

LOCATION:	24 Park Avenue, Camberley, Surrey, GU15 2NG,
PROPOSAL:	Demolition of existing dwelling and garage and erection of 4 detached dwellings with associated access, parking and landscaping.
TYPE:	Full Planning Application
APPLICANT:	Mr D Berridge
OFFICER:	Sarita Bishop

This application would normally be determined under the Council's Scheme of Delegation. However, it has been referred for determination by the Executive Head of Regulatory

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 This application seeks planning permission for the erection of 4 detached two-storey four bedroom houses with associated parking, access and landscaping, following demolition of the existing dwelling and garage.
- 1.2 The subdivision of the plot by a new access drive, the orientation of Unit 2 and the siting, height and massing of the plots proposed at the rear of the site would be inappropriate for this location, harmful to the character, appearance and quality of the area. The amenity of surrounding neighbours and future occupiers are considered acceptable as is the proposed parking provision.
- 1.3 Given the concerns raised as set out in detail below the application is recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site, of some 0.64 hectares, is located on the south side of Park Avenue. It comprises a large detached six bedroom dwelling with accommodation over three floors with an attached single garage. There is also a detached double garage located adjacent to the site boundary with 26 Park Avenue. The property is currently unoccupied and dates from the early 20th century. It has a white painted finish with a pitched tiled roof. The frontage is enclosed by hoardings. There are trees and vegetation adjacent to the site boundaries with the rear garden comprising a cleared open area. The existing property benefits from an "In" and "Out" access arrangement onto Park Avenue.
- 2.2 Whilst 24 Park Avenue has one of the widest site frontages for properties in Park Avenue, it follows the existing pattern of development typically characterised by large detached dwellings with buildings set back from the road with space around the built form and deep rear gardens. This results in a linear form of frontage development with strong front and rear building lines. The adjoining areas of Park Avenue and Kingsley Avenue are also characterised by generous landscaped plots accommodating detached dwellings with a variety of designs largely dating from the 1950's/1990's, with the enclosure of the streetscene by established hedges and street trees.

- 2.3 The application site is located within the Hedged Estates Character Area of Camberley, as identified in the Western Urban Area Character SPD.

3.0 RELEVANT HISTORY

There have been a number of applications which relate to the extension of the house. The following application is considered to be the most relevant to the current proposal:

- 3.1 SU/77/0160 Erection of two detached houses with double garages on land to the rear of Aramby 24 Park Avenue. The proposal sought to retain Aramby on a reduced curtilage with the introduction of a new access drive adjacent to the eastern site boundary leading to two detached houses and garages to the rear of the site. This was refused in April 1977 on grounds of detrimental impact on the character of the area and on adjoining neighbours. The appeal was dismissed in February 1978.

Although not on the application site the following applications are considered to be relevant to the consideration of the submitted application as they also relate to proposed housing development within the Hedged Estates character area:

- 3.2 12/0303 Formation of a new access and erection of two 2 storey detached four bedroom dwellings and detached garages on land to the rear of 30 and 32 Kingsley Avenue. This was refused on grounds that by reason of its scale and backland form would provide a form of development which would not reflect or enhance the character of the local environment. In dismissing the subsequent appeal in June 2013 the Inspector concluded that the development would materially harm the character and appearance of the locality.
- 3.3 19/0288 Erection of a two storey 4 bedroom detached dwellinghouse with detached garage and vehicular access; retention of 25 Kingsley Avenue on a reduced curtilage and erection of a detached garage for 25 Kingsley Avenue. Refused 5 July 2019. The reasons for refusal related to the proposal having an unacceptable impact on the character of the area and the absence of a SAMM contribution as part of the mitigation required in relation to the impact of the development on the Thames Basin Heaths Special Protection Area. An appeal has been lodged against this refusal which is being dealt with by way of the written representations procedure. A decision is awaited

4.0 THE PROPOSAL

- 4.1 Permission is sought for the erection of 4 detached two-storey four bedroom houses with associated parking, access and landscaping, following demolition of the existing dwelling and garage
- 4.2 Units 1 and 2 are proposed on the Park Avenue frontage. They would be separated by an entrance drive which would provide access to Units 3 and 4 proposed at the rear of the site. The proposed design of the houses would reflect the Surrey Vernacular Arts and Crafts style with the use of gable pitched and hipped roofs, tile hanging, brick and render external finishes and bay windows.
- 4.3 Unit 1 is located on the west side of the site. The proposed dwelling and attached single garage would have a maximum width and depth of 19.5 metres and 18.35 metres respectively. It would have a pitched roof with a maximum ridge height of 9 metres. A minimum separation distance of over 6.5 metres is retained to the common boundary with 22 Park Avenue. The property would have a rear garden depth of some 21 metres.

