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| <b>LOCATION:</b>  | 6 Mount Pleasant Close, Lightwater, Surrey, GU18 5TP,         |
| <b>PROPOSAL:</b>  | Sub-division of existing dwelling into two separate dwellings |
| <b>TYPE:</b>      | Full Planning Application                                     |
| <b>APPLICANT:</b> | Mr Gareth Wilkins   |
| <b>OFFICER:</b>   | Miss Patricia Terceiro  |

**This application would normally be determined under the Council's Scheme of Delegation. However, it is being reported to the Planning Applications Committee at the request of Cllr Sharon Galliford, as the proposal would be of character with the street scene, would constitute over development and have inappropriate parking**

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 The application site is located in Mount Pleasant Close, Lightwater and the surround area is residential in nature. The application plot is generous in size and comprises a detached two storey dwellinghouse, which benefits from an attached single side garage to the western elevation and from an enclosed garden to the rear. The proposal seeks planning consent for the sub-division of the existing dwelling into two separate dwellings. The proposed dwelling would be located within the existing annexe and would form a pair of semi-detached properties.
- 1.2 The principle of development is considered acceptable. The proposal is not considered detrimental to the character of the area, residential amenities of the nearest neighbours or highway safety. However, the applicant has not entered in a legal agreement with the LPA and is unwilling to do so and, therefore, the financial contributions towards SAMM and SANG cannot be discharged. Accordingly, the application is recommended for refusal.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site is located in Mount Pleasant Close, Lightwater. The application property is a residential detached two storey dwelling house and benefits from an attached single side garage to the western elevation. There is also a single storey projection from the eastern side elevation that contains annexe accommodation. The dwelling is set back from the main road and benefits from a driveway set to hardstanding and there is an enclosed garden to the rear. The frontage of the property consists of tall hedging which forms a front boundary and mature trees located in close proximity to the shared east and west boundary.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 16/0664 Erection of a two-storey 3-bedroom detached dwelling with new crossover, driveway and new residential curtilage, following demolition of the annexe and single storey rear extension to existing dwelling. Refused, 2016 for the following reasons and subsequently dismissed at appeal in

2017 (see Annex A):

*The proposal by reason of the small gaps between the first floor side elevation of the proposed new dwelling and those either side, and the narrow width combined with the height of the proposed dwelling and the narrow plot, would result in a cramped and incongruous development, disrupting the existing spacious and low density character of this part of the road, and would be harmful to the existing character and appearance of the streetscene. Additionally the lack of front boundary treatment and position of the driveway is out of keeping with other properties within the road. The proposal would therefore fail to respect and enhance the character and quality of the area, contrary to Policies CP2 (iv) and DM9 (ii) of the Surrey Heath Core Strategy and Development Management Policies 2012, Policies B1, B2 and B8 (b) and (c) of the Lightwater Village Design Statement, and the National Planning Policy Framework.*

3.2 16/1153 Erection of a first floor extension over the existing single storey attached annex building with addition of a dual pitched roof. Approved, 2017. Not implemented and expired.

3.3 17/0707 Erection of a two storey, 2 bedroom dwelling with associated parking and garden area, and single storey rear extension to existing dwelling, following demolition of existing annexe. Refused, 2017 for the following reasons and subsequently dismissed at appeal in 2018 (see Annex B):

*1 - The proposal by reason of its narrow width, the small gaps between the first floor side elevation of the proposed new dwelling and those either side, and the narrow plot, would result in a cramped and incongruous development, disrupting the existing spacious and low density character of this part of the road, and would be harmful to the existing character and appearance of the streetscene. Additionally the roof design, the lack of front boundary treatment and position of the driveway would be out of keeping with other properties within the road and also cause harm to character. The proposal would therefore fail to respect and enhance the character and quality of the area, contrary to Policies CP2 (iv) and DM9 (ii) of the Surrey Heath Core Strategy and Development Management Policies 2012, Policies B1, B2 and B8 (b) and (c) of the Lightwater Village Design Statement, and the National Planning Policy Framework.*

*2 – Impact on Thames Basin Heaths SPA.*

3.4 20/0347/FFU Erection of first floor side extension. Approved, 2020. Not implemented.

