

**2019/0675**

**Reg Date 30/09/2019**

**Bagshot**

**LOCATION:** BAGSHOT MANOR, 1 GREEN LANE, BAGSHOT, GU19 5NL  
**PROPOSAL:** Dormer roof extensions, roof lights and fenestration alterations in connection with the residential use approved under prior approval 19/0271.  
**TYPE:** Full Planning Application  
**APPLICANT:** Bagshot Manor Developments Ltd  
**OFFICER:** Mr R Cahalane

**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 Valerie White due to concerns about overdevelopment of the site which will cause parking issues and highway issues.**

**RECOMMENDATION: GRANT, subject to conditions**

#### **1.0 SUMMARY**

- 1.1 This application seeks planning permission for rooflights and fenestration alterations. The existing building benefits from extant Prior Approval (19/0271) for the change of use of the existing building (including its roofspace) to 83 flats across three floors. The initial proposal included second floor dormer extensions and was reported to the December 2019 meeting with an officer recommendation for refusal. However, the application was deferred prior to the meeting given the applicant's willingness to amend the scheme. This approach was consistent with positive/proactive working under the NPPF. The dormers have now been removed to be replaced by rooflights, along with the removal of the proposed first floor external balustrades below. This amended design would now provide 79 units (75 one-bed and 4 two-bed).
- 1.2 It is considered that the current maintenance of the existing hipped pitched roof form would now avoid an unacceptably overdominant appearance. In combination with the removal of the external balustrades below, it is now considered that the current proposed fenestration would avoid an incongruous, contrived or utilitarian appearance, as the more smoother and simply-designed elevations would be appropriate for the consented residential use of the host building. It is therefore considered that the current proposed rooflights and external fenestration alterations would respect the character and quality of the surrounding area.
- 1.3 It is considered that no overlooking perceived or otherwise, would arise from the proposed rooflights, owing to their small size, distance above eaves level, their height above and distance from surrounding dwellings, and their angle towards the skyline. Surrey County Highway Authority raised no objections on grounds of highway safety, capacity or policy, with the site near to Bagshot rail station and local bus stops. The current proposal would now facilitate a reduced number of 79 units, still to be served by 87 off-street parking spaces within the site, as approved under 19/0271.
- 1.4 The application is therefore recommended for approval.

## **2.0 SITE DESCRIPTION**

- 2.1 The 0.85ha application site (including parking/amenity areas) comprises a vacant two storey office block, located on the eastern side of Green Lane. The wooded area immediately to the east of the existing building is covered by a Woodland Tree Preservation Order (Ref: TPO 13/87). The site is surrounded by detached bungalows on Broomsquires Road to the south, two storey dwellings of Elizabeth Avenue and recently developed contemporary wooden-clad dwellings of Manor Wood Grove to the east, along with a variety of single storey and two storey dwellings along Green Lane to the west. The surrounding area is therefore residential in character and although there are a variety of architectural eras and roof forms, surrounding dwellings are limited to two storey in height.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 SU/1986/1248 Construction of two storey office building  
Decision: Granted (implemented)
- 3.2 SU/1990/0095 Continuation of use of offices approved under SU/86/1248 without complying with condition 12 (occupancy restriction).  
Decision: Granted
- 3.3 SU/2017/0363 Application for the Prior Approval under Schedule 2, Part 3, Class O of the General Permitted Development Order for the conversion of the existing office building to 35 one bedroom and 4 two bedroom flats with associated parking and bin storage.  
Decision: Granted (not implemented)
- 3.4 SU/2018/0897 Application for the prior approval under schedule 2, part 3, class O of the general permitted development order for the conversion of the existing office building to provide 85 flats across three floors.  
Decision: Refused
- 3.5 SU/2019/0185 Application for the Prior Approval under Schedule 2, Part 3, Class O of the General Permitted Development Order for the conversion of the existing office building to provide 84 flats across three floors.  
Decision: Withdrawn
- 3.6 SU/2019/0271 Application for the prior approval under Schedule 2, Part 3, Class O of the General Permitted Development Order for the conversion of the existing building to provide 83 flats across three floors.  
Decision: Granted
- 3.7 19/2321/GPD Application for the prior approval under Schedule 2, Part 3, Class O of the General Permitted Development Order for the conversion of the existing building to provide 79 flats across three floors.  
Decision: Pending