- 4.4 Unit 2 is located on the east side of the site. The proposed dwelling would have a maximum width and depth of 9.8 metres and 17.7 metres. It would have a pitched roof with a maximum ridge height of 8.2 metres. A linked archway would connect the house to a single garage located on the east side of the house. Minimum separation distances of between some 5.5 metres (garage) and 10 metres (house) would be retained to the common boundary with 26 Park Avenue. The property would have a maximum garden depth of just under 22 metres.
- 4.5 Unit 3 would be located to the rear of Unit 1. This proposed dwelling and attached single garage would have a maximum width and depth of 17.4 metres and 14.2 metres respectively. It would have pitched roofs with a maximum ridge height of 8 metres. A minimum separation distance of some 5.5 metres is retained to the common boundary with 22 Park Avenue. The property would have a maximum garden depth of some 27.5 metres.
- 4.6 Unit 4 would be located to the rear of Unit 2. This proposed dwelling would have a maximum width and depth of 17.4 metres and 13.3 metres respectively. It would have pitched roofs with a maximum height of 8.7 metres. A single detached garage would be located some five metres in front of the house towards the east site boundary. It would have a width and depth of 3.4 metres by 6.4 metre with a hipped pitched roof having a ridge height of 4.37 metres. A minimum separation distance of just over 6.5 metres is retained to the common boundary with 35 Kingsley Avenue. The property would have a maximum garden depth in excess of 30 metres.
- 4.7 Pedestrian and vehicular access to the site would be via three access points. The existing access on the western side of the site would be retained to serve Unit 1. A new access would be created on the eastern side of the site to serve to Unit 2. The existing access on the eastern side of the site would be widened to provide a new central access to serve plots 3 and 4. The new access drive would narrow to 3.2 metres within the site but widen to 4.8 metres to allow two cars to pass at the site access and at the internal turning head located between Units 2 and 4.
- 4.8 Visibility splays are provided in accordance with the Manual for Streets. As Park Avenue is subject to a 30 mph speed limit, visibility splays of 2.4 x 43 metres are proposed. The central access has been designed to allow a fire appliance to safely enter and exit the site.
- 4.9 Three car parking spaces are proposed for each dwelling, comprising two spaces in front of a single garage. All plots have turning heads to enable vehicles to exit the site in a forward gear with a general turning head proposed to the rear of Unit 2
- 4.10 The application is supported by a Design and Access statement, two site context plans relating to plot sizes in the Hedged Estates Character Area, a Transport statement, an Arboricultural Implication Study and Tree Protection Strategy, as updated in March 2020, planting proposals and supporting statement, a Phase 1 Desk Study, a Phase 1 Habitat and Ecological Survey and a Utilities report.

5.0 CONSULTATION RESPONSES

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| 5.1 | County Highway Authority | The responses received to date are annexed to this report. Further information is awaited which will be reported as an update to the meeting. |
| 5.2 | Council's Arboricultural Consultant | Further information awaited. |
| 5.3 | Surrey Wildlife Trust | Views awaited. |
| 5.4 | Thames Water | No views received. |
| 5.5 | Environmental Health | No objection subject to a condition concerning unforeseen contamination. |

5.6 Council's Drainage Officer Objection on grounds of lack of information.

6.0 REPRESENTATION

6.1 At the time of the preparation of this report 478 representations from 267 addresses have been received including a representation from a planning consultant on behalf of the residents of 1, 18, 19, 20, 22, 23, 26, 29, 31 Park Avenue and 15, 31, 35, 48 and 50 Kingsley Avenue which object to the proposal as set out below:

Character [*Officer comment: See section 7.4 below*]

- The siting of the development is totally out of character with existing surrounding properties of single houses on single plots;
- The National Planning Policy Framework states that plans should positively seek opportunities to meet the development needs of the area and are sympathetic to local character which this proposal does not do;
- The proposed development is not in accordance with Surrey Heath planning policy with regard to backland development;
- It violates the description of the hedged estates;
- This is simply garden grabbing and has been done with minimal consultation or regard for the community or environment;
- It would be completely at odds with appearance, pattern and spread of dwellings on all surrounding roads;
- Nowhere on neighbouring roads is there access between two houses to rear garden plots;
- Area is already overdeveloped and this will exacerbate the situation with further demand on local amenities and ruining the local neighbourhood;
- The developers vision is in no way in keeping with the local area;
- The development if passed would mark the abandonment of the Western Urban Area Character SPD;
- Any development should maintain the existing building lines and make provision for the replanting of the destroyed woodland ;
- Contrary to policies DM9 and DM11 of the Core Strategy;
- The houses will be imposing and breach the rear building line which is formal in Park Avenue, Kingsley Avenue and Parkway;
- The two rear properties would be especially visible in winter from other gardens in Park Avenue and Kingsley Avenue;
- The new cul de sac would be at odds with the general character, appearance, form and pattern of the area;
- The proposal is not on previously developed land;
- Overdevelopment of the site;