3.5 20/0510/FFU Demolition of existing single storey annexe and construction of a two storey attached 3 bed house with associated access and parking. Refused at Planning Committee on 12 November 2020 for the following reasons:

*1 - The proposal would introduce a semi-detached dwelling, at odds with the pattern of dwellings along Mount Pleasant Close. The resulting plot, by virtue of its narrow width, would appear out of context with the surrounding plot layouts and the lack of front boundary treatment and position of the driveway would be out of keeping with other properties within the road and be harmful to the character of the area. The proposal would therefore fail to respect and enhance the character and quality of the area, contrary to Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Principles 6.6, 6.8 and 7.4 of the Residential Design Guide Supplementary Planning Document (2017), Policies B1, B2 and B8 of the Lightwater Village Design Statement (2007), and the National Planning Policy Framework.*

*2 – Impact on Thames Basin Heaths SPA.*

## 4.0 THE PROPOSAL

- 4.1 Full planning permission is sought for the conversion of the existing annexe into an independent 1-bed dwelling. No 6 would be retained in a reduced curtilage.
- 4.2 The proposal would not comprise any external alterations to the building itself and the internal works would comprise blocking up a door between the main dwelling and the annexe. The plot would be sub-divided to the rear and the proposed dwelling would benefit from a long and narrow garden to the rear and parking for two vehicles on its frontage. The proposal would see the creation of a new vehicular access point to Mount Pleasant and it is noted that these works have already taken place.

## 5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Highway Authority No objections, subject to planning conditions – see Annex A.
- 5.2 Windlesham Parish Council Objects to the proposal for a number of reasons as follows:
- access issues;
  - loss of amenity;
  - overdevelopment of the site and the appearance of the development not being in keeping with the street scene.

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 9 representations have been received which raise the following issues:
- Creating two separate dwellings would be an over-development of this site and not in keeping with the rest of the road where all the houses are detached [*See Section 7.4*];
  - The proposal would have a cramped appearance and a noticeably smaller gap to no 4 than any other gaps between properties in the road [*See Section 7.4*];
  - The proposal would have an unbalanced appearance, out of keeping with the streetscene [*See Section 7.4*];
  - A previously existing hedge and tree have been removed from the site's front boundary [*See Section 7.4*];
  - Noise and disturbance associated with the proposal [*See Section 7.5*];
  - The proposal would generate additional traffic and exacerbate the parking issues in the vicinity [*See Section 7.6*];
  - The proposal would result in the loss of on-street parking spaces [*See Section 7.6*];
  - The proposal would be detrimental to highway safety [*See Section 7.6*].

## 7.0 PLANNING CONSIDERATIONS

- 7.1 The application site is located in a residential area within a defined settlement, as set out in the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP). In this case, consideration is given to Policies CP1, CP2, CP3, CP6, CP12, CP14B, DM9, and DM11 of the CSDMP. The Residential Design Guide (RDG) SPD 2017 as well as the Lightwater Village Design Statement (LVDS) SPD 2007 also constitute material planning considerations.

7.2 The main issues to be considered within this application are:

- Principle of development;
- Impact on character and appearance of the surrounding area, including trees;
- Residential amenity;
- Transport and highways considerations;
- Impact on infrastructure; and,
- Impact on the Thames Basin Heaths SPA

### **7.3 Principle of development**

7.3.1 Policy CP1 of the Surrey Heath Core Strategy and Development Management Policies Document (CSDMP) 2012 seeks sustainable development within the Borough. This Policy states that Lightwater Village has limited capacity to accommodate new development. Policy CP3 sets out the overall housing provision targets for the Borough for the period 2011-2028 and Policy CP6 promotes a range of housing types and tenures.

