

LOCATION:	17 Junction Road, Lightwater, Surrey, GU18 5TQ
PROPOSAL:	Raised patio to the rear of the dwelling (retrospective).
TYPE:	Full Planning Application
APPLICANT:	Mr Wayne Russell
OFFICER:	Melissa Turney

This application would normally be determined under the Council's Scheme of Delegation. However, it has been called-in by Cllr Galliford due to concerns of loss of privacy and amenity for neighbours.

RECOMMENDATION: GRANT, subject to conditions

1.0 SUMMARY

- 1.1 This application seeks retrospective planning permission for a raised patio to the rear of the dwelling.
- 1.2 The principle of the development is considered acceptable. For the reasoning explained in this report, the development results in no harm to the character of the area and is acceptable in terms of the residential amenity impacts. The proposal is therefore recommended for approval, subject to planning conditions.

2.0 SITE DESCRIPTION

- 2.1 The proposal site consists of a detached two storey dwelling which has recently been extended and is located within the settlement area of Lightwater. The site benefits from a rear garden and off-street parking to the front of the dwellinghouse. The land levels on the site slightly slope downwards from the highway, with the rear garden is on a lower level. The neighbours to either side are residential.

3.0 RELEVANT HISTORY

- 3.1 84/0378 Two storey side extension – refused, appeal withdrawn.
- 3.2 84/0762 Two storey side extension – refused, appeal allowed.
- 3.3 20/0453 Part two, part single rear extension and conversion of the integral garage, approved
- 3.4 20/0646 Front porch, conversion of garage, part two, part single storey rear extension, side and rear rooflights and first floor side elevation window. Approved, implemented.

- 3.5 21/0420/NMA Non material amendment to planning permission reference 20/0646 (Front porch canopy roof, conversion of integral garage to habitable accommodation and part-two storey, part-single storey rear extension including side and rear elevation rooflights and first floor side elevation window.) to allow for the insertion of a flat roof lantern to main flat roof and the use of grey roof tiles. Approved, implemented.

4.0 THE PROPOSAL

- 4.1 Retrospective planning permission is sought for a raised patio to the rear of the dwelling.
- 4.2 The raised patio spans the width of the dwelling, has a height of 0.3m adjacent to the rear elevation of the dwelling and increases to 0.5m due to the change in land levels on the site. There are steps down to the garden and planting areas to the sides of the patio. The patio has a depth of 5.3m and area of 53 m² including the steps.
- 4.3 The retaining walls, including the planting areas are concrete finished in white render and the patio slabs are grey.

5.0 CONSULTATION RESPONSES

- 5.1 Windlesham Parish Council Object as it is Council policy not to approve retrospective applications. *[Officer comment: It is unclear whether this is the Parish's policy. It is not Surrey Heath's policy as a retrospective application must be treated on its own merits and determined against national and local adopted policy]*

6.0 REPRESENTATION

- 6.1 A total of 7 individual letters were sent to surrounding properties on 2nd November 2021. At the time of preparation of this report 1 letter of representation has been received in support of the application with the reasons summarised below:
- Planting adds screening
 - Planting also act as sound barrier
 - Even without the planting the use of the patio has not resulted in any obtrusive noise or loss of privacy.
- 6.2 Correspondence has been received to draw the officer's attention to the hedge on the boundary with neighbour at no. 19 that has been cut down. A further officer site visit to the application site and neighbour's garden confirm that the hedge has been cut back on the application side but remains of a substantial size.

7.0 PLANNING CONSIDERATION

- 7.1 The site lies in the urban settlement where development is acceptable in principle. In considering this proposal regard has been had to the National Planning Policy Framework (NPPF), the National Design Guide (NDG), Policies DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP) and guidance within the Surrey Heath Residential Design Guide Supplementary Planning Document 2017 (RDG) as well as the Lightwater Village Design Statement (LVDS) Supplementary Planning Document 2007.

