

LOCATION: 104 High Street, Chobham, Woking, Surrey, GU24 8LZ,

PROPOSAL: Erection of a two storey dwelling (partly cantilevered) following the demolition of existing bungalow.

TYPE: Full Planning Application

APPLICANT: Mr & Mrs Bruzas

OFFICER: Mr Duncan Carty

This application would normally be determined under the Council's Scheme of Delegation. However, it has been referred to the Planning Applications Committee for determination by Councillor Victoria Wheeler because the development is out of keeping with the streetscene and Conservation Area, and is inappropriate development in the Green Belt.

The applicant has submitted an appeal for non-determination and therefore the Planning Inspectorate is now the determining authority. However, for the appeal it is still necessary to conclude what the Council's decision would have been if it had been the determining authority.

RECOMMENDATION: WOULD HAVE REFUSED

1.0 SUMMARY

- 1.1 The current proposal relates to the erection of a replacement dwelling following the demolition of the existing bungalow at the site. The application is now the subject of a non-determination appeal under the written representation procedure, which has not been started by the Planning Inspectorate.
- 1.2 The site lies predominantly within the "washed over" Green Belt village settlement of Chobham (with the rear portion of the garden in the Green Belt), and within the Chobham Conservation Area and Zone 3 (high risk) flood zone. The site lies to the south of the River Bourne and on the east side of High Street. The current proposal would provide a very modern designed building within the Conservation Area.
- 1.3 The current proposal is supported by the Council's Conservation Adviser. The proposal is acceptable in terms of its impact on highway safety. However, against this advice, it is considered that the proposal would have a detrimental visual impact on the streetscene and be harmful to the character of the area and Chobham Conservation Area. In addition to these objections, matters relating to flood risk, ecology and trees have not been satisfactorily resolved. As such the recommendation is that the Council would have refused this application if it had been the determining authority.

2.0 SITE DESCRIPTION

- 2.1 The predominant part of the site lies within the "washed over" Green Belt village settlement of Chobham, and within the Chobham Conservation Area and Zone 3 (high risk) flood zone. The site lies to the south of the Mill Bourne and on the east side of High Street. The application property is a 1950's dwelling on a large plot with associated garage to the front

and a boathouse to the rear. A wide gravel drive is provided to the front of the application property. A boathouse (outbuilding) is located to the rear of the existing dwelling.

- 2.2 The site frontage is landscaped with a mix of trees and shrubs. No. 102 High Street, The Elms, lies to the south flank with the rear gardens of Nos. 2-16 Chertsey Road on the opposite side of Mill Bourne to the north. No. 14 Chertsey Road is Grade II listed. Woodland, falling within the Green Belt, lies to the west of the application site (on the opposite side of High Street).

3.0 RELEVANT HISTORY

- 3.1 SU/75/294 – Outline application for the erection of a bungalow.

Approved in August 1975.

- 3.2 SU/75/294/A - Details for the erection of a bungalow and double garage.

Approved in November 1975 and implemented.

- 3.3 20/0703/DMA – Demolition of a building in a Conservation Area. Currently under consideration.