- The density is too high;
- Elevations rather bulbous particularly the dormers, the garages and the rear projections

Landscape [*Officer comment: see section 7.4 below*]

- Queries the use or value of the tree consultant's report given the tree removal on the site in 2019;
- Please publish the tree survey from Spring 2019 covering the original site with the multitude of trees;
- Please publish the Council's Arboricultural Officer's tree survey and missing comments on the original planning application [*Officer comment: It is unclear what is meant by original planning application as this has been the first application for redevelopment since the 1970's*]
- Public needs to understand why 200 trees were felled and not protected and instead the 40 surviving trees need to be protected;
- The proposed site plan is misleading as it shows many trees which would take decades to reach the maturity of those that have been removed;
- A condition should be placed on the developer that the trees are replaced with a fast growing species to allow the flora and fauna to return;
- The developer must be required to replant every felled tree to deter others;
- If the site had not been cleared of trees, believe permission would not have been granted due to proximity of trees;
- Loss of trees will have a negative impact on pollution;
- Trees are needed to help fight global warming and reduce carbon emissions from the M3

Residential amenity [*Officer comment: See section 7.5 below*]

- The practical implication of building would result in serious issues of parking, noise, dust, smoke etc;
- Increase in traffic, parking and noise pollution;
- Loss of amenity to all adjoining properties;
- Light pollution from the cars driving to and from the cars at the back of the site causing disturbance;
- Air pollution from the increased vehicle movements

Highway safety [*Officer comment: See section 7.6 below*]

- No doubt overspill parking from this development will cause obstruction on Park Avenue during and after construction;

- Park Avenue is too narrow to accommodate a junction into a narrow cul de sac which is out of keeping with the area;
- The proposal would cause an increase in traffic for families going to and from work as well as to and from school;
- Given parking on Park Road in close proximity to the junction with Park Avenue, traffic on Park Road is forced to drive along a highway of restricted width which in turn causes safety concerns for those entering and exiting Park Avenue;
- As Park Avenue is one of the narrower roads in the immediate area this compounds the issues with the Park Road junction;
- Park Avenue is part of a local rat run to avoid the Frimley Road/Park Road roundabout and the proposal will add to congestion on the narrow Park Avenue to Park Road junction;
- The local area cannot cope with the substantial increase in additional traffic;
- Park Avenue is a narrow road and the development will cause damage and disruption both during building work and afterwards with an increase in the number of vehicles once people have moved in;
- It will be extremely difficult for vehicles to pass on Park Avenue during construction;
- Serious doubts whether sufficient width has been allowed on the new road to permit access by HGVs such as refuse lorries and removal vehicles;
- Overspill parking from the development will cause obstruction on Park Avenue during and post construction;
- Each property only has a single garage therefore it is likely that visitors cars will be parked in the cul de sac causing a breach of the minimum carriageway width needed by emergency vehicles;
- Inadequate access for emergency vehicles;
- The proposal presents a danger to pedestrians particularly in winter when it is dark as there is no apparent streetlighting;
- Vehicles departing and arriving at the same time will be potentially having to reverse long distances to make way for each other especially if vehicles park on the wider parts of the access road;
- Parking provision is limited;
- Lack of clarity on bin collection;
- The access drive is too narrow so overspill parking will take place on Park Avenue;
- Single garages are inevitably used as storage rather than for their designated purpose;
- The Department of Transport recommends a minimum street width of 5 metres with appropriate turning facilities. It is doubtful that the development can accommodate this

Other matters

- The proposal will certainly set a precedent for future development in the area that could negatively impact all surrounding roads and destroy many aspects of the local residential community [*Officer comment: Not a material planning consideration*];
- No objection to a couple of up market luxury detached properties similar to existing properties in the road;
- Only one replacement house should be allowed on this site [*Officer comment: the application is to be determined based on the submitted plans*];
- Widespread local condemnation of how this property/land was obtained and the wanton disregard of any prior consultation with neighbours by the developer who cleared the entire plot over a weekend in a deliberate attempt to avoid scrutiny by neighbours and the Council ensuing the tragic destruction of over 180 trees and disregard for all wildlife on this plot [*Officer comment: Not a material planning consideration*];
- The development is about profit not fulfilling a housing need in Camberley [*Officer comment: Not a material planning consideration*];
- The architect's plans are misleading as they show mature flora that either does not exist or were removed during the mass clearance of the site prior to applying for planning [*Officer comment: A site plan has been submitted without the vegetation on the site*];
- In rejecting this application the Council can make it clear to developers that an arboriculture report after 180 trees have been felled is not a way to avoid regulations;
- Felling trees which provided habitat for local wildlife [*Officer comment: See section 8 below*];
- The manner in which the developers have gone about this build is appalling [*Officer comment: Not a material planning consideration*];
- The developer and his architect have acted in an underhanded way in order to maximise financial gain [*Officer comment: Not a material planning consideration*];
- Bats, owls and foxes have disappeared from local gardens following loss/decimation of habitat;
- Builders always burn their rubbish so residents will be suffering from bonfires for goodness knows how long [*Officer comment: the burning of fires is dealt with under Environmental Health legislation*];
- These houses are not needed in Camberley as hundreds are being built at Deepcut;
- The sharp practice employed by the developer deliberately clearing the site of mature trees over a weekend to prevent any council action [*Officer comment: Not a material planning consideration*];
- The planning application is not valid as the plans submitted show the hundreds of trees which have been chopped down thus the plans are now materially different from the site as it is which makes the plans inaccurate, misleading and vastly different [*Officer comment: the application has been assessed on all plans including a site plan without vegetation and the officer site visit*]

