

LOCATION: 12 ELM GROVE, BISLEY, WOKING, GU24 9DG
PROPOSAL: Erection of a single storey side extension to facilitate an additional sixth bedroom to the existing 5 bed house in multiple occupation resulting in 6 bedroom HMO. (Additional information rec'd 17/04/2019.)
TYPE: Full Planning Application
APPLICANT: Mr Stephen Musselwhite
OFFICER: Amy Myer

The application would normally be determined under the Council's Scheme of Delegation, however, it has been called in for determination by the Planning Applications Committee at the request of Cllr David Mansfield due to concerns regarding overdevelopment.

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 The application site consists of a two storey semi-detached property on the south western side of Elm Grove, Bisley. The property is currently in C4 use as a small HMO, providing five bedrooms. The application proposes the erection of a single storey side extension to provide an additional sixth bedroom to this HMO.
- 1.2 Concern has been raised with regard to overdevelopment of the site and the property's use as an HMO. However, irrespective of this proposed extension, planning permission is not required to use the property for up to 6 unrelated individuals living together. Similarly, whilst significant concerns have been raised about parking pressures in the area, there is no requirement under the Use Classes Order for any parking to be provided for a C4 (small HMO) use. However, notwithstanding this, the site has space for two off-street cars and the County Highways Authority raises no objections.
- 1.3 The proposal would also be acceptable in terms of its impact on the character of the area and residential amenities and the application is therefore recommended for approval, subject to conditions.

2.0 SITE DESCRIPTION

- 2.1 The application property is located on the south western side of Elm Grove, within the settlement of Bisley. Elm Grove is a residential road, characterised by a mixture of post-war two storey semi-detached properties and detached bungalows, on-site parking on front driveways, low brick front boundary walls and hedging, and rear gardens.

- 2.2 The application site consists of a two storey, semi-detached property, a gravel front driveway with parking for two vehicles, partly enclosed by a low brick front boundary wall, and a rear garden. The property has an existing single storey rear/side wrap-around extension (approved under 06/0461), and a rear roof dormer (which appears to be permitted development). There is a timber cabin sited within the rear garden (which does not have planning permission but may benefit from being permitted development). To the side and slightly set back from the main front building line of the property, in front of the existing rear/side extension, there is a shed and an area enclosed by a wooden fence panel/trellis and entrance gate. The boundary to the adjoining property, No.10, consists a hedge, and the side boundary adjacent to No.14 consists a low timber picket fence. The rear of the site adjoins the boundary to Bisley Primary School.

3.0 RELEVANT PLANNING HISTORY

- 3.1 BGR/3955 Erection of 80 dwellings and garages
Granted
26/09/1962
- 3.2 06/0461 Erection of a single storey side and rear extension to include a carport following demolition of the existing garage
Granted
20/06/2006
- 3.3 18/1010 Erection of a part single storey, part two storey side extension
Withdrawn
08/01/2019

4.0 THE PROPOSAL

- 4.1 The proposal seeks planning permission for the erection of a single storey side extension. This would infill the existing area in front of the existing side extension and the main front building line. It would involve the removal of the existing shed and wooden fence panel/trellis and entrance gate to the side of the property in front of the existing extension.
- 4.2 The extension would have the following approximate dimensions: 2.2m in width, 4.5m in depth and would have a hipped roof form with an eaves height of 2.6m and a ridge height of 3.7m. The application form confirms the extension would be constructed of render finish elevations (to match other extensions to neighbouring properties in area), Redland 49 roof tiles to match, and white UPVC framed windows.
- 4.3 There are currently two existing on-site parking spaces at the front of the property and no additional parking is proposed.

4.4 According to the plans the extension would provide a sixth bedroom to this existing five bedroom small HMO (C4 use). The applicant has submitted a supporting statement, summarised below:

- Proposals would smarten up appearance of existing property removing old timber structure with plastic roof and would refurbish the front elevation by painting/changing the existing tiles, possibly changing windows, and changing the door
- Number of extensions approved or built in the area
- Extension would provide additional sixth bedroom for HMO (as stated on drawings) or additional storage/living space for the existing tenants
- HMO operates on the basis of one individual per room or a maximum of six individuals in the house
- The two applicants run businesses from the cabin in the garden, however they use the two on-site parking spaces when tenants have left for work

[Officer comment: Since the submission of the supporting statement, the applicant has confirmed their intention to cease to use the cabin for business use. See section 7.6 for further consideration].

5.0 CONSULTATION RESPONSES

5.1 Bisley Parish Council Objection raised for the following reasons: Overdevelopment, scale and dominance. Noise and disturbance. Impact on neighbourhood. Parking and highway safety.

