

LOCATION:	1 Middle Close, Camberley, Surrey, GU15 1NZ,
PROPOSAL:	Proposed single storey front extension including two roof lights, a two storey extension to the western side elevation following demolition of the existing garage, change to main roof form, six roof lights to main front roof slope, two rear dormers and fenestration alterations (this application is a resubmission of 19/0701 to allow for alterations to the height of the building and the front gables, alterations to the dormers and fenestration, and the installation of A.C. units) - retrospective.
TYPE:	Full Planning Application
APPLICANT:	Mr B Mudgal
OFFICER:	Miss Shannon Kimber

This application was deferred from the 15 July 2021 Planning Applications Committee to await the Environmental Health Officer's comments on the technical specification of the air conditioning units and to enable a Member site visit to consider the size and bulk of the proposal. Comments from the EHO will be reported on the written update.

The report below is a copy of original report taken to the July committee, it has been updated to include additional neighbour comments received and to reflect the amended paragraphs of the updated NPPF, published on the 20 July 2021.

This application would normally be determined under the Council's Scheme of Delegation. However, it is being reported to the Planning Applications Committee by Cllr. E. Hawkins, on the grounds of residents' concerns over size and bulk, and concerns over the inappropriateness of the air conditioning units and their potential impact on the residential amenities of the occupiers of 3 Middle Close.

RECOMMENDATION: GRANT, subject to conditions

1.0 SUMMARY

- 1.1 This is a retrospective application for amendments to the 2019 approval. As such this report concentrates on the impact of these as built amendments. In the officer's opinion these alterations do not significantly alter the impact of the approved scheme on the street scene, character of the area or the residential amenities of the neighbouring properties. The application is therefore recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The application site is a two storey, detached dwelling. It is located to the south of the highway. It is within the Hedged Estate Character Area. The surrounding area is predominantly residential.

3.0 RELEVANT HISTORY

- 3.1 84/0176 Two storey extension
Approved 16.04.1984
- 3.2 87/0767 Erection of double length garage
Approved 21.08.1987
- 3.3 19/0026 Erection of first floor side extensions either side of property, single storey front extension, roof extension, five front rooflights and two rear dormer windows, and two side rooflights.
Withdrawn 11.03.2019
- 3.4 19/0234 Proposed single storey front extension including 2 rooflights, first floor side extension to both sides of property, change to main roof form and increase in ridge height, 6 rooflights to main front roof slope, two rear dormers and fenestration alterations to front and rear elevations.
Approved 01.08.2019 and of material relevance to this submission. For a copy of the Officer's Delegated Report that supported this permission please see Annex B.
- 3.5 19/0701/FFU Proposed single storey front extension including two roof lights, first floor extension to the eastern side elevation, a two storey extension to the western side elevation following demolition of the existing garage, change to main roof form to increase in ridge height, six roof lights to main front roof slope, two rear dormers and fenestration alterations to front and rear elevations (this application is a resubmission of 19/0234 to allow for a replacement garage to the west, application of render to external elevations and to increase the width of the rear dormer windows) - Part retrospective.
Approved 07.11.2019 and of material relevance to this submission. For a copy of the Officer's Delegated Report that supported this permission please see Annex A.
- 3.6 19/2169/PMR Proposed single storey front extension including two roof lights, first floor extension to the eastern side elevation, a two storey extension to the western side elevation, following demolition of the existing garage, change to main roof form to increase in ridge height, six roof lights to main front roof slope, two rear dormers and fenestration alterations to front and rear elevations (this application is an amendment to 19/0701 to allow for an enlarged first floor side extension and four additional rooflights).
Withdrawn 03.02.2020
- 3.7 20/0407/FFU Erection of first floor side extension with accommodation in the roof, including rooflights
Withdrawn 01.06.2020

4.0 THE PROPOSAL

- 4.1 This is a retrospective application with full planning permission being sought for as built amendments to the 2019 approval. In effect, this is a resubmission of 19/0701 (see paragraph 3.5 above) which granted permission for a single storey front extension with two

roof lights and a two-storey extension to the western side elevation following demolition of the existing garage (amongst other things). The dimensions of the single storey front extension and the two-storey western side extension have been built in accordance with this permission and no changes are proposed to these elements.