- Similar proposals in Kingsley Avenue and Parkway were rejected as should this application *[Officer comment: Each planning application has to be determined on its own merits]*
- Given removal of trees, the application should be refused as a matter of principle and any resubmission be made in consultation with neighbours; *[Officer comment: Each application has to be considered on its planning merits]*
- The developer failed to have his tree and ecology reports ratified through impartial consultation from English Nature (Natural England) or Surrey Wildlife Trust in accordance with policy G22;
- Existing infrastructure already overloaded;
- Camberley is already suffering from a surfeit of smaller unit housing provision leading to overcrowding on roads, medical and educational provision;
- Absence of wildlife since the felling of the trees;
- This is rampant commercialism *[Officer comment: Not a material planning consideration]*
- The Council's failure to protect the trees on this site;
- Elected representatives have responsibility to ensure that blatant destruction of ancient woodland is punished;
- The owner of 24 Park Avenue was not the legal owner of the site originally as its title was obtained by moving the boundary fences over a number of years, the legal owner is the Verran Estate *[Officer comment: This is not a material planning consideration but a private land matter]*
- Restrictive covenant is in place preventing development *[Officer comment: This is not a material planning consideration but a private land matter]*
- This is not the neighbourhood planning that local people want;
- Noise can now be heard from the M3;
- Streetscenes are inaccurate *[Officer comment: The streetscenes are assessed in the context of all the submitted documentation and the officer site visit];*
- The proposed dwelling will not fall into the affordable housing bracket and will not go toward filling the housing need in Camberley;
- Shame the existing house cannot remain with perhaps one or two new builds at the rear accessed by side drive;
- Developer should be prosecuted for illegally felling trees *[Officer comment: Not a material planning consideration];*
- The felling of the trees in 2019 was in conflict with the DEFRA designation of the site as a high priority woodland improvement area *[Officer comment: This designation is made by DEFRA and falls within its jurisdiction];*
- One letter of support has been received in relation to the proposed landscaping scheme

7.0 PLANNING CONSIDERATION

7.1 The site is located within the settlement area of Camberley as defined by the Surrey Heath Core Strategy and Development Management Policies Document 2012. As such Policies CP1 (The Spatial Strategy), CP2 (Sustainable Development and Design), CP3 (Scale and Distribution of Housing), CP6 (Dwelling Size and Type), CP11 (Movement), CP12 (Infrastructure Delivery and Implementation), CP13 (Green Infrastructure), CP14A and 14B (Biodiversity and Nature Conservation), DM9 (Design Principles), DM10 (Development and Flood Risk) and DM11 (Traffic Management and Highway Safety) The site is also within the Hedged Estates Character Area as defined by the Western Urban Area Character (WUA) Supplementary Planning Document May 2012. The Council's Supplementary Planning Documents in relation to the Residential Design Guide (RDG) September 2017, Infrastructure Delivery July 2014 and the Thames Basin Heaths Special Protection Area (TBHSPA) Avoidance Strategy 2019, the Vehicular and Cycle Parking Guidance January 2018 published by Surrey County Council, the National Planning Policy Framework/Practice Guidance and saved Policy NRM6 of the South East Plan are also relevant to the consideration of the submitted proposal.

7.2 The main planning issues relevant to this application are considered to be as follows:

- Principle of the development;
- The impact on the character of the area,
- The impact on residential amenity of adjoining and future occupiers;
- Highways, parking and access;
- Impact on infrastructure;
- Impact on the Thames Basin Heaths Special Protection Area.

7.3 The principle of development

7.3.1 The NPPF advises that planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.

7.3.2 The site is within the settlement area of Camberley, wherein residential development is acceptable. Policy CP1 of the CSDMP 2012 states that new development will be directed in accordance with the spatial strategy which provides the most sustainable approach to accommodating growth within the borough, that new development will come forward largely through the redevelopment of previously developed sites in the western part of the borough, and that Camberley has scope for residential development across the area. In this regard it is noted that in the glossary to the NPPF, residential gardens are excluded from the definition of previously developed land. The Council can also currently demonstrate a 5 year housing land supply. Whilst, therefore, the site is in a sustainable location the release of this site for housing should not automatically be accepted, nor be at the expense of the established residential context; the impacts of which are fully considered below.