5.2 Surrey County Council Highway Authority No objection.

6.0 REPRESENTATION

6.1 At the time of preparation of this report, objection letters have been received from 15 properties, raising the following concerns:

Character *[See section 7.4]*

- Overdevelopment
- Scale and dominance
- Impact on the look of the road.

Residential Amenity [See section 7.5]

- Noise and disturbance
- Expansion of HMO will impact family neighbourhood

Highways, Parking and Access [See section 7.6]

- Parking concerns - most of tenants at property have cars; the owner runs three businesses from this property; and, residents parking and proximity of Bisley Primary School which is expanding results in significant parking issues. Adding a further bedroom to the property would add another vehicle to an already busy road.
- County Highways requested cycle parking under the previous withdrawn application (18/1010) but this has not been included in the current application.

Other issues

- Overdevelopment for commercial gain as an HMO and not as a family residence [*Officer comment: This is not a material planning consideration*]
- Question why pre-application advice provided by the Council in response to the withdrawn application (18/1010) has not been made publically available [*Officer comment: There was no formal pre-application advice given, only that prior to withdrawal of this application the applicant was advised to set in the extension by 1 m at first floor level to avoid terracing and retain a gap between properties*]
- Existing rear/side extension to application property already overhangs boundary to No.14. Existing side lean-to roof overhangs and deposits water onto the garage at No.14. The proposed extension up to the boundary would encroach onto property of No.14 [*Officer comment: Ownership certificate A has been signed meaning that all of the extension would be within the applicant's ownership. Matters of encroachment and party wall issues are civil matters outside of the planning process. An informative is proposed to advise the applicant*]

7.0 PLANNING CONSIDERATION

- 7.1 The proposal is considered against the National Planning Policy Framework (NPPF), policies DM9 and DM11 within the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP) and Principles 10.1 and 10.3 of the Surrey Heath Residential Design Guide 2017 (RDG).
- 7.2 By way of background, under Class C4 of the Use Classes Order the use of the property for up to 6 unrelated individuals living together does not require planning permission and this could still occur even without this extension.

It is therefore unreasonable to refuse this development on the basis that the use per se is overdevelopment. Planning permission is also not required to change uses between Class C3 (dwelling house) or C4 (HMO). Given this flexibility between use classes it is therefore reasonable to assess this proposal as though it was an extension to a dwelling house. The main issues to therefore consider are:

- Impact on the character of the area;
- Residential amenity; and
- Parking/highways impacts.

7.4 Impact on the character of the area

7.4.1 The NPPF promotes high quality design and Policy DM9 of the CSDMP is reflective of the NPPF requiring design to respect and enhance the character of the area with consideration of scale, materials, massing, bulk and density. Principle 10.1 of the RDG advises that extensions will be expected to be subordinate and consistent with the form, scale, architectural style and materials of the original building. Principle 10.3 states that side extensions should not erode the character of the street scene and the local area. Proposals should remain sympathetic and subservient to the main building and not project beyond the building line on the street.

7.4.2 Application 18/1010 for a two storey side extension was withdrawn following officer concerns relating to the impact of the proposal on the street scene. Objectors to this latest submission have also raised concerns that the proposal would represent overdevelopment of the site and that its scale and dominance would impact the appearance of the road. There is already an existing side extension to the property albeit set back from the front façade of the building by approximately 3m. The proposed single storey side extension would infill this remaining area to the side of the property and would replace existing structures (a lean-to, wooden fence panel/trellis and entrance gate).

7.4.3 Furthermore, there are a number of existing single and two storey side extensions to properties in the immediate vicinity, including at nos. 16 and 6. The adjacent property itself, No.14, has a single storey garage which extends up to the front building line of this property. As such, side extensions form part of the character of the area and the proposed addition would therefore not appear out of character nor visually prominent within the street scene. Its single storey form would appear subservient in scale to the main building. It would not project beyond the front building line on the street. Its hipped roof form would match the hipped roof form of the existing side/rear extension and would be sympathetic to the pitched roof form of the original building. The extension would not be set in by 1m, as advised by the RDG for access and servicing. However, since the existing side extension is not itself set in it would be unreasonable to request this under this application. An appropriate gap at the side would be maintained at first floor level between the application property and No.14. This would avoid a 'terracing' effect and the spaciousness around these semi-detached properties would be retained.

7.4.4 The new window to the front elevation of the side extension would reflect the design and proportions of the fenestration to the existing building.