## 4.0 THE PROPOSAL

- 4.1 Planning permission is sought for the installation of rooflights and fenestration alterations in connection with the residential use approved under Prior Approval 19/0271. The works now proposed would facilitate conversion of the existing building to 79 flats across three floors (75 one-bed and 4 two-bed), as opposed to 83 units as previously approved (82 one-bed and 1 two-bed).
- 4.2 The proposed rooflights would be within each second floor roof elevation, to serve second floor bedrooms, living areas, shower rooms and stairways. The other proposed alterations would comprise new and replacement windows, doors and fenestration finishes.
- 4.3 The proposed external materials comprise cladding panels to the main facades. The windows, doors and panelling will be in a French Grey/Green finish. The proposed elevations also show smoke vents on the existing roof.
- 4.4 The scheme would utilise the two existing vehicular accesses to the site off Green Lane to provide for 87 off-street parking spaces within the site. The existing parking areas and landscaping areas would remain unaltered, save for the removal of three low grade trees – two within the car park and one adjacent the eastern rear elevation.
- 4.5 The application is supported by a tree survey report and an ecological report, including bat surveys. A flood risk assessment and drainage strategy has also been provided. The above documents will be referred to in the report below where appropriate.

## 5.0 CONSULTATION RESPONSES

- |     |                                 |   |
|-----|---------------------------------|---|
| 5.1 | Surrey County Highway Authority | No objection [ <i>See Section 7.6 and Annex B</i> ]   |
| 5.2 | Surrey Wildlife Trust           | No objection, subject to condition [ <i>See Section 7.8</i> ]   |
| 5.3 | Council Arboricultural Officer  | No objection, subject to condition [ <i>See Section 7.7</i> ]   |
| 5.4 | Council Scientific Officer      | No objection raised   |
| 5.5 | Windlesham Parish Council       | Object - on the grounds of over development, bulk, height and potential highways issues due to insufficient parking and increased vehicular movement. |

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report, one objection has been received, raising the following concerns:

### Residential amenity

- Loss of privacy – building will be bigger and higher
- Increased noise from traffic
- Negative impact from construction work

[*See Section 7.5*]

## Highways

- Increased traffic on already busy roads  
*[See Section 7.6]*

## **7.0 PLANNING CONSIDERATION**

7.1 The application site is located in Bagshot, a settlement area as outlined in the Surrey Heath Core Strategy & Development Management Policies 2012 (CSDMP). The proposal is considered against the principles of Policies CP1, CP2, CP3, CP5, CP6, CP8, CP14, DM9, DM10 and DM11 of the CSDMP, and the NPPF. The Residential Design Guide Supplementary Planning Document (RDG SPD) was adopted in 2017 and therefore forms an additional material consideration in the determination of this application.

7.2 The main issues to be considered are:

- Principle of development;
- Impact on character of the host building and surrounding area;
- Impact on amenities of neighbouring properties and future occupiers;
- Impact on access, parking and highway safety;
- Impact on trees;
- Impact on ecology;
- Impact on flood risk;
- Impact on local infrastructure, and;
- Impact on the Thames Basin Heaths SPA.

## **7.3 Principle of the development**

7.3.1 At the heart of the NPPF is a requirement to deliver a wide choice of quality homes, and to boost significantly the supply of housing. The application site is within a defined settlement area of Bagshot and it is considered that the proposal would be a sustainable form of development, being within this settlement area and approx. 700m walk to Bagshot District Centre and approx. 850m walk to its rail station, with bus links along Guildford Road en-route. Although the proposal would lead to the loss of office accommodation, the site is outside of a Core Employment Area and benefits from extant Prior Approval (19/0271) for full conversion to flats.

7.3.2 The principle of residential development in this location therefore remains acceptable, subject to the other planning considerations as outlined below.

## **7.4 Impact on character of the host building and surrounding area**

7.4.1 Policy DM9 (Design Principles) promotes high quality design that respects and enhances the local environment, paying particular regard to scale, materials, massing, bulk and density (DM9 i and ii). The National Planning Policy Framework also seeks to secure high

quality design, that also takes account of the character of different areas. Development which fails to integrate into its context, promote or reinforce local distinctiveness and fails to take the opportunity to improve the character and quality of the area and the way it functions should be refused (paragraphs 59, 61 and 64 of the NPPF).