4.0 THE PROPOSAL

- 4.1 The current proposal is to erect a two storey dwellinghouse following the demolition of a bungalow. The dwelling would be provided with large cantilever wings to both flanks with living accommodation provided at first floor (including a rear terrace) with bedrooms at ground floor level. The T-shaped dwelling would be provided in a modernist style. The proposed dwelling would be finished in Portland stone for the ground floor and painted (grey) render to the first floor element. Large full height windows with grey uPVC frames are to be provided to the first floor accommodation, particularly in the front elevation. The first floor accommodation provides a family room (including kitchen), quiet room, study, TV room, utility room and a roof terrace to the rear, and five bedrooms with en-suites to the ground floor.
- 4.2 The dwelling would extend to a maximum width of 23.2 metres (extending to 26.1 metres to include the roof overhang and reducing to 10.9 metres at ground floor) and a maximum depth of 16.7 metres (extending to 18.8 metres, including the roof overhang), with a flat roof over to a height of 5.9 metres. The ground finished floor level is raised about 0.7 metres above general ground level. The front wall of the proposed dwelling would be brought in front of the front wall of the existing bungalow at the site and would be roughly in line with the front wall of the neighbouring property, 102 High Street, but with a greater depth extending further to the rear, in part further than the existing rear wall of the bungalow. The proposed dwelling would extend closer to the north flank boundary (with the Mill Bourne). The existing boathouse is to be retained.
- 4.3 The heritage statement provided with the application indicates that the building takes on a “modernist” architectural style with the upper floor sailing over the ground floor block. The form would include a cantilevered first floor. The design is to be carbon neutral utilising sustainably sourced materials with reusable embodied energy. The overhang of the first floor means that less light falls into the bedroom windows. An overhang at eaves level provides shade and protection for upper floor fenestration. Passive ventilation is to be used requiring a “chimney” which is located centrally. The roof overhang may also help to disguise the proposed photovoltaic panels which are proposed to be located on the roof.

4.4 The current proposal has been supported by:

- a heritage statement;
- a design and access statement;
- a tree report;
- a flood risk assessment; and
- a preliminary ecological appraisal and bat report.

5.0 CONSULTATION RESPONSES

5.1	County Highway Authority	No objections subject to conditions. [<i>Their comments are provided at Annex A</i>]
5.2	Conservation Adviser	No objections to the proposal [<i>Her comments are provided at Annex B</i>].
5.3	Surrey Wildlife Trust	No objections, subject to conditions.
5.4	Environment Agency	Raises an objection on flood risk grounds.
5.5	SCC Archaeologist	No comments received to date. Any formal comments will be reported to the Committee.
5.6	Chobham Parish Council	Raises an objection on impact on local character, streetscene, SANG (at the rear), Conservation Area and listed building (14 Chertsey Road), forward projection (in relation to the building line), loss of openness to key riverside site (inappropriate in the Green Belt), and residential amenity, and flood risk. Insufficient details have also been provided to assess impact from north west (brow of High Street bridge and River). The proposal would result in the reduction in bungalow stock (a valued housing type) in village. Concern is also raised about the practicalities of delivering materials (e.g. beams) to the site without damage to the landscaped frontage.

6.0 REPRESENTATION

6.1 At the time of the preparation of this report, 24 representations of support and 43 representations raising an objection, including one from the Chobham Society, has been received raising the following objections:

Impact on Conservation area, local character, streetscene and trees [See paragraph 7.3]:

- Incongruous development in this central village location, out of keeping in the area.
- Overdevelopment of the plot.
- Increase in size of dwelling (177% increase in floorspace).
- Impact on listed buildings and Conservation Area.
- Impact on historic village/rural ambience/beauty.
- Ugly/modern development not sympathetic to surroundings.
- Loss of trees and landscaping to the front would exacerbate the impact.
- Conservation Area designation seeks to retain existing character and appearance and prevent unsympathetic alteration which would harm the Conservation Area. Development does not respond to or improve/enhance the Conservation Area.

- Materials (Portland stone and extensive windows) would not be in keeping with nearby Conservation Area buildings (red brick, pitched slate/tiled roofs or white painted stucco and exposed timber beams).
- Design is inconsistent with local styles or historic/traditional building form in the area.
- Massing of development is at first floor level.
- Design fails to comply with Residential Design Guide SPD.
- Wrong location for this modern style of development (better suited to open countryside) – a “Grand Design” in the wrong place.
- Damage to landscaping.
- Limited scope of existing landscaping now and in the future to mitigate impact of development due to their deciduous nature, and the proposed tree works (canopy reductions, crown lifts and branch reductions).
- Impact exacerbated due to use of rear portion of garden (primary garden area).
- If approved, the level of existing vegetation should be maintained to reduce future potential for overlooking.
- Heritage statement provides insufficient details of proposed materials.
- Too high/close to adjoining properties [*Also, see paragraph 7.4*].