The application form confirms the extension would be constructed of render finish elevations. Whilst the properties and extensions on Elm Grove are characterised by facing brickwork elevations, the proposal for render elevations is not considered to be visually harmful. The roof tiles and white window frames would match the existing property. The extension would have a sympathetic appearance in relation to the host building.

- 7.4.5 The proposed development would be of an acceptable scale, form, design and materials. It would maintain the character of the street scene. As such, the proposals would comply with Policy DM9 of the CSDMP and the RDG.

7.5 Impact on residential amenity

- 7.5.1 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 of the CSDMP 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. Principle 10.1 of the RDG advises that extensions should not result in a material loss of amenity to neighbouring properties as a result of overshadowing, eroding privacy or being overbearing.

- 7.5.2 The side extension would be sited adjacent to the side boundary with no. 14 Elm Grove. There is a single storey garage to this side of no.14 and no side facing windows at ground or first floor level. As such, the proposed extension would not have any overbearing, overshadowing nor overlooking impact in this respect on this neighbouring property. The additional window to the front of the extension would not result in any significant overlooking.

- 7.5.3 Whilst objectors have raised concerns that the proposal would result in noise and disturbance, and that the expansion of the existing HMO (from 5 to 6 bedrooms) would impact the surrounding family neighbourhood, for the reasons already explained in paragraph 7.2 of this report the HMO use is permitted development. If any issues did arise then this could be controlled by Environmental Health legislation. However, an informative is proposed to remind the applicant of the need to comply with the site licence and that more than 6 unrelated individuals living together would require planning permission.

7.6 Highways, parking and access

- 7.6.1 The NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy DM11 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 such impacts to acceptable levels can be implemented.

- 7.6.2 Objectors have raised concerns about the parking issues in the vicinity of the site. Given, however, that the applicant could still exercise his rights to have 6 unrelated individuals living at this property irrespective of this extension it would be unreasonable to require a further parking space for this proposed bedroom. Moreover, for a Class C4 use there is no requirement to provide any parking spaces under the Use Class Order.
- 7.6.3 In any event, the County Highways Authority raises no objections. There are currently 2 existing on-site parking spaces in front of the property. According to County's parking guidelines, a four bedroom+ property requires a minimum of 2 parking spaces and so the site complies with this. There are no separate parking standards for HMOs. County also advises that parking issues related to the nearby school is an existing situation that results in additional parking pressure for a short time each day, and that any vehicles causing an obstruction is a matter for police. County has, however, recommended a condition to secure cycle parking on the site, if space permits. It is considered reasonable to impose such a condition to encourage sustainable forms of transport. With regard to the business use clearly this could have the potential to generate additional traffic and also requires planning permission. Given that the applicant has agreed to cease this use it is therefore recommended that a planning condition be imposed to secure this cessation. Subject to these conditions it is considered that the proposal accords with Policy DM11 of the CSDMP.

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

- 8.1 In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This included 1 or more of the following:
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
 - c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
 - d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

9.0 CONCLUSION

- 9.1 The proposal, subject to planning conditions, would have an acceptable impact on the appearance of the host building and character of the area, on neighbouring residential amenity, and on parking and highways. The proposal would accord with adopted policy.

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 proposed development shall be built in accordance with the following approved plans: Proposed Plans (140100/02 Rev B), Proposed Elevations (140100/04 Rev B) received 30/01/2019 and Proposed Site Plans (140100/05 Rev B) received 18/04/2019, 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.

3. The building works, hereby approved, shall be constructed in external fascia materials; brick, tile, bonding and pointing, to match those of the existing building.

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.

4. Prior to commencement of development, detailed drawings of the proposed cycle storage (showing the proposed location, scale, design and materials) shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented prior to first occupation of the development hereby permitted.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019.

5. Prior to the commencement of works hereby permitted the business uses on the site shall cease and thereafter there shall be no resumption of the business uses.

Reasons: In order to retain control in the interests of parking in the vicinity and neighbouring residential amenities to accord with Policies DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

Informative(s)

1. Decision Notice to be kept DS1
2. The decision has been taken in compliance with paragraphs 38-41 of the NPPF to work with the applicant in a positive and proactive manner. Further information on how this was done can be obtained from the officer's report.
3. Advice regarding encroachment DE1
4. Party Walls (etc) Act 1996 DE3
5. The applicant is advised that any more than six individual tenants living at the application property as their main or only residence would require a planning application for a change of use from a small HMO (C4 use) to a larger HMO (sui generis use). The applicant is also reminded of the existing HMO Site Licence dated 3/5/2016 which permits a maximum of 6 households and 10 persons.