7.3.2 The site is located in a residential area that is within a defined settlement. The proposal would provide one additional dwelling to contribute to the housing supply within the Borough. Furthermore, the Council cannot demonstrate a five year housing supply. As a result, the proposed development is considered acceptable in principle, subject to no adverse impact on the character and appearance of the surrounding area, amenity of neighbouring occupiers, highway safety etc. These matters are assessed below.

7.3.3 It is therefore considered that the proposal would be acceptable in principle and would be in line with Policies CP1, CP3, CP6 of the CSDMP.

### **7.4 Impact on character of area**

7.4.1 Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document (CSDMP) 2012 promotes high quality design. Development should respect and enhance the character of the local environment and be appropriate in scale, materials, massing, bulk and density. Policy CP2 states that new development should use the land efficiently within the context of its surroundings and respect and enhance the quality of the urban, rural, natural and historic environments.

7.4.2 The RDG provides further guidance relating to the design of residential developments. In particular, Principle 6.6 states that new residential development will be expected to respond to the size, shape and rhythm of surrounding plot layouts. Principle 6.8 goes on to say that where front of plot parking is proposed this should be enclosed with soft landscape. Principle 7.4 advises that new residential development should reflect the spacing, heights, and building footprints of existing buildings.

7.4.3 Design Principle B1 of the LVDS requires development to pay regard to the size of building plots, space between buildings, the scale and shape of buildings. Design Principle B2 seeks to prevent overdevelopment of plots. Design Principle B4 goes on to say that the visual impact of car parking should be minimised. Design Principle B8 states that new development should consist principally of two-storey buildings, respect the spacious character of the residential area through reflecting the predominant depth of front gardens and the size and frequency of gaps between houses; development should incorporate front boundary treatments particularly through the use of hedges and substantial landscaping should be provided.

- 7.4.4 The proposal would not comprise any external alterations to the building itself, which would be retained as existing. Notwithstanding this, the current application aims to create an independent dwelling with all associated residential paraphernalia and, as such, the application will be assessed on whether or not the use of the existing annexe as independent accommodation would be considered acceptable in planning terms.
- 7.4.5 This proposal follows a series of refused applications and dismissed appeals for the erection of detached or semi-detached dwellings on site. All of these refused applications noted the fact that subdividing the application plot into two separate units would give rise to a much narrower plot than those surrounding which would be harmful to the character of the area. The proposed parking area to the front was also raised as an issue in previous applications.
- 7.4.6 It is noted that the works associated with the driveway have already taken place under permitted development rights. This included removing part of the brick wall, hedge and one tree in order to allow the creation of a driveway laid to gravel which serves no 6. Although these works comprised removing a mature tree that positively contributed to the character of the road, this tree was not protected and, as such, the applicant was well within their own rights of doing so.
- 7.4.7 The current application would see the plot being sub-divided in a similar fashion as in the previous applications and the proposed block plan shows that the proposal would comprise planting a hedge at the front between both properties. The removal of the boundary treatment and laying of driveway means that the use of the annexe as an independent dwelling would see no material alterations to the visual aspect of property's frontage as seen from the road. Whereas the resulting plot would still be less wide than those surrounding, it is considered that should both properties have a common frontage, the proposal would resemble the existing situation as seen from public vantage points. This could be secured by planning condition requiring the provision of a landscaping plan. Significant weight is afforded to this and, as such, the proposed plot sub-division would ultimately be considered acceptable.
- 7.4.8 The proposal would not comprise any external alterations to the building as it currently stands. Although it would introduce a pair of semi-detached properties within a road where detached dwellings prevail, weight is afforded to the fact that the building's external appearance would remain as it exists. On this basis, it is considered that ultimately the pair or semis would sufficiently integrate into its surroundings.
- 7.4.9 Previous appeal decisions and officer reports talk about the space the new dwelling would retain towards no 4's flank wall. As noted above, the building would remain as existing and the annexe to be converted is single storey. As such, there would be no material changes to the pattern of spacing already observed on site. The proposed dwelling would be provided with a generous garden and the lack of increase of built form over and above that existing means the proposal would not constitute over-development of the plot.
- 7.4.10 The planning history (see section 3 above) shows that planning permission 20/0347/FFU remains extant. This permission would see the erection of a first floor side extension above the existing annexe and, should this be implemented together with the annexe conversion into habitable accommodation, the resulting development would be a two storey dwelling. The provision of a two storey dwelling in this location has been resisted in the past and, as such, it is considered necessary to impose a planning condition restricting the implementation of this permission should the extension under 20/0347/FFU be constructed. As a new dwelling, the property would have its permitted development rights intact. To prevent future enlargement it is in this instance considered that permitted development rights should be removed, in the interests of protecting the character of the area.
- 7.5.11 In summary, although it is considered that the proposal would result in a narrower plot than those surrounding, the provision of a common frontage with no 6 would result in a similar frontage to the arrangement currently on site. The proposal would not comprise any increase in built form. As such, it is ultimately considered that the use of the annexe as a new dwelling would sufficiently integrate into the surrounding streetscene. As such, the