- 7.4.2 Principle 7.8 of the RDG advises that architectural detailing should be used to create attractive buildings that positively contribute to the character and quality of an area. Buildings that employ architectural detailing that is unattractive, low quality or is not honest or legible will be resisted. Principle 7.9 advises that window design visible in the public realm should be high quality and create visually balanced and harmonious compositions. Poor quality window design will be resisted, especially where it will be visible in the street scene.
- 7.4.3 The supporting paragraphs to the above Principles advise that attention to detail is vital to ensure that a development is successful. Buildings where the elements have been well put together will be pleasing to the eye, will last well and will complement the spaces they face, whatever the style of architecture. Designers will be expected to pay particular attention to window proportions, positioning and symmetry.
- 7.4.4 No overall ridge height increase is proposed and it is also accepted that the use of the application building for 83 residential units is consented under 19/0271. The current proposed rooflights replacing the previously proposed flat roof dormers, are mostly significantly set down from the existing ridge, apart from several set further towards the ridge to serve habitable rooms or communal stairways. All proposed rooflights would be considerably above the existing eaves level. The current proposal also no longer includes external balustrades.
- 7.4.5 The current proposed combination of the second floor rooflights and fenestration alterations to both floors below would still lead to a number of new and altered windows which would not align with each other. However, it is considered that the current maintenance of the existing hipped pitched roof form would now avoid an unacceptably overdominant appearance. This is because the legible two storey scale and appearance of the existing 1980s purpose-built office building would be retained, through the omission of the large flat roof dormers to be replaced by small rooflights.
- 7.4.6 In combination with the removal of the external balustrades below, it is now considered that the current proposed fenestration would avoid an incongruous, contrived or utilitarian appearance, as the more smoother and simply-designed elevations would be appropriate for the consented residential use of the host building. The existing clear focal point at the main entrance would still also be legible, with the maintenance of the front gable sited beyond the hipped roof forms now to be retained, with windows within it facing the highway. The precise specification and colour can be secured by planning condition, to ensure that the final appearance would respect the established suburban residential character of the surrounding area.
- 7.4.7 In light of all the above, it is considered that the current proposed rooflights and external fenestration alterations would now respect the character and quality of the surrounding area, in compliance with the design requirements Policy DM9 of the CSDMP and the relevant Principles of the RDG.

## **7.5 Impact on amenities of neighbouring properties and future occupiers**

- 7.5.1 Policy DM9 (Design Principles) states that the amenities of the occupiers of the neighbouring properties should be respected by proposed development. Principle 8.1 of the RDG states that new residential development should be provided with a reasonable degree of privacy to habitable rooms and sensitive outdoor amenity spaces. Paragraph 8.4 of the RDG advises that a minimum distance of 20m is this Council's generally accepted guideline for there to be no material loss of privacy between the rear of two storey buildings directly facing each other (i.e. a back to back relationship). It is also stated here that extra separation may be needed where there are significant changes in level between buildings, or where new development is greater than 2 storeys in height.
- 7.5.2 It is accepted that the existing ground and first floor windows on the same elevation facing the neighbouring dwellings of Manor Wood Grove to the east would be at the same proximity and benefit from lawful residential use under 19/0271. The current proposal would include a number of small-sized rooflights above these windows, all set significantly above the existing eaves level.
- 7.5.3 The easternmost elevation would contain five second floor rooflights to serve bedrooms and a bathroom, facing towards the two storey detached dwelling of No. 2 Manor Wood Grove to the east. The rooflights would be recessed within the existing roof slope and with some mature shrubbery covered by a Woodland Tree Preservation Order sited in between. The proposed site section towards this neighbour demonstrates that the proposed rooflights, although at a distance of approx. 16m-20m from this neighbouring elevation, would be sufficient to avoid overlooking, owing to their height above this neighbouring dwelling and their angle towards the skyline.
- 7.5.4 The proposed two rooflights further to the south would serve bedrooms, sited approx. 16m from the primary amenity area of the two storey semi-detached dwelling of No. 4 Manor Wood Grove to the east. The rear elevation of this neighbour is sited further to the south, as it has an irregular site layout. The northern side elevation of this neighbour is fully glazed to serve a ground floor dining area and a bedroom on the first floor, and would be sited approx. 19m at almost a right angle to the nearest proposed rooflight. However, similar to No. 2 no overlooking would arise owing to their height above the dwelling and their angle towards the skyline. The small size of the rooflights and their positioning significantly above eaves level is also considered sufficient to avoid any perceived sense overlooking towards the abovementioned neighbours.
- 7.5.5 The proposed rooflights on the inset elevation further to the south would be sited approx. 29m at their closest point from the rear elevation habitable windows of the semi-detached pair of 4 & 6 Manor Wood Grove, and the primary amenity area of No. 6 to the south. The proposed southernmost rooflight would be sited approx. 30m from the nearest habitable window of the two storey detached dwelling No. 8 Manor Wood Grove. Further to the south again, the nearest rooflight would be sited at an angle approx. 32m from the rear garden area of No. 1a Elizabeth Avenue. To the front facing Green Lane, the nearest separation distance to the dwellings opposite would be approx. 46m. The proposed southern side rooflights would be sited approx. 43m from the rear garden boundaries of the Broomsquires Road dwellings. The nearest proposed northern rooflight to Whitmoor Road would be sited approx. 43m from the nearest dwelling opposite. All the above separation distances are considered sufficient to avoid material harm in terms of loss of privacy, perceived or otherwise.

