

<b>LOCATION:</b>	15 Mildens Close, Frimley Green, Camberley, Surrey, GU16 6PX
<b>PROPOSAL:</b>	Erection of a single-storey building to be used as an annexe building ancillary to the existing single-family dwelling.
<b>TYPE:</b>	Full Planning Application
<b>APPLICANT:</b>	Ms Tracey Hatton
<b>OFFICER:</b>	Shannon Kimber

An application of this type would usually be determined under the Council's Scheme of Delegation. However, this application has been reported to the Planning Applications Committee on the request of Cllr. Black for scrutiny of the proposal as the previously approved detached garage, which this outbuilding would replace, was explicitly conditioned by the previous planning permission to prevent it from being severed from the main dwelling.

This application was deferred from the September committee to enable re-consultation on a corrected application description, to take into account the building's enlargement compared to approval 20/0521/FFU, and to match up with the submitted plans.

The application is subject to a non-determination appeal and so the Planning Inspectorate is now the determining authority. The application has been put forward to Planning Committee for approval subject to conditions.

## **RECOMMENDATION: WOULD HAVE GRANTED, SUBJECT TO CONDITIONS**

### **1.0 SUMMARY**

- 1.1 The application is for the erection of a detached outbuilding to form an annexe building ancillary to the existing single-family dwelling. It is considered that the proposal is acceptable in principle. It would result in no adverse impact on the character of the surrounding area or the host dwelling or the residential amenities of the occupiers of the neighbouring dwellings. The proposal would also have no adverse highway impacts. Therefore, the application would have been recommended for approval, if this Authority had been the determining authority.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site contains a semi-detached bungalow, with an extant permission for a detached garage. It is located to the north-west of the highway, towards the end of the cul-de-sac. It is located within the Post War Council Estate Character Area. The site is within Flood Zone 1. The surrounding area is predominantly residential.

### **3.0 RELEVANT HISTORY**

- 3.1 20/0521/FFU Erection of a single storey side extension following the demolition of the attached garage, a single storey rear extension, a front porch and a detached garage and the installation of a dormer window to rear to facilitate a loft conversion.  
Approved 25.08.2020 (part implemented)

Condition 5 of the above permission reads as follows:

*The garage hereby permitted shall be retained for such purpose only and shall not be converted into living accommodation without further planning permission from the Local Planning Authority.*

*Reason: To maintain planning control of this property, to ensure the provision of on-site parking accommodation and to ensure that the additional building is not in any way severed from the main dwelling to provide a self-contained dwelling unit to the detriment of the character of the area and the integrity of the Thames Basin Heath SPA. In accordance with Policies CP11 and CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.*

3.2 1952 Erect bungalows  
Approved 08.08.1956

#### **4.0 THE PROPOSAL**

4.1 Full planning permission is sought for the erection of a single-storey building to be used as an annexe building ancillary to the existing single-family dwelling.

4.2 The proposed outbuilding would have a depth of 8.9 metres, a width of 3.2 metres and a maximum height of 4 metres with an eaves height of 2.7.

4.3 This application was initially described on the submitted application form as: *Conversion of approved garage to form an annexe for use of dependant relative.* This has since been amended as it was not accurate. As the proposed outbuilding would increase in depth by 0.7 metres compared to the previous approval, the resulting structure cannot be described as a conversion of the approved garage. The currently proposed outbuilding would be sited on a similar location within the application plot.

#### **5.0 CONSULTATION RESPONSES**

5.1 County Highways Authority. No requirements or comments to make.

#### **6.0 REPRESENTATION**

6.1 The occupiers of neighbouring properties were notified of the proposed development on the 10<sup>th</sup> May 2022, the 18<sup>th</sup> August 2022 (amended plans received), and the 2<sup>nd</sup> September (amended description). At the time of preparation of this report 11 letters of representation have been received from 6 different addresses. The objections have been summarised below:

- Inadequate parking provision and loss of parking, coupled with the need for more spaces being required through the use of the proposed annexe. No visitor parking provided. Issues with deliveries.  
*[Officer comment: see section 7.6 in the following report]*
- Out of keeping with/negative impact on the character of area  
*[Officer comment: see section 7.4 in the following report]*
- Over development *[Officer comment: see section 7.4 in the following report.]*
- House has previously been extended *[Officer comment: this point has been noted]*
- There is a conditions attached to the approved garage to maintain control  
*[Officer comment: condition 5 attached to the recent approval (20/0521/FFU)]*

*states that the approved garage should not be converted to living accommodation without planning permission. The application currently submitted is for a replacement outbuilding, and planning permission is sought for the annex use]*