Impact on residential amenity [See paragraph 7.4]:

- Loss of privacy to adjoining residential properties and gardens.
- Increased height of the structure and expanse of windows leading to light pollution.
- Loss/potential for loss of privacy from rear terrace.
- Noise from rear terrace.
- Loss of light.
- Overbearing impact.

Impact on highway safety [See paragraph 7.5]:

- Impact on disruption/safety from construction deliveries to the site.
- Impact on local traffic hotspot.

Impact on flood risk [See paragraph 7.6]:

- Increase in flood risk/high water table.
- Number of historic flood events in this location.
- Impact on water management systems.

- Limited/insufficient information provided on proposed flood water storage and flood risk mitigation.
- Impact on river bank and flow.

Impact on ecology [See paragraph 7.7]:

- Impact/disturbance on wildlife.
- Impact on bat commuting route.
- Impact on ecology of the river.

Other matters:

- Breaches Green Belt limits on increased building size by more than doubling the floorspace. It is an abuse of footprint allowances by building two flying freeholds on the cantilevered wings [*Officer comment: The site lies within the “washed over” Green Belt settlement and normal Green Belt restrictions are not applied*].
- Loss of bungalow stock. Its proximity to village centre is highly suited to such accommodation [*Officer comment: This would not be a reason to refuse this application*].
- Impact on bridge strength from increased heavy (construction) traffic [*Officer comment: The bridge strength would be a matter for the County Highway Authority. However, it is not considered that this development (including its construction) would, in itself, have any measurable material effect*].
- Precedent [*Officer comment: Each application has to be determined on their own merits*].
- Object to river diversion [*Officer comment: None is proposed*].
- The proposal is a three storey development [*Officer comment: The proposal is two storey*].
- Conflict with local plan (Policies DM2 and DM4) [*Officer comment: Policy DM2 relates to commercial development within the village of Chobham and Policy DM4 relates to replacement dwellings (and extensions) in the countryside (beyond the Green Belt). Both policies do not apply to this proposal*].
- General dislike of proposal [*Officer comment: This concern is not clarified further*].
- Conflict with local plan [*Officer comment: This concern is not clarified further*].
- Impact on local geology/soil structure [*Officer comment: These concerns are not clarified further*].
- More open space needed on development [*Officer comment: These concerns are not clarified further*].
- Conflict with neighbourhood plan [*Officer comment: This at an early stage and currently has no weight*]
- Impact of underground parking on groundwater storage [*Officer comment: The*

proposal does not include basement-level parking/garaging – it is undercroft parking only].

6.2 The representations in support indicate:

- It will be a beautiful home.
- A welcome addition to Chobham.
- Provides family accommodation in the village.
- Shows off the evolving nature of the village.
- Brilliant design.
- A contemporary building of architectural merit to grace Chobham.
- Uses modern design to provide a zero carbon, sustainable dwelling.
- Beautiful design adds variety and quality to the Conservation Area.
- Contemporary architecture at its finest (“Grand Design” worthy).
- Important addition to Chobham, demonstrating that the village is receptive to evolving and learning from the architectural practices of the past. Chobham should be proud to support the present day architecture (which is as important as the past).
- Imaginative and inventive; clever and current design.
- Could not be seen/is secluded from High Street (trees at the frontage to be retained).
- Clever way to mitigate flood risk.
- Chobham needs to represent all eras of architecture; proposal brings a dose of modernity and good taste to Chobham.
- Would replace a tired poorly built inefficient, uninteresting, prefabricated dwelling.
- On a smaller footprint (than existing).
- Environmental impact will be minimised.
- It is a large plot which can easily accommodate the design.