proposal would be considered to comply with Policies CP2 and DM9 of the CSDMP, the RDG and the LVDS.

## **7.5 Impact on residential amenity**

- 7.5.1 Policy DM9 of the CSDMP 2012 states that development should respect the amenities of the adjoining properties and uses. Principles 8.1 and 8.3 of the RDG seek to protect residential amenities in terms of overbearing and overshadowing. Principle 8.4 sets out the standards for garden spaces and Principle 7.6 talks about internal space. Principle 8.2 advises that windows serving habitable rooms in new residential developments should be provided with adequate outlook.
- 7.5.2 The proposal would not comprise any external alterations to the building itself and, as such, the relationship with the adjoining properties in terms of overbearing, overlooking and overshadowing would remain as existing. Although concerns have been raised with the noise and disturbance associated with the proposal, the development would see the introduction of one dwelling on an already established residential area. The construction works associated with the proposal would be minimal and, as such, the noise associated would likely be for a limited period of time. As such, it is not considered that the proposal would give rise to such undue levels of noise and disturbance as to warrant a refusal of this application.
- 7.5.3 Turning into the residential amenities of the dwelling's future occupiers, it is noted that the size of the proposed garden would comply with the standards required by the RDG. The internal area would be in accordance with the national space standards. The dwelling's bedroom would be served by a flank window, which would face the site's side boundary at a separation distance of approximately 1.3m. Whereas this would somewhat amount to a poor outlook, it is not considered that a refusal of the application on these grounds could be sustained. The elevations submitted with this application show that 2 no windows on no 6's side elevation facing the site would be obscured glazed and fixed shut, which would protect the privacy of the dwelling's future residents. Both windows are secondary sources of light and, as such, they have been secured by planning condition to be provided in obscure glazing and fixed shut below 1.7m in internal height.
- 7.5.4 As such, the proposal would not be considered to affect the residential amenities of the neighbouring properties and would be in accordance with Policy DM9 of the CSDMP and the RDG.

## **7.6 Parking and access**

- 7.6.1 Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be supported by the Council, unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.
- 7.6.2 The County Highway Authority has been consulted on the proposal and advises that the proposal would not have a material impact on highway safety, subject to planning conditions regarding visibility splays, the provision of parking spaces prior to occupation and the provision of a fast-charge Electric Vehicle charging point. The proposal would be provided with 2 no vehicular parking spaces which would comply with the current 'Vehicular and Cycle Parking Guidance (2018)' for a 3-bed dwelling in a village location. The retained dwelling at no 6 would also have adequate parking spaces.
- 7.6.3 The Highway Authority further advises that whilst there is an opening to access the site at this location, there is no dropped kerb provided and therefore the access is not authorised as it doesn't allow vehicles safe access. As such, a planning condition has been added to this recommendation regarding the new access. The Highway Authority further notes that the required visibility splays could be achieved over highway land or land controlled by the

applicant. In order to achieve this, County advises that any vegetation fronting 6 Mount Pleasant Close would need to be removed/maintained to ensure the required visibility splays are kept permanently clear of any obstruction over 1m high. An informative has been added to this recommendation, in line with County's consultation response.