7.2 The principle of the development is acceptable, therefore, the main issues to be considered within this application are:

- Impact on the character and appearance of the surrounding area and host dwelling; and,
- Impact on the residential amenity of neighbouring properties.

7.3 Impact on the character and appearance of the area

7.3.1 Policies CP2 and DM9 of the CSDMP are aligned with the design principles within the NPPF. Policy CP2 states that development should respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density, and that trees and vegetation worthy of retention should be protected. The LVDS seeks to protect the design of the residential part village by respecting the existing character.

7.3.2 The raised patio is located to the rear of the dwelling. There is limited visual impact from public vantage points. The design of the raised patio is finished in white render walls and grey patio slabs which reflect the finishing materials of the host dwelling. The patio is not considered to result in harm to the character of the area or the host dwelling.

7.3.3 Therefore, the development complies with the NPPF, Policy DM9 of the CSDMP, the RDG and LVDS.

7.4 Impact on residential amenity

7.4.1 Paragraph 130 of the NPPF states that planning decisions should create places with a high standard of amenity for existing and future users. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.

7.4.2 Principle 8.1 of the RDG states that developments which have a significant adverse effect on the privacy of neighbouring properties will be resisted. Principle 8.1 states that development which have a significant advise effect on the privacy of neighbouring properties will be resisted. Guiding text paragraph 8.3 of the RDG sets out that areas of particular sensitivity are habitable rooms, the first 3m of private space behind a rear elevation and balconies or terraces which are the sole source of private outside space for a home.

7.4.3 The raised patio retains a separation distance of approximately 2.1m to the common boundary with the neighbour at no.19. This neighbour is on slightly higher land level and the boundary treatment on the common boundary is high hedging. From the officer's site visit it is noted that this hedge has been trimmed which has reduced the thickness of the hedge. This neighbour has a single storey projection adjacent to the common boundary which has a similar depth to the raised patio, which also provides a level of screening. Overall, the height of the raised patio compared to the lowered patio area has not resulted in an significant increase of level of overlooking or resulted in a loss of privacy into this neighbour's garden which is considered to be materially different. The hedge acts as the boundary treatment and provides a sufficient level of screening for both the application site and this neighbour to protect the privacy of both.

7.4.4 The raised patio retains a separation distance of approximately 1.2m to the common boundary (including the flower bed area) with the neighbour at no.15. This neighbour is set further forward in the plot such that the rear elevation is set behind the host dwelling and the raised patio. However, this neighbour has a detached single storey outbuilding located

on the common boundary which has a similar rear elevation to the host dwelling, which provides a level of screening which restricts views back towards this neighbour's rear elevation.

7.4.5 As set out in the RDG the 3m of private space behind a rear elevation are the most sensitive. Due to the existing boundary treatment and existing built form on the common boundaries it is not considered there are direct views towards the neighbours' immediate private amenity areas behind their rear elevations. The site has existing first floor rear windows which have views towards the neighbours' rear gardens, as such while the raised patio has partial views towards the rear part of neighbours' gardens this is not considered to be significantly materially different to the existing situation. This neighbour at no 15 has also written in letter of support that the raised patio has not result in obtrusive noise or loss of privacy.

7.4.6 It is therefore considered that the raised patio has resulted in no unacceptable level of overlooking or material loss of privacy to the rear gardens of the neighbours. As such, the development complies with the NPPF, Policy DM9 of the CSDMP and the RDG.

8.0 POSITIVE/PROACTIVE WORKING AND PUBLIC SECTOR EQUALITY DUTY

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) 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 The development has no adverse impact on the character and appearance of the host dwelling or local area, nor on the amenities of the adjoining residents, subject to the recommended conditions. The development complies with the CSDMP, the RDG, LVDS and the NPPF.

10.0 RECOMMENDATION

GRANT subject to the following conditions:

1. There shall be no variation from the following approved plans:

Drawing reference: 001, Received: 05.07.2022

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