7.4 The impact on the character of the area

7.4.1 Paragraph 124 of the NPPF states that the Government attaches great importance to the design of the built environment. Paragraph 127 goes on to say that planning decisions should aim to ensure that developments respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture.

7.4.2 Policy CP2 of the CSDMP 2012 states that new development should be ensure that all land is used efficiently within the context of its surroundings and respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 states that

development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density, and that trees and vegetation worthy of retention should be protected.

7.4.3 The National Planning Policy Framework (NPPF) promotes an efficient use of land. However, this should not be at the expense of the character and appearance of the area. Paragraph 127 of the NPPF requires that whilst not preventing or discouraging appropriate innovation or change, development should be sympathetic to local character.

7.4.4 The WUA and RDG also emphasise the need for new development to respect, enhance and have regard to distinctive patterns of development and take opportunities to add to the positive features of the area. Principle 6.6 of the RDG states:

“New residential development will be expected to respond to the size and rhythm of surrounding plot layouts

Fine residential plot divisions will be supported and encouraged particularly in intensifying urban areas. Loss of fine grain plots layouts will generally be resisted.

Plot boundaries to the front, side and rear will be expected to be clearly and strongly defined. Proposals with weak or absent plot definition and plot layouts that are out of context with the surrounding character will be resisted”

7.4.5 The Guiding Principles of the Hedged Estates Housing Character Area state that new development should be set in spacious, regular plots, provide space between and around building which allows for the maintenance/development of a verdant character; consist principally of two-storey detached buildings set in individual plots enclosed by hedges and mature vegetation; the provision of a green character through retention of existing large trees and mature vegetation and the provision of substantial new landscape features in the form of large trees, shrubs and tall hedges; dense vegetation screens and hedges will reduce visibility of buildings from the street and between neighbours. It also states that development forms that are contrary to the prevailing development form of detached houses set in generous individual enclosed plots will be resisted, as will proposals with closely set buildings, cramped or overly prominent appearances, minimal provision of side gardens and high plot ratios. Development that erodes the soft, green character of the area will also be resisted. The RDG also sets out standards for new development including guidance on architectural detailing, use of natural light, window design, internal space standards, density and layout.

Layout and design

7.4.6 The applicant has provided an analysis of plot sizes within the Hedges Estates Character Area in support of the current proposal to demonstrate that the proposed plot sizes would not be out of keeping with the existing plot sizes within this character area. It is considered that the applicant has provided sufficient information to demonstrate that the proposed plot sizes would not be inappropriate in this character area. Notwithstanding this, the proposal, of which plot size is only one element, has to be assessed on its overall impact on the character of the area and this is discussed in more detail below.

7.4.7 Units 1 and 2 are proposed to be sited on the Park Avenue frontage. This siting reflects the existing street pattern seen in the area. However, it is noted that the main frontage for Unit 2, including the location of the front door, is onto the proposed access drive. This does not reflect and is out of character with the pattern of house frontages in Park Avenue. Furthermore, Principle 6.2 states that blank or poor active frontages (including buildings that turn their side or backs onto the street) will be resisted.

- 7.4.8 There are a variety of designs seen in the local area and the use of the Surrey Vernacular Arts and Crafts design ethos for the proposed development is considered to be compatible with existing development in Park Avenue and the wider Hedged Estates Character Area. Subject to the imposition of appropriate conditions Unit 1 would be acceptable in streetscene terms but an objection is raised to Unit 2 as it is out of character with established frontage development typically seen in the area.
- 7.4.9 The Park Avenue and Kingsley Avenue streetscenes are characterised by large detached houses with significant separation distances between, typically provided by their adjoining rear gardens. This give a feeling of openness and spaciousness which is a defining feature of the local area. Access and surface parking within the area is largely confined to the front of the dwellings with garages to the side or front. There is minimal development beyond the rear house elevations. This defines the strong front and rear building lines which are typical of the local area and the wider Hedged Estates Character Area.
- 7.4.10 The amount of hardsurfacing proposed for the central access drive and associated turning areas would be unacceptable in this location in that it would subdivide the plot and introduce a harsh edge where gardens and vegetation are typically seen. The siting of Units 3 and 4 (including the garage to this plot) to the rear of frontage development fails to reflect or respect the strong front and rear building lines typical of the area. This would be completely out of character with the established pattern of development and would result in an incongruous form of rear garden development. As a result of their height and massing Units 3 and 4 would appear as imposing and intrusive two storey properties whose presence, by breaching the established rear building line would be clearly evident from other gardens in Kingsley Avenue and Park Avenue especially in winter. This impact would be exacerbated by the lack of well established screening within the site. Whilst the applicant has proposed a landscaping plan for the site (also see the comments below under landscape), replacement planting would take a number of years to reach the maturity of the trees and vegetation formerly on the site. Furthermore, the combination of Units 1 and 2 proposed at the front of the site and Units 3 and 4 located to the rear of the site positioned either side of the proposed access drive would form a small cluster of properties that would also be an alien feature at odds with the form and pattern of existing development. Taking all these factors into consideration the proposal would result in significant and demonstrable harm to the character and appearance of the area and objection is raised to the proposal in this regard.