- Structure would be close to the boundary wall and could disturb foundations, a Party Wall Agreement would be needed *[Officer comment: this is not covered by planning legislation, however an informative regarding party wall agreements can be added to the decision]*
- Conflict with local plan *[Officer comment: the relevant policies are included at the start of each sub-sections in the following report, the proposal is then assessed against this policies]*
- Development too high *[Officer comment: the proposal would not alter the height of the approved outbuilding]*
- Inadequate access *[Officer comment: see section 7.6 in the following report]*
- General dislike of proposal *[Officer comment: this point has been noted]*
- Increase danger of flooding *[Officer comment: see section 7.7.1 in the following report]*
- Information missing from plans *[Officer comment: it is acknowledged that extensions approved by permission 20/0521/FFU have not been included on the block plan, however the application for the outbuilding can be assessed without this information]*
- Future use of the site/potential to be an independent dwelling, this could lead to privacy impacts due to unknown/transient people using the annexe in the future. The development would also set a precedence for separate dwellings as there are a lot of detached garages in the surrounding area *[Officer comment: this is not what has been applied for, and only the proposal can be considered, potential future uses can be controlled through the use of conditions]*
- Sustainability impact *[Officer comment: the application site is within the settlement boundary, in principle, this is a sustainable area to develop in]*
- Amendments to the proposal have also been suggested *[Officer comment: this point has been noted, however this is not what is being proposed and each application is determined on its own merits]*
- Overlooking *[Officer comment: see section 7.5 in the following report]*
- Vaulted ceiling would need to be heated *[Officer comment: this is not a planning matter]*
- The amended description does not address the concerns previously raised regarding the future use of the outbuilding as a separate dwelling *[Officer comment: this point is noted, as are the previous comments].*

6.2 The support comments have been summarised below:

- Support for caring for relatives,
- Plans are reasonable and proportionate.

## 7.0 PLANNING CONSIDERATION

7.1 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 policies DM9, DM10, DM11 and CP14 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.

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

- Principle of development
- Impact on character and appearance of the surrounding area and host dwelling
- Impact on residential amenity of neighbouring properties
- Transport and highways considerations

Other considerations include:

- Flood Risk
- Community Infrastructure Levy

### **7.3 Principle of development**

7.3.1 The application site is located within the defined settlement boundary. As such, it is considered a sustainable place for development. It is noted that the site is outside of the 400 metre buffer zone around the Thames Basin Heath Special Protection Area. As such, it is concluded that the proposed development would be acceptable in principle.

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

7.4.1 Para 127 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.

7.4.2 Principles 7.1 and 7.8 of the RDG state that developments should complement the street scene and should positively contribute to the character and quality of the area.

7.4.3 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 Post War Council Estate Character Area, this area is distinguished by its low red brick walls, long regular street and plot patterns and preponderance of semi-detached or terraced properties. Guiding principles PC1a, PC2 and PC4 of the WUAC are relevant in this instance.

7.4.4 It is acknowledged that unsympathetic extensions which reduce gaps between buildings and result in a loss of the open texture is a known pressure on this character area. The proposed outbuilding would be visible from the public realm. However, due to a back land development to the north-east side and rear (north) of the application site there is no dwelling directly to the north-eastern side of the application site, instead there is an access drive. As such, it is considered that this development would not result in an adverse reduction in the space around the dwelling nor would it lead to a terracing effect. As the application site is located in the form turning head, the plot is not comparable to those to the west. The development would not represent an overdevelopment of the plot.

7.4.5 The proposed outbuilding would be 0.7 metres deeper than the approved garage, although this increase in depth would project further into the garden space of number 15, rather than projecting forward. In addition, due to increases in land levels, the dwellings to the north-east of the site are located at a higher level than 15 Mildred Close, with an existing retaining wall enclosing the application site adjacent to the proposed outbuilding.

Therefore, it is considered that the proposed development, when compared to the approved garage would have no greater impact on the character of the surrounding residential area.

7.4.6 It has been demonstrated by the applicant that the proposal would not be used as a separate dwelling unit. It has been confirmed by the applicant that no separate private amenity area will be provided for the annexe, nor will the annex be rated separately to the main dwelling. Whilst the annexe would provide an ensuite bathroom for toilet and washing, and facilities for making light refreshment, the kitchen and laundry facilities of the main house would be shared by the occupiers of the main single family dwelling. As there is the potential for future users to deviate from what is currently proposed, it is recommended that the use of the outbuilding is secured by planning condition. Furthermore, it is important that the use of the outbuilding is secured by a condition to ensure that the correct mitigation is secured for the Thames Basin Heath Special Protection Area.

7.4.7 Therefore, the proposal would not be considered contrary to the NPPF, Policy DM9 of the CSDMP, the RDG or the WUAC.

## **7.5 Impact on residential amenity of neighbouring properties**

7.5.1 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 127(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, 8.2, 8.3 and 10.1 of the RDG.

