

LOCATION: 49 BOSMAN DRIVE, WINDLESHAM, GU20 6JN
PROPOSAL: Division of existing 6 bedroom dwelling to form 2 two bedroom dwellings with associated parking and garden space.
TYPE: Full Planning Application
APPLICANT: Mr Bertram
John Charles Property Investments
OFFICER: Emma Pearman

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 Councillor Sturt.

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 This application is for the division of an existing property, shown as 6-bedroom on the plans, into two 2-bedroom properties. An almost identical application (16/0320) was before the Committee in June, which was refused by Members against the officer's recommendation, as it was considered that the sub-division of the site to create a separate additional dwelling would result in a density of the use that was out of keeping with the neighbourhood. The difference between the two applications being only that the previous plans showed the existing property as 4-bedroom and now it is shown as 6-bedroom with the rooms internally having been reconfigured. Since the refusal of 16/0320, the applicant applied for a Certificate of Lawful Use to convert the property into a House of Multiple Occupation (HMO) (16/0687), however, this application was later withdrawn by the applicant.
- 1.2 The existing property has had a large two-storey extension to the northern side and it is proposed to use this extension as a separate property. A number of objections have been raised by local residents. However, the proposal will not give rise to any additional built development and given its design and secluded location within the road it is not considered that there would be any significant harm to character. The proposal is also considered acceptable in other regards. It is considered that a condition can be imposed to prevent segregation of the front driveway area which would prevent it being obvious externally that it was divided.
- 1.3 There was already a door on the northern side elevation which will be used as the front door to one of the properties, and the rear garden has been divided into two by the erection of a close-boarded fence. The ground floor has already been divided into two, however the first floor is still open as one property, and as it has two staircases, both sides of the ground floor are still fully accessible from the inside. Concern has been raised by residents at the time of the previous application, that the conversion was underway without planning permission. The Enforcement Officer subsequently visited the site and stopped any further works. As the interior has not been completely divided, and no planning permission is required for the interior works that have taken place, nor for erection of a fence in the garden, it is not considered that at present any unlawful works have taken place as the conversion is not complete and the property is not yet in use as two separate dwellings.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on the northern side of Bosman Drive, and is bordered by the A30 London Road to the north, within the settlement area of Windlesham as identified by the Surrey Heath Core Strategy Proposals Map. The property is semi-detached with 47 Bosman Drive attached to the south, though most surrounding dwellings are detached, other than two other pairs of semi-detached dwellings to the west. The property has an area of hardstanding to the front which is bordered by tall vegetation to the eastern boundary, and a fence with mature trees to the northern boundary. There is a side gate and wall between the front elevation of the property and the northern boundary.

3.0 RELEVANT PLANNING HISTORY

- 3.1 SU16/0687 - Certificate of Proposed Lawful use for change of use of existing dwelling (C3) to form a 6-bedroom house of multiple occupation (C4)

Application withdrawn 28/09/2016

- 3.2 SU16/0320 – Division of existing four-bedroom dwelling to form two 2-bedroom dwellings with associated parking and garden space.

Officers recommended approval but the application was refused 01/07/2016 by the Planning Committee for the following reason:

- 1. The sub-division of the site to create a separate additional dwelling would result in a density of use that would be inappropriate development, not in keeping with the established neighbourhood and harmful to the character of the area, contrary to Policies CP2 and DM9 of the Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.*

The applicant has appealed against this decision.

- 3.3 SU 01/0153 – Erection of a first floor side extension and single storey front extension

Granted 11/04/2001

Condition 3 of this permission reads as follows:

3. The existing dwelling and the development hereby approved shall at all times be occupied as a single and integral dwelling unit within the existing curtilage.

Reason: To maintain planning control of this property and to ensure that the additional accommodation 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.

- 3.4 SU 99/0767 – Erection of a rear conservatory

Granted 17/08/1999

- 3.5 95/0251 – Erection of a single storey side extension incorporating a double garage

Granted 09/06/1995

4.0 THE PROPOSAL

- 4.1 This proposal is for the division of the existing dwelling into two 2-bedroom dwellings. No further changes are proposed from the development already undertaken. The door on the northern side elevation would be used as the entrance to one of the properties, and the garden already has a fence dividing it into two. The existing hardstanding to the front is not proposed to be divided but will provide a parking area for both dwellings.

5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Highway Authority No objection.
- 5.2 Windlesham Parish Council Objection - inappropriate development of the site and not in keeping with the established neighbourhood.

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 11 letters of objection have been received which raise the following issues:

Principle of development [see section 7.3]

- No justification for sub-dividing property on grounds of market demand
- There is demand for 4-bedroom houses

Character [see section 7.3]

- Was designed as a single family house
- Should be refused on same grounds as previous application
- Creating a terrace would change the character of the road
- Overdevelopment of the site – plot is too small for two dwellings
- Previous planning application SU01/0153 included a condition preventing severing the extension from the main dwelling so as not to cause harm to the character of the area, this should be upheld.