Landscape

- 7.4.11 The Hedged Estates Character Area has a strong green character. In Park Avenue this is emphasised by both established trees and shrubbery within front and rear gardens but also through the trees planted in highway verges
- 7.4.12 It is evident from the representations received in respect of this application that there is a great deal of anger in the local community concerning the tree removal that took place in the summer of 2019. Whilst acknowledging this, the trees were not subject to a tree preservation order and as such there was no breach of planning control. The application therefore falls to be determined on the site as seen when the site visit for the current application was undertaken.
- 7.4.13 The proposed site layout indicates that trees located on the site boundaries would be retained as part of this proposal. It is noted that a Birch tree within the highway verge would need to be felled on potential safety grounds and the applicant would fund a replacement tree. The application is supported by Arboricultural Impact Assessment and Tree Protection Strategy. The Council's Arboricultural Consultant has considered the submitted details but has raised concerns about the information submitted in terms of format, design of foundations particularly in relation to Root Protection Areas, positioning of trees, the construction of the new access road in proximity to trees, the provision of site services again in relation to the Root Protection Areas, the adequacy of the landscaping scheme

and the location of the tree protection barriers including any anti compaction surfacing. The applicant is considering these concerns and an update will be given to the meeting.

7.4.14 In any event, if planning permission were to be granted on this site it would be subject to a condition which would require the submission and implementation of a comprehensive and extensive landscaping scheme appropriate to the sylvan character of the Hedged Estates Character Area.

7.4.15 Notwithstanding the outstanding matters relating to trees the proposed development would be contrary to policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies (2012), the principles and objectives of the WUCA and RDG and the NPPF in that it would result in material harm to the character of the area such that planning permission should be refused.

7.5 The impact on residential amenity of adjoining and future occupiers

7.5.1 Paragraph 127 of 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 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 8.3 of the RDG states that the occupants of new dwellings should be provided with good quality daylight and sun access, and that developments should not result in occupants of neighbouring dwellings suffering from a material loss of daylight and sun access. Principle 8.1 states that new development should have a degree of privacy and should not have a significant adverse effect on the privacy of neighbouring properties. Principle 8.4 sets out the minimum garden space standards.

7.5.2 The application site is bounded by 22 and 26 evens Park Avenue and 11-19 and 31-35 odds Kingsley Avenue. Nos. 27-31 Park Avenue are on the opposite side of Park Avenue to the application site. When considering the impact on neighbouring occupiers the existing pattern/form of development and overlooking are material considerations in assessing the proposed scheme.

7.5.3 Given the degree of separation between the proposed dwellings and adjoining development, the proposal is not considered to give rise to any material overbearing or overshadowing impacts or loss of light.

7.5.4 The proposed relationship between Unit 1 and 22 Park Avenue reflects the pattern of overlooking typically seen in the area. However, it is noted that there is an area of flat roof to the rear of the property which potentially could be used as a balcony area for the master bedroom. This could lead to a material loss of privacy to the occupiers of 22 Park Avenue and also those of other occupiers within the proposed development. In the event that planning permission were to be granted it would be appropriate to remove the right to use the flat roofed area as a balcony without specific permission being granted. Subject to this the proposed relationship between Unit 1 and 22 Park Avenue would be acceptable.

7.5.6 With regard to the proposed relationship between Unit 2 and 26 Park Avenue it is noted that a different pattern of overlooking is proposed with a number of first floor windows in the side elevation (east) being shown. However, as these windows serve a bathroom, the stairwell and a secondary window to bedroom 3, the use of obscure glazing to maintain an appropriate level of occupational privacy could be secured by way of condition in the event that planning permission were to be granted. Subject to this the proposed relationship between Unit 2 and 26 Park Avenue would be acceptable.

7.5.7 The RDG advises that a minimum distance of 20 metres is the 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. For two storey rear to side relationships it may be possible to reduce the separation distance to 15 metres.