7.5.2 Due to the separation distances between the proposed outbuilding and the neighbouring dwellings, coupled with the fact that this would be a single storey structure, it is considered that the proposal would not alter the existing pattern of overlooking. As the development is for an annexe and no sub-division of the plot is proposed, there would be no adverse impacts on the occupiers of the application site. It is noted that the proposed development would result in an increase of built form when compared to the extant garage, however this increase of 0.7 metres in depth would not result in such a significant increase to the bulk or mass of the approved structure to cause adverse overbearing or overshadowing impacts.

7.5.3 It is considered that the proposal would comply with the NPPF, Policy DM9 of the CSDMP and the RDG.

## **7.6 Transport and highways considerations**

7.6.1 Policy DM11 of the CSDMP states that development will be not acceptable where the proposal adversely impacts safe and efficient flow of traffic. All development should ensure safe and well-designed vehicular access, egress and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians. Principles 6.7 and 6.8 of the RDG sets out the importance of well-designed parking arrangements, without parking visually dominating the street scene. Surrey County Council recommends a minimum of two vehicle parking spaces for a dwelling with four bedrooms in a suburban environment.

7.6.2 The proposed outbuilding would be sited on the same area of the site as the detached garage which has extant planning permission. The driveway leading to the outbuilding would have a minimum width of 3.7 metres, between the boundary wall and the closest corner of the extended dwelling. This is of a sufficient width to allow access for a motor vehicle to the existing hardstanding. In addition, current trends show that garages are

used predominantly for storage rather than for parking. In any event, there is sufficient space to the front of the property for two vehicles to be accommodated on-site. The access point to the property is not proposed to be altered.

- 7.6.3 As such, it is not considered that the proposed development would have a negative impact on highway safety.

## **7.7 Other Considerations:**

### **7.7.1 Flood Risk:**

The application site and the neighbouring properties is in flood zone 1, meaning that it has a greater than once in a 1000 years chance of flooding. There is a 0.1% chance of surface water flooding in any given year on the road to the site of the site. In any event, the proposal is for the conversion of an approved structure, with no increase in foot print. This would not alter the approved risk of flooding.

### **7.7.2 Community Infrastructure Levy:**

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 proposal would not be CIL liable.

## **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 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.

- 8.2 Under the Equalities Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this Duty.

## **9.0 CONCLUSION**

- 9.1 It is considered that the proposal is acceptable in principle. It would result in no adverse impact on the character of the surrounding area and the host dwelling, the residential amenities of the occupiers of the neighbouring dwellings, and would cause not adverse highway impacts and would not increase flood risk. The proposed development would comply with the NPPF, policies DM9, DM10 and DM11 of the CSDMP, the RDG and the WUAC. The application is therefore recommended for approval.

## **10.0 RECOMMENDATION**

The Council would have GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be built in accordance with the following approved plans:  
Site Location and Proposed Block Plan, Drawing reference: 1713.05 01, Received 01.09.2022  
Proposed Floor Plans and Elevation, Drawing reference: 1713.06, Received 01.09.2022  
Unless the prior written approval has been obtained from the Local Planning Authority.

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

3. The building works, hereby approved, shall be constructed in external fascia materials to match those of the existing building.

Reason: In the interests of the visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

4. The development hereby permitted shall not be otherwise occupied other than as ancillary accommodation to the existing dwelling known as 15 Mildens Close, Frimley Green, GU16 6PX.

To ensure the ancillary nature of the outbuilding it shall not have; i) a separate postal address, ii) separate metres for the provision of services, iii) a separate and registered Land Registry title, iv) a separate Council tax account, v) a separate access independent of the main dwelling house.

In addition the outbuilding shall be retained within the curtilage of the host dwelling house and a separate curtilage shall not be created. At no time shall the outbuilding be sold, sub-let or rented independently to the occupation of 15 Mildens Close.

Reason: To maintain planning control of this property and to ensure that the additional accommodation is not in any way partitioned from the main dwelling to provide a self-contained dwelling unit to the detriment of the character of the area and the integrity of the Thames Basin Heath Special Protection Area in accordance with Policies DM9 and CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

5. Notwithstanding the provisions set out in Schedule 2 Part 1 Class E and Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) other than for works to maintain or replace the existing fencing or walls forming the external boundaries of the application property no means of enclosure, gates, fences or walls shall be erected, installed, formed or sited anywhere within the curtilage of the application property.

Any development under the Classes stated above undertaken or implemented between the date of this decision and the commencement of the development hereby approved shall be demolished and all material debris resulting permanently removed from the land within one month of the development hereby approved commencing.

Reason: To prevent the subdivision of the application site and ensure the use of the development remains ancillary to the host dwelling in the interests of visual and residential amenity and to protect the integrity of the Thames Basin Heaths Special Protection Area in accordance with Policies DM9 and CP14 of the Surrey Heath Core

**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 applicant's attention is drawn to the Party Walls (etc) Act 1996.
4. 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.
5. The applicant is expected to ensure the safe operation of all construction traffic in order to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. Where repeated problems occur the Highway Authority may use available powers under the terms of the Highways Act 1980 to ensure the safe operation of the highway.