7.0 PLANNING CONSIDERATION

- 7.1 This application site lies within the “washed over” Green Belt settlement of Chobham, the Chobham Conservation Area, and Flood Zone 3 (high risk). As such, Policies CP1, CP2, CP11, CP12, CP14, DM9, DM10, DM11, and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); the National Planning Policy Framework (NPPF) are relevant; along with guidance and advice within the Chobham Conservation Area Character Appraisal 2001 (CCACA); the National Design Guide 2020 (NDG); Planning Practice Guidance (PPG); and the Residential Design Guide SPD 2017.
- 7.2 The main planning issues relevant to the consideration of this application are considered to be as follows:

- The impact on Chobham Conservation Area, local character, streetscene and trees;
- The impact on residential amenity;
- The impact on highway safety;
- The impact on flood risk;
- The impact on ecology; and
- The impact on local infrastructure.

7.3 Impact on Chobham Conservation Area, local character, streetscene and trees

- 7.3.1 Paragraph 131 of the NPPF states that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standards of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Paragraph 130 of the NPPF indicates that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area. Policy DM9 of the CSDMP indicates that development will be acceptable where it provides high quality design and respects and enhances the local, natural or historic character of the environment be it in an urban or rural setting, paying particular regard to scale, materials, massing, bulk and density; and should protect trees and other vegetation worthy of retention. Principle 6.4 of the RDG indicates that housing development should seek to achieve the highest density possible without compromising local character, the environment or the appearance of the area. Principle 7.5 of the RDG indicates that proposals to introduce roof forms on residential development that diverge from the prevailing character of residential development will be resisted unless it can be demonstrated that the proposals would make a positive contribution to the streetscape.
- 7.3.2 Paragraphs 193 and 194 of the NPPF states that great weight should be given to a heritage asset's conservation and the more important the asset, the greater weight should be and any harm to the significance of a designated heritage asset (including development within its setting) should require clear and convincing justification. The levels of harm to heritage assets are set out in Paragraph 194 With the nearest listed properties, 96 High Street and 14 Chertsey Road, over 60 metres from the proposed siting, it is clear that the proposal would amount to "less than substantial harm". Paragraph 196 of the NPPF indicates that where a proposal would lead to a less than substantial harm to the significance of a designated heritage asset, this harm should weighed against the public benefits of the proposal.
- 7.3.3 Policy DM17 of the CSDMP indicates that in determining proposals for development affecting Heritage Assets or their setting, regard will be had as to whether the Asset is a Designated Heritage Asset or a Local Heritage Asset in determining whether the impact of any proposed development is acceptable.
- 7.3.4 The CCACA indicates that the Conservation Area is confined to the part of the village which is visually compact, together with open spaces which are important to the setting of the village and afford important views. There is a strong division between the intense urban form (continuous built-up frontages) of the village and its approaches by hedge and tree-lined roads. The north end of the High Street (north of the Bagshot Road junction) is largely residential and more open in character. The special architectural interest of the village can be seen in the concentration of listed buildings on each side of the High Street. The pleasant rural character of the High Street is principally responsible for Chobham's attraction. A variety of building styles and materials are in evidence but the strong influence of eighteenth century is reflected in the mainly brick and stucco fronts. The village also contains numerous locally listed buildings and other buildings of note.