- 7.5.8 It is evident that the outlook from the adjoining properties in Kingsley Avenue to the south and east would fundamentally change as a result of the siting of Units 3 and 4. Furthermore, there would be a change in overlooking by virtue of the proximity of the proposed dwellings. This is exacerbated by the lack of well established screening within the site. However, whilst the typical back to back separation in the vicinity of the site is some 100 metres, the proposal would retain separation distances in excess of 60 metres between the main rear elevations of Units 3 and 4 and those at 11-19 odds Kingsley Avenue. As this would be well beyond that required by the RDG to safeguard an appropriate level of privacy, no objection is raised to the proposal in this regard.
- 7.5.9 With regard to the impact on 31-33 Kingsley Avenue, the rear gardens for these properties side onto Unit 4 with proposed separation distances well in excess of 25 metres. In general terms the pattern of overlooking from the main first floor rear elevation would be indirect to these properties. However, there are secondary bedroom windows and an ensuite in the first side elevation. It is also noted that the flat roof of the proposed flat roofed rear projection is accessible as a balcony area from the first floor rear elevation. This would result in direct overlooking of Unit 3 and 31-33 Kingsley Avenue. To ensure appropriate levels of privacy would be maintained for these adjoining residents conditions securing the use of obscure glazing and privacy panels would be proposed in the event that planning permission were to be granted.
- 7.5.10 With regard to the impact on 35 Kingsley Avenue it is noted that Unit 4 is angled away from the common boundary. This in combination with a separation distance in excess of 30 metres between the existing and proposed dwelling is considered to safeguard an appropriate level of privacy for the occupiers of 35 Kingsley Avenue.
- 7.5.11 With regard to the impact of Unit 3 on 22 Park Avenue it is noted that Unit 3 is angled away from the common boundary. This in combination with a separation distance in excess of 30 metres between the existing and proposed dwelling is considered to safeguard an appropriate level of privacy for the occupiers of 22 Park Avenue.
- 7.5.12 The relationship between Units 1 and 2 and 27-31 odds Park Avenue is similar to the existing relationship between these properties in terms of separation distances and pattern of overlooking and the existing house. As such no objection is raised to the proposal in this regard.
- 7.5.13 With regard to the amenities of future occupiers, the siting of the proposed dwellings would not result in any material overbearing or overshadowing impacts within the development. It is noted that there are first floor windows in rear elevations of Units 1 and 2 and the front elevations of Units 3 and 4. This will result in mutual overlooking between the dwellings and rear gardens. However this pattern of overlooking is not uncommon in a residential environment, and as separation distances in excess of 30 metres would be retained this is not considered to give rise to a material loss of privacy.
- 7.5.14 It is also noted that the relationship between Units 1 and 2 would result in direct and indirect overlooking between the main elevation (west) for Unit 2 and the side elevation of Unit 1. Given the secondary nature of the first floor windows in each dwelling, a separation distance of some 15 metres being retained and the ability to impose conditions to secure appropriate levels of privacy no material loss of privacy would result.
- 7.5.15 The proposed rear gardens for the rear gardens would meet the minimum sizes as set out in the RDG and are acceptable. Appropriate bin storage facilities would also be provided.
- 7.5.16 The proposal is therefore considered to result in an acceptable standard of living for the

future occupiers of the development, and is not considered to result in any significant adverse impacts to surrounding properties. The proposal is therefore considered to be acceptable in terms of residential amenity.

7.6 Highways, parking and access

- 7.6.1 Paragraph 108 of 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 With regard to the access arrangements, the County Highway Authority (CHA) originally raised objection to the proposal on the grounds that the proposed development if permitted would lead to an intensification in vehicular movements to/from the site where it has not been satisfactorily demonstrated that visibility can be achieved when vehicles egress the site and join Park Avenue. This concern related to trees on the site frontage causing an obstruction to the visibility splays. The applicant's transport consultant provided an amended visibility plan which shows that visibility will be restricted by the trees fronting the site. As any further tree loss would give rise to further concerns in respect of landscape character the CHA has subsequently advised that a speed survey should be undertaken which shows the 85th percentile speed in order to ascertain whether a reduction in the 'y' splay would be accepted in this location. The applicant's transport consultants are currently undertaking the requisite survey and an update will be given to the meeting.
- 7.6.3 With regard to car parking provision to serve the development two surface spaces and a single garage are proposed for each dwelling. There is also ample space within the garden areas for cycle parking. The CHA are satisfied with this level of provision and raises no objection to the proposal in this regard.
- 7.6.4 All of the properties will have on curtilage storage for refuse/recycling bins. It is proposed that refuse collection will take place from Park Avenue. Residents for units 3 and 4 would be required to take their bins to a collection point adjacent to the central access drive which is within 25 metres of the highway. No objection is raised to these proposed arrangements.
- 7.6.5 The application is accompanied by a swept path analysis which demonstrates that the proposed access drive can facilitate fire appliance manoeuvres to and from Park Avenue without interfering with the free flow of traffic on the public highway. The CHA is satisfied with this arrangement in highway safety terms.
- 7.6.6 The proposal will lead to an increase in vehicle movements on the local highway network (an increase in 15 vehicular movements across an average weekday). The CHA are satisfied that this would not result in a severe impact on the local highway network and raise no objection to the proposal in this regard.
- 7.6.7 Subject to the issue concerning visibility onto Park Avenue being resolved to the satisfaction of the CHA, the proposal is not considered to have a severe impact on the local highway network and is acceptable in this regard.