Amenity [see section 7.4]

- Would be overlooking and loss of privacy.

Highways, access and parking [see section 7.5]

- Not enough parking already
- Will increase the cars parked at the property which may result in parking on the street and increased risk of accidents

Other matters

- Developer has purchased other properties in the road *[Officer comment: Not a planning consideration, each application is considered on their own merits]*
- Deeds on the properties prevent use other than a private dwellinghouse in one residential occupancy only *[Officer comment: Private covenants are not a planning consideration]*
- Developer only doing this for profit *[Officer comment: Not a planning consideration]*
- This is same as previous application that was refused *[Officer comment: The floorplans show a 6-bedroom house instead of 4-bedroom, internal changes do not require planning permission, unless the house had been fully split into two]*
- Permission was granted in principle with application 16/0320 and then overturned by Members *[Officer comment: Officers make recommendations to Members for applications going to Committee and Members make the decision, as such there was no permission in principle or overturning of a decision]*
- Developer has also applied to turn it into an HMO *[Officer comment: This application has now been withdrawn]*
- Developer has said he will withdraw appeal if this is approved
- Would devalue other properties in the street as the semi-detached properties would become a terrace / impact on property values *[Officer comment: Not a planning consideration]*
- Work has already started and this should be taken into account when making the decision *[Officer comment: The Enforcement officer visited the site and has stopped works; erecting the fence and internal changes do not require planning permission and as such it was considered that there had been no unlawful works undertaken. This is not in any case something that can be taken into account in the decision process]*
- Impact on utility services and drains *[Officer comment: Not a planning consideration this would be covered by Building Control; additionally the extension would already be connected to utility services]*
- Design could be varied to be 3-bed leading to more pressure on services *[Officer comment: Internal changes would not require planning permission and are not considered likely to lead to a noticeable increase in pressure on services]*
- May lead to more conversions of properties *[Officer comment: Each application would be considered on its own merits]*

- The “existing” plans are inaccurate as property was marketed and sold as a 5-bedroom house not a 4-bedroom house [*Officer comment: Internal changes do not require planning permission and may have changed since it was marketed*]
- The garage has been converted into a playroom already [*Officer comment: This would not have required planning permission*]
- Work is already creating noise and dust and large vehicles are blocking driveways [*Officer comment: Disruption during construction is not a planning consideration*]
- Property has been empty since last July though planning statement says it was occupied [*Officer comment: This is not considered relevant to the consideration of the application*]
- The appearance of the property has already changed as the garage has been converted and windows made smaller [*Officer comment: These changes would not have required planning permission*].

7.0 PLANNING CONSIDERATION

7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012, and in this case the relevant policies are Policy CP6 (Dwelling Size and Type), Policy DM9 (Design Principles) and Policy DM11 (Traffic Management and Highway Safety). It will also be considered against the National Planning Policy Framework (NPPF).

7.2 The main issues to be considered are:

- Principle of the development and impact on character;
- Impact on residential amenity;
- Highways, parking and access; and,
- Impact on infrastructure and the Thames Basin Heaths SPA.

7.3 Principle of the development and impact on character

7.3.1 At the heart of the NPPF is a requirement to deliver a wide choice of quality homes, and to boost significantly the supply of housing. The Framework is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. In this case, the proposal would result in an additional residential unit, which accords with the aims of the Framework.

7.3.2 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Paragraph 58 goes on to say that planning decisions should aim to ensure that developments respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture.

7.3.3 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. Policy CP6 states that housing mix for new developments should be approximately 10% 1-bed, 40% 2-bed, 40% 3-bed and 10% 4+bed properties.