4.2 However, the following as built amendments have been made to this approval:

- The first-floor infill extension to the eastern side elevation has not been built and is no longer proposed;
- A total of 5 air conditioning units (one to the eastern side elevation, one to the rear elevation and three to the western side elevation) have been installed. Each unit has a height of 0.5 metres, a width of 0.9 metres and a depth of 0.4 metres. They project 0.5 metres from the dwelling and have a maximum height of 3.4 metres above the adjacent ground level;
- Alteration to the two rear dormers, including relocation on the roof slope, increase width to the structure by 0.9 metres (from 2.6 metres to 3.5 metres), decrease the width of the glazing by 0.5 metres (from 2.3 metres to 1.8 metres) and a decrease in depth by 0.2 metres (from 2.6 metres to 2.4 metres). The heights of the dormers have not been changed;
- Reduction in the maximum height of the dwelling by 0.2 metres (from 8.4 metres to 8.2 metres);
- Increase in the height of the two gables to the front elevation by 0.6 metres (from 7.4 metres to 8 metres); and,
- Fenestration alterations to including relocation of windows and doors to the front, western side (of the existing single storey structure) and rear elevations at ground floor level, relocation of windows to the front elevation at first floor level and relocation of roof lights to front roof slope at second floor level.

5.0 CONSULTATION RESPONSES

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| 5.1 | County Highways Authority | No comments or requirements to make. |
| 5.2 | Environmental Health Officer | Comments are awaited and will be reported at the meeting. |

5.0 REPRESENTATION

- 5.1 At the time of preparation of this report 13 letters of representation have been received from nine addresses. These are summarised below:
- Confusion of description of development *[Officer comment: The description of development has since been rewritten to clarify the development, also see 3.1 for a full list of amendments];*
 - The developers did not build in accordance with the plans from the previous approval, nor have other planning conditions been followed *[Officer comment: This point is noted, this application is to apply retrospectively for the development as built];*
 - Is a restrictive covenant prohibiting front boundary fencing no longer active? *[Officer comment: No front boundary treatment has been approved previously at 1 Middle Close and none is sought by this application. In any event restrictive covenants are outside of the Planning Authority's remit];*

- Conflict with both national and local plans and supplementary planning documents *[Officer comment: The relevant policies are included at the start of both section 6.4 and 6.5 and the development has been assessed against them];*
- Too close to adjoining properties *[Officer comment: See section 6.5];*
- Development too high, too dominant and overbearing, the increase height of the gables exacerbate this oppressive development *[Officer comment: See section 6.5];*
- Loss of light *[Officer comment: See section 6.5];*
- Loss of privacy due to overlooking from the higher gables at the front and alterations to the rear dormers *[Officer comment: See section 6.5];*
- Out of keeping with character of Middle Close and the surrounding estate *[Officer comment: See section 6.4];*
- Over development *[Officer comment: See section 6.4];*
- Developer has had no regard for the neighbours during construction, hours of operation have not been followed *[Officer comment: Whilst this is outside of the Planning Authority's remit, an informative can be added to the decision, letting the developer know what other legislation also needs to be followed];*
- The as built plans are not an accurate reflection of what has been constructed (position of retaining wall and the location of the garage door is shown as being level with the ground level, it isn't, it is approximately 0.4 metres above the ground level, with a slope being proposed) *[Officer comment: This point is noted and amended plans have been requested];*
- A.C. units are unsightly, excessive and out of scale for a residential dwelling. They are too close to the neighbouring property, result in unreasonable noise pollution as these units are for both heating and cooling and so could be emitting high level sound throughout the year, and are not a safe distance from the neighbouring property *[Officer comment: See paras. 5.2 and 6.5.6];*
- Loss of trees and vegetation, development was not built in accordance with condition which sought compliance with the tree protection plan; *[Officer comment: See section 7.5 of Annex B – Officer's delegated report for 19/0234. It is regrettable this condition was not followed. However, this vegetation was compromised prior to the first development and was not covered by a TPO. It has now been lost];*
- The parking for this property is not being used and there are a lot of cars now on the road. The garages they seem to be foot and half above ground level. *[Officer comment: Whilst the application has been made retrospectively, the works have not been finished completely, as such the front driveway and ramp to the garage have not been constructed yet];*
- It has insufficient parking *[Officer comment: See section 7.7 of Annex B];*
- Drainage concerns *[Officer comment: The agent has confirmed that the waste water will connect to the mains drainage and the water from guttering and run off will be disposed of on-site through soakaways].*