7.7 Impact on infrastructure

- 7.7.1 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 which came into force on 1 December 2014. The Council's Infrastructure Delivery SPD was adopted in 2014 and sets out the likely infrastructure required to deliver development and the Council's approach to Infrastructure Delivery.
- 7.7.2 This development would be CIL liable and an Informative would be added to the decision

advising the applicant of the CIL requirements in the event of an appeal being lodged. It is therefore considered that the proposal would be in accordance with Policy CP12, the Infrastructure Delivery SPD and the NPPF in this regard.

7.8 Impact on the Thames Basin Heaths Special Protection Area

- 7.8.1 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B 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 Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC).
- 7.8.2 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA and this site is approximately 800m from the SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. 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.
- 7.8.3 The development would also be liable for a contribution towards SAMM (Strategic Access Monitoring and Maintenance) of the SANG, which is a payment separate from CIL and would depend on the sizes of the units proposed. This proposal is liable for a SAMM payment which has not been paid by the applicant.
- 7.8.4 It is therefore considered that the proposal conflicts with Policy CP14B, Policy NRM6 and the Thames Basin Heaths Special Protection Area SPD.

8.0 Other matters

- 8.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising the impacts on biodiversity and providing net gains in biodiversity where possible. Policy CP14A states that the Borough Council will seek to conserve and enhance biodiversity within Surrey Heath and development that results in harm to or loss of features of interest for biodiversity will not be permitted.
- 8.2 The application is accompanied by a Phase I Habitat and Protected Species Survey which was undertaken in April 2019 and updated in October 2019. This concluded that there was no evidence of bats, badgers, amphibians or reptiles were found within the buildings nor on the land. Woodpecker holes were found in some of the trees. The Ecologist has confirmed that before the trees were felled, the trees were inspected. No nesting birds were found and no bat droppings were identified. Surrey Wildlife Trust has been consulted on this submission and its views are awaited. An update will be given to the meeting. It is anticipated that the response is likely to seek, as a minimum, replacement planting and biodiversity improvements in the event that planning permission were to be granted
- 8.3 Policy DM10 expects development to reduce the volume and rate of surface water run off through the incorporation of appropriately designed Sustainable Drainage Systems at a level appropriate to the scale and type of development being proposed. The Council's Drainage Officer has raised objection to the proposal due to the lack of technical

information. In the event that planning permission were to be granted this detail would

normally be secured by way of condition. On this basis no objection is raised to the proposal on drainage grounds.

- 8.4 With regard to archaeology no heritage significance or archaeological potential have been identified with the site. However, in the event that planning permission were to be granted, a condition securing a watching brief during demolition and construction would be appropriate.

9.0 POSITIVE/PROACTIVE WORKING

- 9.1 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This included the following:-
- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
 - b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
 - c) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

10.0 CONCLUSION

- 10.1 This application seeks planning permission for the erection of 4 detached two-storey four bedroom houses with associated parking, access and landscaping, following demolition of the existing dwelling and garage.
- 10.2 The subdivision of the plot by a new access drive, the orientation of Unit 2 and the siting, height and massing of the plots proposed at the rear of the site would be inappropriate for this location. The amenity of surrounding neighbours and future occupiers are considered acceptable as is the proposed parking provision.

11.0 RECOMMENDATION

REFUSE for the following reasons:

1. Park Avenue and Kingsley Avenue are characterised by a verdant sense of spaciousness and a linear pattern of development with large detached dwellings, deep rear gardens and strong front and rear building lines. The proposal development's subdivision of the existing plot by the creation of a new access drive, extent of hardstanding and associated turning areas; the orientation of Unit 2; and, the siting and quantum of Units 3 and 4 and associated works in a backland location would result in a harsh and incongruous pattern and form of development, with the massing and heights of Units 3 and 4 being intrusive, imposing and forming poor relationships with the neighbouring properties. As such the proposal would fail to respect and enhance the character, appearance and quality of the area including the Hedged Estates Character Area, contrary to Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Guiding Principles HE1, HE2 and HE3 of the Western Urban Area Character Supplementary Planning Document 2012, Principles 4.1, 6.2, 6.6, 6.7, 7.1, 7.4 and 9.3 within the Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework.
2. The proposal is unacceptable in that having completed an appropriate assessment it fails 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 Heaths Special Protection Area) of the South East Plan in relation to the provision of a contribution towards strategic access management and monitoring measures (SAMM) in accordance with the requirements of the Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2019.

Informative(s)

1. The applicant is advised that if this application had been acceptable in all other respects, the scheme would be Liable to the Community Infrastructure Levy (CIL) Schedule which came into effect on 1st December 2014. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.