- 7.3.5 The application site lies within the Chobham Conservation Area. There are a number of listed buildings nearby including 14 Chertsey Road and, further away, 2-4 Windsor Road and 94-96 High Street. The length of the Leat [Mill Bourne] contributes towards to very attractive vistas in both directions and provides an attractive open feature in sharp contrast to the tighter urban form south of Bagshot Road.
- 7.3.6 The application site is in a prominent location within the Conservation Area, fronting onto the High Street and on one of the main approaches to the village centre. The existing bungalow, built in the 1970's, is relatively non-descript but due to its limited height and width across the site and setback has a neutral impact on the Conservation Area. The more limited views from the street, due to the landscaped frontage and low key nature and scale of the dwelling, means that the existing dwelling is not so noticeable in the street, or the wider Conservation Area.
- 7.3.7 Views would also be available from public footpath No. 9 which runs through the Chobham SANG at the rear of the site. This view is not defined as being important in the CCACA, and the impact of the proposal would be more limited by the existing vegetation and the longer distance to the proposed siting.
- 7.3.8 The heritage statement indicates that the choice of architectural style is different to adjoining properties, but the applicants are convinced that it does not jar with the adjacent architecture, with key building lines maintained (with The Elms) and the lower height of the development compared with this adjoining property. The design of the property has been influenced by its location in the flood plain and the need to reduce flood risk (including raised floor levels, a greater proportion of floorspace at first floor and reduced openings), which they consider would be more difficult to incorporate in a more traditional built form leading to a pastiche and unconvincing design. It is because of the mix of architectural styles in the Conservation Area that what matters most is the spacings, groupings, building lines, massing and setting of buildings. The new house would provide a different dimension to the variety of building types in the conservation area without being overbearing or obtrusive. The thick band of trees to the front of the site remains the dominant visual element within the streetscene.
- 7.3.9 The Council's Conservation Adviser also supports the proposal. She indicates that the design of the new dwelling retains the existing characteristics of the surrounding building stock, but re-interprets it in a modern style and the size, scale, proportions and design are acceptable (subject to condition on external materials). She considers that the environmental and sustainable benefits add to the public benefits of the scheme and concludes that the proposal is considered to enhance the appearance of the Conservation Area.
- 7.3.10 The proposed building would have a very different appearance to the surrounding properties. A modern approach would depart from the local vernacular. Whilst a contemporary approach should not, in itself, be resisted out of hand in this location, there would be an expectation that a high quality design would be provided and should clearly demonstrate the public benefits of the scheme. However, the proposal would have little articulation, with the use of full height windows at first floor, and a flat roof over which is not reflective of the local character. The proposal would also provide materials stone and cladding (and shown to have a grey finish) which would also depart from the local palette of materials. The proposed dwelling would have a strong horizontal emphasis, particularly in the front elevation, with the overall width, cantilevered first floor and roof overhangs and profiling, which also departs from the local character. It is considered that the proposal would contrast most sharply with The Elms, in particular, with the small gap between these properties accentuating this contrast.

- 7.3.11 The comments of the Conservation Adviser are noted, the potential energy efficiencies (i.e. sustainable design) and associated public benefits which could be achieved, and the provided heritage statement. However, it is considered that the proposed dwelling would be at odds to the character of the surrounding properties, and the Conservation Area. It would also appear as an alien feature within the Conservation Area, radically different to surrounding properties. It is not considered that this very contemporary design can be successfully integrated into the more traditional built form around it.
- 7.3.12 The proposal has been designed to assist with reducing flood risk (particularly by providing a greater floorspace at first floor due to the cantilevers). However, it has not been demonstrated that this contemporary design is the only solution in this flood risk area.
- 7.3.13 The Council's Arboricultural Officer has raised an objection to the proposal, indicating that the provided tree report does not provide sufficient information to be able to conclude that the development could proceed without detriment to trees.
- 7.3.14 The heritage statement acknowledges that, whilst the vegetative screen would reduce the impact of the proposed dwelling for the street, this screen is not permanent and the design still has to be acceptable in its surroundings. Indeed, the tree report recommends some tree reductions/pruning works, for example, which would result in the greater visibility of the development from the highway. The vegetative screen would reduce in winter, due to leaf loss, with, at a minimum, glimpses of the building would be possible through this screen, and particularly at the vehicular access/drive. Concerns are also raised that the retention of the vegetative screen would not be possible in the long term, particularly with the objection received from the Council's Arboricultural Officer. The dwelling, with its two storey form, would be more visible from the street and it is considered would have a significant adverse impact on the Conservation Area.
- 7.3.15 It is appreciated that there would be public benefits, as set out in Paragraph 4.3, but these benefits have not been quantified. Notwithstanding this, it is not considered that such benefits would overcome the adverse visual impact of the proposal on the character of the area, streetscene and the Chobham Conservation Area. In addition, it has not been demonstrated that the proposal could proceed without detriment to trees.
- 7.3.16 As such, the proposal is unacceptable on these grounds, with the proposal failing to comply with Policies CP2, DM9 and DM17 of the CSDMP, the NPPF and guidance within the RDG.