Comments which do not raise material planning considerations:

- Other comments received have related to the original extensions (approved under 19/0234 and varied by 19/0701);
- Irregularities were reported over a year ago by several residents to planning and enforcement [*Officer comment: these concerns have not been ignored, it has taken a year for the application to be valid*];
- General dislike of proposal;
- Damage has been made to Middle Close by deliveries;
- The trees to the front of the proposed are overgrown and untidy, this is very uncharacteristic of the road;
- There are access issues to the garden from the side of the house as it is too narrow;
- Noise and disturbance caused by building works;
- Objections have been lost;
[*Officer comment: This comment appears to relate to original objections, these are on file with the original file and are not carried over to new applications. For this development neighbouring properties and previous objectors have been notified*];
- The development will set a precedent;
- Application has been applied for retrospectively;
- Concerns have been raised regarding the quality of the build and the structure integrity of the retaining wall.

6.0 PLANNING CONSIDERATION

- 6.1 The application site is located within the defined settlement boundary, as set out in the proposals map included in the Core Strategy and Development Management Policies document 2012 (CSDMP). For this proposed development, consideration is given to policy DM9 of the CSDMP and the National Planning Policy Framework (NPPF). The Residential Design Guide (RDG) Supplementary Planning Document 2017 as well as the Western Urban Area Character (WUAC) Supplementary Planning Document 2012 also offer relevant advice.
- 6.2 Planning approval 19/0701 (which was an amendment to 19/0234) is also a material consideration. Since this permission there has been no change to policy. For completeness and comparison purposes a copy of the 19/0701 approved plans and the officer's reports for 19/0701 and 19/0234 is included with this agenda (Annexes A and B, respectively). These reports set out the officer's assessment on character and residential amenity grounds concluding why this 2019 proposal resulted in no adverse impacts.
- 6.3 On this basis, the following assessment concentrates on the built alterations to the 2019 approval (listed in paragraph 4.2 of this report), relating to the following main issues:
- Impact on the character and appearance of the surrounding area; and,
 - Impact on the residential amenity of neighbouring properties

6.4 Character and appearance of the area

- 6.4.1 Para. 130 of the National Planning Policy Framework (NPPF) requires good design principles; subparagraphs b and c clarify that a visually attractive extension which is sympathetic to local character should be acceptable. Policy DM9 of the CSDMP states that development will be acceptable where it achieves a high-quality design which respects and enhances the local character in its urban setting, paying particular regard to scale, materials, massing and bulk.
- 6.4.2 Principle 7.8 of the RDG sets out guidelines for designers detailing that design which positively contributes to the character and quality of the area will be supported. Principle 7.9 focuses on window design and principles 10.1, 10.2, 10.3 and 10.5 focus on extensions to existing dwellings.

- 6.4.3 The WUAC sets out the importance of achieving a good design which builds on the existing character of an area. The application site is located within the Hedged Estate Character Area, this area is characterised by a regimental layout of generous plots containing detached dwellings with hedges enclosing the plots, creating a green appearance.
- 6.4.4 One of the guiding principles of the WUAC (HE1a) states the importance of maintaining space between and around buildings. The development does not increase the maximum width or depth of the approved dwelling, as such, does not result in a loss of spaciousness surrounding the dwelling. Guiding principle HE3 states the importance of vegetation and soft boundaries. The development does not result in the removal of the mature, mixed hedgerow to the front of the site, as such the green character of Middle Close has been retained.
- 6.4.5 The alterations to the front gables are visible from the public realm and have the greatest impact. Whilst the alterations do not increase the width or depth of these gables, their height have increased. The gables, as built, are 0.6 metres higher than the approved design. However, they are set down from the main roof height by 0.2 metres, which itself has been lowered by 0.2 metres from the approved ridgeline. On balance, it is not considered that this alteration results in such an adverse dominating impact on the streetscene as to warrant a refusal.
- 6.4.6 Having regard to the other alterations, there is the potential for partial glimpses of the eastern side elevation which unlike the 2019 approval has not been filled in to remove the stepped eastern side elevation. However, as this was a feature on the original dwelling, it is not considered to have an adverse impact on the streetscene. The A.C. units to the side elevations are visible from the public realm but given their size and siting they are not considered to have any adverse impact to the appearance of the dwelling or wider area. The alterations to the rear dormers and the fenestration to the rear and western side elevation are not visible from the public realm. Whilst the alterations to the fenestration on the front elevation are visible, these alterations are not considered to have a significant impact.
- 6.4.7 In summary, in the officer's opinion in character terms the development complies with the NPPF, Policy DM9 of the CSDMP, RDG and the WUAC.

