstrate a 5 year housing land supply and the proposal would contribute one new dwelling from infilling.
- 7.9.2 As already explained in section 7.3 above, the proposed new dwelling would be harmful to openness. Furthermore, the applicant's argument could be repeated on other sites in the Green Belt and enabling development at this location would weaken the integrity of the Green Belt. Therefore, limited weight is given to this argument.
- 7.9.3 The above view was outlined by the case officer in recommending refusal of 18/0610. Members determined that VSC existed as the site was isolated by being entirely surrounded by roads. However, this argument does not apply to the current application site. In any event, the same VSC cannot apply to multiple sites, as VSC must apply to the individual application site, meaning that the nature and the weighting of the merits in favour would be materially different in each instance. Therefore, only limited weight can also be given to this argument.
- 7.9.4 It is acknowledged that the proposal would lead to one new dwelling unit, whereby the Council cannot demonstrate a 5 year housing supply. However, as already outlined in paragraph 7.3.1 above, Paragraph 11 d) of the NPPF is not engaged as a result of the lack of a 5 year housing supply, as the application site is within the Green Belt. As outlined in Section 7.3 above, the proposal is not considered to constitute infilling and would therefore be harmful to the openness of the Green Belt and its purposes. Consequently, the small benefit of allowing one single dwellinghouse is clearly outweighed by the substantial Green Belt harm. On this basis, only limited weight is afforded to this benefit.

7.9.5 As such, it is considered that the VSC, either alone or in combination as outlined by the applicant, does not outweigh the inappropriateness and harm of the development in the Green Belt as already outlined above.

8.0 CONCLUSION

8.1 The site is outside the defined settlement located between the villages of Windlesham and Bagshot and does not constitute previously developed land. The proposed new dwelling therefore represents inappropriate development in the Green Belt and would be harmful to its openness and conflict with its purposes. By association, the additional building and the residential nature and scale would lead to an increased urbanised appearance that, in addition to the Green Belt harm, would fail to respect the existing rural, open and natural attributes that the site possesses. There are no very special circumstances that would outweigh the identified inappropriateness and harm. Although the applicant has expressed willingness to secure a Section 106 legal agreement to secure a financial contribution towards SAMM, this has not been provided to date and therefore must form an additional reason for refusal.

9.0 WORKING IN A POSITIVE/PROACTIVE MANNER

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

- 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.

10.0 RECOMMENDATION

GRANT subject to the following conditions:

REFUSE for the following reason(s):-

1. The site is outside the defined settlement located between the villages of Windlesham and Bagshot and does not constitute previously developed land. The proposal meets none of the exceptions under paragraph 145 of the National Planning Policy Framework and therefore represents inappropriate development in the Green Belt. In addition, by reason of the spread and quantum of built form on undeveloped land the proposal would cause harm to the openness of the Green Belt and, by association, conflict with the purposes of including land within it; and, lead to an increased urbanised appearance that would fail to respect the existing rural, open and natural attributes that the area possesses. There are no very

special circumstances to outweigh the inappropriateness and harm. The development would therefore be contrary to Policy DM9 (ii) of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

2. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).

Informative(s)

1. Advise CIL Liable on Appeal CIL3