- 7.5.6 The proposal also includes two new second floor windows on each of the existing front and rear gable ends, serving living areas and bedrooms. The rear windows would be sited approx. 27m from the rear elevations of Nos. 4 & 6 Manor Wood Grove directly, with the front windows sited approx. 40m from the nearest opposite dwelling on Green Lane. These separation distances are considered sufficient to avoid adverse harm in terms of loss of privacy.
- 7.5.7 Most of the 29 ground floor units to be served by the proposed fenestration alterations do not comply with the national technical housing standards in terms of their internal living space. However, the size and amount of these units already benefit from consent under 19/0271.
- 7.5.8 Most of the other 50 units on the second and third floors would still necessitate the proposed rooflights, as they would either be laid out over two floors or within the second floor only. However, the proposed use of rooflights as opposed to dormers would now not provide any additional habitable floorspace than what can be lawfully achieved within the existing shallow hipped pitched roofs. As such, the current proposed rooflights comprise fenestration alterations to facilitate lawful conversion to residential use as allowed under 19/0271. As such, similar to the proposed internal living spaces, it is now also considered that a reason for refusal on grounds of insufficient outlook would now also be unreasonable, given that the proposal now fully relates the existing floorspace that benefits from a lawful change of use to residential flats.

## **7.6 Impact on access, parking and highway safety**

- 7.6.1 The application site benefits from two vehicle accesses to two car parking areas, one either side of the building, and both off Green Lane. Green Lane is a local residential road, which leads from Whitmoor Road and the A322 and includes a primary school. The extant 19/0271 prior approval for 83 flats would utilise the two existing vehicular accesses to the site off Green Lane to provide for 87 off-street parking spaces within the site.
- 7.6.2 A transport statement was provided as part of the 19/0271 scheme, including a trip generation and traffic impact assessment using TRICS data, which outlined that the site will continue to use the existing accesses from Green Lane which have adequate visibility of 2.4M x 43M. The report concluded that there is adequate parking, two vehicle access points meeting highway standards, and a predicted reduction in vehicle trips by up to 8 vehicle trips compared to the existing lawful office use capacity of the building.
- 7.6.3 Concerns were raised by neighbours in respect of increased traffic generation and insufficient parking provision on a road leading to a primary school and to main roads that already suffer from peak hour congestion. However, the County Highway Authority (CHA) raised no objections on safety, capacity or policy grounds, subject to conditions. The CHA has maintained no objection to the current planning application proposal (their consultation responses are appended).
- 7.6.4 In light of the above and given that the current proposal would now facilitate a reduced number of 79 units, near to Bagshot rail station and local bus stops, no objections are raised on grounds of highway safety, capacity or policy.