6.5 Impact on residential amenity of neighbouring properties

- 6.5.1 Policy DM9 of the CSDMP states that development will be acceptable where the proposal respects the amenities of the occupiers of neighbouring properties and uses. This is supported by para. 130(f) of the NPPF, which seeks to create a high standard of amenity for existing and future users. The importance of appropriate design for extensions, so as not to result in a material loss of amenity for the occupiers of neighbouring properties, is set out in principles 8.1 and 10.1 of the RDG.
- 6.5.2 The altered front gables are set a minimum of 10.3 metres from the front boundary of the application site. Middle Close has a width of 12.1 metres, at this point. As such, the alterations to the gables or the front fenestration have no significant impact on the residential amenities of the dwellings opposite.
- 6.5.3 The removal of the infill extension to the eastern side has the result of reducing the amount of built form facing the rear elevation of no. 56 Roundway, and is therefore an improvement compared to the 2019 approval.
- 6.5.4 The revised dormer structures to the rear are not sited any closer to the rear boundary than the previously approval. In addition, the level of glazing within each dormer has been decreased. The alterations to the rear fenestration does not result in a significant alteration to the existing pattern of overlooking.
- 6.5.5 The alteration to the western fenestration is at ground floor level only and sited 18 metres from the shared boundary with no. 3 Middle Close. This is not considered to alter the existing pattern of overlooking.

- 6.5.6 The A.C units are either a significant distance from neighbouring dwellings or facing blank elevations and in the officer's opinion visually they have a limited impact on neighbouring amenities. To expand on: There is a distance of 0.8 metres between the A.C. units to the western side elevation and the flank elevation of 3 Middle Close. As this is a blank elevation, visually these units have no adverse impact on this neighbouring property. The A.C. unit to the rear elevation is sited 21.7 metres from the rear boundary. The unit on the eastern side elevation is 16 metres away from the neighbouring dwelling at Roundway. Whilst in the officer's opinion these relationships prevent any adverse noise concerns from the units, manufacturer details have been requested from the applicant and the Environmental Health Officer has been consulted. Any updates on this matter will be reported at the meeting.
- 6.5.7 In residential amenity terms the proposal therefore complies with the NPPF, Policy DM9 of the CSDMP, and the RDG.

6.6 Other matters

- 6.6.1 The proposed development is not for a net increase in dwellings, nor is it for a residential extension of over 100 square metres, as such the development is not CIL liable.

7.0 POSITIVE/PROACTIVE WORKING

- 7.1 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.

8.0 CONCLUSION

- 8.1 The development does not result in an adverse impact on the character of the area, the host dwelling or residential amenities of the occupiers of the neighbouring dwellings. It therefore complies with the NPPF, policy DM9 of the CSDMP, the RDG and the WUAC and is recommended for approval, subject to conditions.

9.0 RECOMMENDATION

1. The development hereby approved shall be finished in accordance with the following plans:
Site Location Plan, Drawing reference: S01, Received 17.06.2020
Proposed Block Plan and Roof Plan, Drawing reference: S104 C, Received 10.06.2021
Proposed Ground Floor Plan, Drawing reference: S102 C, Received 10.06.2021
Proposed First Floor Plan, Drawing reference: S103 B, Received 10.06.2021
Proposed Second Floor Plan, Drawing reference: S107, Received 10.06.2021
Proposed Front and Eastern Elevations, Drawing reference: S105 B, Received 10.06.2021
Proposed Rear and Western Elevations, Drawing reference: S106 C, Received 10.06.2021

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

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 applicant is advised that this permission is only pursuant to the Town and Country Planning Act 1990 and is advised to contact Building Control with regard to the necessary consents applicable under the Building Regulations and the effects of legislation under the Building Act 1984.
3. The decision has been taken in compliance with paragraphs 38-41 of the NPPF to work with the applicant in a positive and proactive manner. Further information on how this was done can be obtained from the officer's report.
4. Under The Control of Pollution Act 1974 noisy construction working practices should be limited to:
 - Monday to Friday: 8am to 6pm
 - Saturday: 8am to 1pm
 - At no time on a Sunday or Bank Holiday