7.4 Impact on residential amenity

- 7.4.1 Policy DM9 of the CSDMP indicates that development should respect the amenities of neighbouring properties and uses. Principle 6.4 of the RDG indicates that housing development should seek to achieve the highest density possible without compromising residential amenity. The proposal would provide its main day-to-day living accommodation (family/living rooms, kitchen, etc.) at first floor level and a large rear terrace to the rear. This would provide more opportunities for some overlooking of neighbouring properties, particularly gardens, which would need to be carefully assessed to ensure that the level of overlooking is not sufficiently harmful to the amenities of the occupiers of these properties.
- 7.4.2 The terrace would be provided with an opaque screen to the residential garden of 102 High Street and would be set sufficient distance from this property not to result in any sufficient overlooking or other material effects (loss of light or overshadowing/overbearing effect) to this property. However, the provision of a balustrade to the rear and north flank of the terrace and full height windows in the flank and at an angle to the flank and rear elevation would lead to the potential overlooking of, and loss of privacy to, the rear gardens of 2-16 Chertsey Road. The minimum distance of 8 metres (for the window) and 11 metres (for the terrace) would lead to views over the rear gardens of some of these properties. In particular, there are some sitting out (e.g. decking) areas close to the rear boundary which would be affected.

7.4.3 It is considered that the proposal would result in a significant adverse effect on residential amenity to these properties sufficient that an objection is raised on these grounds with the proposal failing to comply with Policy DM9 of the CSDMP in this regard.

7.5 Impact on highway safety

7.5.1 Policy DM11 of the CSDMP requires development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce and mitigate such impacts to acceptable levels can be implemented. All development to ensure that safe and well-designed vehicular access and egress should be provided. Policy CP11 of the CSDMP indicates that development should comply with parking standards.

7.5.2 The proposal would provide two parking spaces within the site (under one of the cantilevered wings), with additional parking on a front drive, to meet the parking standards. Whilst it is noted that there may be logistical issues with developing the site, with the landscaping to the site frontage, careful management (through a construction management plan, which could be controlled by condition, if minded to approve) could overcome these issues. This would also be a temporary measure during construction. As such, an objection is not raised to the impact of the proposal on highway safety grounds, with the proposal complying with Policies CP11 and DM11 of the CSDMP, and the NPPF.

7.6 Impact on flood risk

7.6.1 Policy DM10 of the CSDMP indicates that development within flood zones 2 & 3 (medium and high flood risk, respectively) would, where practicable and as demonstrated through a flood risk assessment (FRA) reduce risk both to and from the development or at least be risk neutral and where risks are identified through a FRA, flood resilient and resistant design and appropriate mitigation and adaption can be implemented so that the level of risk is reduced to acceptable levels.

7.6.2 The application has been supported by a FRA, which includes measures to raise the finished floor level (above expected flood event) and provide voids underneath to provide capacity for floodwater. The ground floor level of the dwelling would be above the 100 year flood event (+35% for climate change). A flood emergency plan is proposed which includes the Environment Agency Flood Warning Direct Service which allows two hour notice to evacuate. Safe egress is provided to the north of the site (one minute walk away). The first floor accommodation would provide safe refuge in an extreme flood event.

7.6.3 However, the Environment Agency has raised an objection to the proposal. The FRA does not adequately assess the flood risks provided by the development. In particular, the development, which would increase the building footprint, does not appear to provide adequate floor storage compensation.

7.6.4 As such, an objection is raised to the proposal on flood risk grounds, with the proposal failing to comply with Policy DM10 of the CSDMP and the NPPF.

7.7 Impact on ecology

7.7.1 Policy CMP14 of the CSDMP indicates that development which would result in harm to or loss of features of interest for biodiversity will not be permitted. The proposal has been supported by a preliminary ecological assessment and bat report.

7.7.2 The Surrey Wildlife Trust has raised no objections to the proposal on the basis that the recommendations set out in the ecology reports are undertaken. In addition, they advise that the major trees should be retained, due to their biodiversity value and care should be applied to external lighting. There is a presence of the pernicious Himalayan Balsam plant on the site (close to the river bank). Its removal will need to be managed.