7.6.4 The proposal is therefore in line with Policy DM11 of the CSDMP.

## **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. In the longer term, contributions will be via the Community Infrastructure Levy (CIL) charging schedule, in order to offset the impacts of the development and make it acceptable in planning terms. The Council's Infrastructure Delivery Supplementary Planning Document (2014) sets out the Council's approach to delivering the infrastructure required to support growth.

7.7.2 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted on 16 July 2014 and the CIL Charging Schedule came into effect on 1 December 2014. Regulation 123 CIL sets out the list of infrastructure projects that may be funded (either entirely or in part) through CIL. These include, for example, open spaces, community facilities or play areas. It is noted that these projects do not have to be directly related to the proposed development.

7.7.3 The proposed dwelling would be achieved through sub-division and, given that there would be no net increase in floor space, the proposal would not be CIL liable.

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

7.8.1 Policy CP14B of the CSDMP 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 Special Protection Area (SPA) and Special Areas of Conservation (SAC) sited within the Borough. Furthermore, it states that no new net residential development will be permitted within 400m of the SPA. Proposals for all new net residential development elsewhere in the Borough should provide or contribute towards the provision of SANGs and shall also contribute toward strategic access management and monitoring (SAMM) measures.

7.8.2 The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2019) identifies Suitable Alternative Natural Green Space (SANGS) within the Borough and advises that the impact of residential developments on the SPA can be mitigated by providing a financial contribution towards SANGS.

7.8.3 The proposed development would lie within the 5km buffer of the Thames Basin Heaths SPA. Provided that sufficient SANG capacity is available in the Borough, it can be allocated to minor development proposals and the financial contribution towards SANG. To enable delivery of new residential units that are not CIL liable, but nonetheless include a net increase in residential units, the Council will require such development to contribute toward the cost of the ongoing management and maintenance of SANG through a Unilateral Undertaking. This is to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (or as subsequently amended).

7.8.4 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 will be valid for one year (rather than three years).

- 7.8.5 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 of £399 which could be secured through a legal agreement.
- 7.8.6 However, the applicant has not entered in a legal agreement with the LPA, and is unwilling to do so, and as such the necessary monies cannot be secured. As such, the proposal would fail to comply with Policy CP14B of the CSDMP and with the Thames Basin Heaths SPA SPD.

## **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 1 or more of 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 suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
  - d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

## **9.0 CONCLUSION**

- 9.1 It is accepted that there is no demonstrable 5-year housing land supply and the erection of one additional dwelling would contribute to this, albeit to a very modest degree. The proposal would be considered to sufficiently integrate into its surroundings and would not give rise to adverse residential amenity or prejudice highway safety. However, the applicant has not entered in a legal agreement with the LPA and the proposal would be harmful to the Thames Basin Heaths Special Protection Area (SPA). The application is therefore recommended for refusal on these grounds.

## **10.0 RECOMMENDATION**

REFUSE for the following reasons:

1. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan 2009 (as saved) in relation to the provision of contributions towards Suitable Alternative Natural Greenspaces (SANGs) and Strategic Access Management and Monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2019).

**Informative(s)**

1. This Decision Notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained, however, there is a charge for this service.
2. The decision has been taken in compliance with paragraphs 38-41 of the NPPF to work with the applicant in a positive and proactive manner. Please see the Officer's Report for further details.