## **7.7 Impact on trees**

- 7.7.1 The wooded area immediately to the east of the existing building is covered by a Woodland Tree Preservation Order (Ref: TPO 13/87). An arboricultural report including impact assessment, method statement and tree protection plan has been provided. This advises that three low grade trees (two within the car park and one adjacent the eastern rear elevation) would be removed to facilitate adequate parking. The trees are not protected by the TPO. Pruning works to four further individual trees and one tree group are also proposed (which are subject to the TPO), to allow construction access and to create a sustainable separation with the building. Tree fencing and ground protection measures would be installed to protect the Root Protection Areas (RPAs) of all trees surrounding the parking area and adjacent the building.
- 7.7.2 The Council's Arboricultural Officer has raised no objection, subject to a condition requiring submission of photos of all tree and ground protection measures, to ensure that are implemented in accordance with the approved Tree Protection Plan

## **7.8 Impact on ecology**

- 7.8.1 Bat emergence and re-entry surveys have been undertaken, which identified day roosts of four common pipistrelle bats within the building. The report advises that the proposed development can be completed under a Natural England bat mitigation class licence, which would include specific mitigation/compensation measures. Surrey Wildlife Trust has raised no objection, subject to a Sensitive Lighting Management Plan submitted to the Council for approval prior to commencement of development. This is a conditional requirement of the 19/0271 approval.

## **7.9 Impact on flood risk**

- 7.9.1 The application site falls entirely within Flood Zone 1 (the lowest probability category for flooding from rivers). Most of the existing building is also immediately surrounded by areas of low, medium and high risk from surface water flooding, much of which would flood to a depth above 300mm (according to Environment Agency data and the Surrey Heath Strategic Flood Risk Assessment 2015).
- 7.9.2 A Flood Risk Assessment and Drainage Strategy was provided as part of the 19/0271 prior approval scheme. The current proposal still includes a communal ground floor access to the building on the existing northern elevation, and is not reliant on the additional proposed direct access points to the ground floor flats. Additionally, no new hard standing areas are proposed. It is therefore still considered that the development would not lead to a material increase in flood risk within or around the site.

## **7.10 Impact on local infrastructure**

- 7.10.1 The 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 no longer includes additional floorspace in the second floor provided by the dormers, the development is no longer CIL liable.

## **7.11 Impact on Thames Basin Heaths SPA**

- 7.11.1 The proposed conversion to residential use falls within 5km of the Thames Basin Heaths SPA and as such, mitigation for any new residential development is necessary. The proposal site is outside of the 400m exclusion zone of the SPA boundary and there is still SANG with capacity within the catchment of the development to provide mitigation for the proposed residential use.
- 7.11.2 Following an Executive resolution which came into effect on 1 August 2019, due to the currently limited capacity available for public SANGs in parts of the Borough, applications for development which reduce SANG capacity (as in the case of this application facilitating the 19/0271 prior approval) will be valid for one year (rather than three years), unless there are reasons why the development cannot be commenced within this shorter timescale. The decision on the recently submitted prior approval (19/2321/GPD), for 79 units to correspond with the current proposed alterations, is pending. If approved, the scheme would be required under condition to provide SANG mitigation.

## **8.0 CONCLUSION**

- 8.1 The current maintenance of the existing hipped pitched roof form would now avoid an unacceptably overdominant appearance. In combination with the removal of the external balustrades below, the current proposed fenestration would avoid an incongruous, contrived or utilitarian appearance and would now respect the character and quality of the surrounding area. No overlooking, perceived or otherwise, would arise from the proposed rooflights, owing to their small size, distance above eaves level, their height above and distance from surrounding dwellings, and their angle towards the skyline. Surrey County Highway Authority and the Council's Arboricultural Officer have raised no objections subject to conditions. The application is therefore recommended for approval.

## **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.
  - 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.

## 10.0 RECOMMENDATION

1. The development hereby permitted shall be begun within one year 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 ground floor plan (Drawing No. 0413 P2 - received on 30 September 2019; Proposed site plan (Drawing No. 0412 P2); Proposed site section (Drawing No. 0184 P1);  
Proposed first floor plan (Drawing No. 0414 P3); Proposed second floor plan (Drawing No. 0415 P3); Proposed roof plan (Drawing No. 0416 P2); Proposed northwest and southwest elevation (Drawing No. 0422 P6); Proposed southeast and northeast elevation (Drawing No. 0423 P6) - all received on 10 December 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. 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 tile 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.

4. The development hereby permitted shall be carried out wholly in accordance with the submitted Arboricultural Report prepared by Barrell Tree Care [Alex Needs] and dated 16 October 2019. No development shall commence until digital photographs have been provided by the retained Consultant and forwarded to and approved by the Council's Arboricultural Officer. This should record all aspects of any facilitation tree works and the physical tree and ground protection measures having been implemented and maintained in accordance with the Arboricultural Report. The tree protection measures shall be retained until completion of all works hereby permitted.

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