- 7.7.3 Notwithstanding the comments of the Surrey Wildlife Trust, the Environment Agency has raised an objection on these grounds. The proposed development would encroach to within 8 metres of the top of the river bank (the “buffer zone”) and it has not been demonstrated how the development could proceed without damage and/or destabilisation of the river bank. This could result in damage to biodiversity. Shading from the building (proposed to be sited south of the river bank) could lead to the loss of bank and in-channel vegetation, impacting further on river bank stability. The proposal, by encroaching into the buffer zone, would also restrict access to the Environment Agency for any required maintenance works.
- 7.7.4 As such, an objection is raised on ecology grounds with the proposal failing to comply with Policy CP14 of the CSDMP and the NPPF.

7.8 Impact on local infrastructure

- 7.8.1 Policy CP12 of the CSDMP indicates that sufficient physical, social and community infrastructure is provided to support development. Since, 2014, infrastructure is provided through the Council’s Community Infrastructure Levy (CIL) scheme which includes residential development resulting in an increase of 100 square metres (g.i.a.) or more. The proposal would provide an increase in over 200 square metres of development on the site. As such, the proposal would be CIL liable, but this would be considered outside of the processing of this application/appeal.
- 7.8.2 As such, no objections are raised on these grounds, with the proposal complying with Policy CP12 of the CSDMP and the NPPF.

8.0 POSITIVE/PROACTIVE WORKING

- 8.1 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.

9.0 CONCLUSION

- 9.1 Notwithstanding the comments of the Council’s Conservation Adviser, it is considered that the proposed development would have an adverse visual impact upon the Chobham Conservation Area; along with local character and the streetscene. The proposal would lead to conditions resulting in an overlooking of nearby gardens resulting in a material loss of privacy to the occupiers of these dwellings. It has also not been demonstrated that the proposal would result in an adverse impact on trees, ecology nor flood risk. The applicant has appealed against the non-determination of this appeal and as such the decision will rest with the Planning Inspectorate. As such, the recommendation is that the Council would have refused this application if it had been the determining authority.

10.0 RECOMMENDATION

The Council WOULD HAVE REFUSED this application for the following reasons:

1. The site lies within Chobham Conservation Area (CCA) and this part of the High Street forms part of an important approach into the historic core of the village. The proposal, by reason of its height, width, scale; and, this contemporary design in this setting (including its horizontal emphasis and materials) would result in a prominent and incongruous form of development, forming poor relationships with the adjoining buildings, and further exacerbated by the potential loss of trees and vegetation. This would be harmful to the visual amenities of the street scene and cause 'less than substantial harm' to heritage assets, making no positive contribution to CCA with no clear and convincing justification for the harm and no significant public benefits to outweigh this harm. The proposal would therefore fail to respect and enhance the high-quality character of the area and would be contrary to Policies CP2, DM9 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012, the Chobham Conservation Area Character Appraisal 2001 (CCACA), principles 6.4 and 7.5 of the Surrey Heath Residential Design Guidance Supplementary Planning Document 2017 and the National Planning Policy Framework.
2. The proposed development by reason of the provision of first floor side/rear windows and rear terrace would lead to overlooking of nearby gardens, resulting in a material loss of privacy to the occupiers of these properties failing to comply with principle 6.4 of the Residential Design Guide SPD 2017 and Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.
3. It has not been adequately demonstrated to the satisfaction of the Local Planning Authority through the submitted tree report that the development can proceed without harm to the health of trees failing to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.
4. It has not been adequately demonstrated to the satisfaction of the Local Planning Authority through the submitted Flood Risk Assessment that the development would provide sufficient floodwater compensation to offset any adverse impact on flood risk for the development and for nearby properties, failing to comply with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012.
5. The proposal by reason of its proximity to the river bank of The Mill Bourne would not provide a sufficient buffer zone and could lead to conditions which would affect the biodiversity of the river and its environs failing to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

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.