- 7.3.4 Within the settlement area such as this site is located, the principle of residential development is acceptable, and Surrey Heath has a shortage of housing at the present time. Policy CP6 shows that within Surrey Heath there is the greatest need for 2- and 3-bed houses and a lesser requirement for 4+ bed houses. As such the principle of converting a larger property into two 2-bed properties is considered to be acceptable.
- 7.3.5 Bosman Drive features almost exclusively detached properties, other than three sets of semi-detached properties on the northern end, of which 47 & 49 Bosman Drive is one. The extension to the property is already in place, having previously been permitted through two planning applications as set out in paragraphs 3.1 and 3.3 above, and is not in itself considered to cause any harm in character terms. As such the issue is whether converting that existing extension to a separate dwelling will cause any harm to character.
- 7.3.6 Changing this extension into a separate dwelling would result in a row of terraced properties in this location which is not a feature seen anywhere else in the road. However this would not be obvious from the exterior. The extension is set back from the main front elevation of 47 & 49 Bosman Drive and would have the front door on the side, and does appear as an extension rather than a dwelling as it does not have the same appearance as the other dwellings in the road. However, it is in a very secluded location within the road which is assisted by its set back from the front elevation, and would not appear any different from the front than it does at present. The size of the two dwellings would not appear significantly different from that of the other semi-detached properties in the road, with number 49 itself appearing almost identical to number 47. The front door on the side elevation would not be visible from the street and nor would the fence dividing the rear garden so it would not be obvious that this is a separate dwelling. Additionally a condition could be imposed to prevent any segregation of the front driveway area which would make it more obvious that it was separate.
- 7.3.7 With regard to the issues raised by local residents, it is not considered that dividing one larger dwelling into two smaller dwellings would cause such a noticeable increase in occupancy such that it would overcrowd or spoil the character of the area. With regard to the plot size, the current rear garden is larger than that of the surrounding dwellings and as such the rear gardens of both new properties would not be significantly different in size from those of surrounding dwellings. The plot is already supporting the extension and as such this application will not result in any additional built development on the site resulting in a cramped development or any greater overdevelopment than has already occurred.
- 7.3.8 With regard to the condition on SU01/0153 that prevented segregation from the existing dwelling in order to prevent any harm to character, a check of the history of this application does not reveal any consideration or discussion of this point and as such the condition was likely to have been imposed to prevent segregation without a further application and consideration of the likely issues arising. This application now considers those issues, as did the previous application 16/0320. The condition does not prevent an application being submitted and considered and if permission was granted, would override the previous condition.
- 7.3.9 It is therefore considered that the principle of the development is acceptable, and given that there would be no change in the external appearance of the buildings from existing, and the secluded location of the dwelling which would not result in an obvious terrace of properties, it is considered that there would not be any significant harm to the character of the area caused by the proposal, and as such it is considered to be in line with Policies CP6 and DM9. Given the strong presumption in favour of sustainable development and to boost significantly the supply of housing, it is considered that the development would be supported by the NPPF. It is considered however that given the already large increase in

the built form of 49 Bosman Drive from the size of the original dwelling that a condition is necessary to remove permitted development rights from both of the proposed properties to prevent a further increase in built form and intensification of the site.

7.4 Impact on residential amenity

- 7.4.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. 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 The nearest neighbour to the properties is 47 Bosman Drive which is attached to 49 on the southern side. Converting 49 into a smaller dwelling would not result in any change to the amenities of the occupiers of number 47, given that there is no additional built development. Changing the extension into a separate dwelling also would not give rise to any additional impacts on amenity from existing. The situation in terms of overlooking of rear gardens of 47 and 43 to the rear would not change from existing and would result in a usual pattern of overlooking between neighbouring dwellings.
- 7.4.3 It is considered that sufficient amenity space would be provided for the occupiers of both new properties, and this amenity space would not be significantly different in size from that of surrounding dwellings. It is not considered that the intensification of the residential use and associated possible increase in occupancy is such that it would give rise to harm in terms of noise.
- 7.4.4 It is therefore considered that the proposal is acceptable in terms of amenity and in line with Policy DM9 and the NPPF in this regard.

7.5 Highways, parking and access

- 7.5.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy DM11 states that 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 such impacts to acceptable levels can be implemented.
- 7.5.2 There is a front driveway at the property which comprises a single-track width slope up from the road which opens out to a wider parking area. The applicant has demonstrated on the block plan that there is space for at least four cars on to park on this driveway to the front of the property, and it is proposed that this area would be shared between the two properties. There will be no change to the driveway area from existing. Concern has been raised about an increase in the number of cars parked on the road as a result of the proposal. However, the County Highway Authority's parking standards require 1.5 spaces per unit for 2-bedroom houses and by providing 2 spaces per unit this would be in excess of the required amount. It is also considered that a condition can be imposed to ensure the retention of this area for parking only. Significant concern has been raised about the level of parking with the new development. However, it is considered that a family house of this size could have several cars associated with it and it is not necessarily the case that two 2-bedroom houses would result in a larger number of cars.

7.5.3 The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. As such it is not considered that the proposal is likely to cause any significant impacts in terms of highways, access and parking, and as such the proposal is in line with Policy DM11 in this regard.

7.6 Impact on infrastructure and the Thames Basin Heaths SPA

7.6.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule. However, conversion of one dwelling into two does not give rise to any CIL liability given that there is no increase in floorspace.

7.6.2 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B of the SHCS 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 Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC).

7.6.3 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. All new development is required to either provide SANG on site (for larger proposals) or for smaller proposals such as this one, provided that sufficient SANG is available and can be allocated to the development, a financial contribution towards SANG provided, which is now collected as part of CIL. There is currently sufficient SANG available.

7.6.4 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 £224 which takes into account the existing floorspace. This has been paid by the applicant. It is therefore considered that the proposal complies with Policy CP14B and Policy NRM6, and the Thames Basin Heaths SPD.

8.0 CONCLUSION

8.1 The proposed development is considered to be acceptable in terms of the principle of development, in character terms and impact on residential amenity, highways and impact on infrastructure and the Thames Basin Heaths SPA. It is therefore considered that permission can be granted, subject to conditions.

9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 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.

10.0 RECOMMENDATION

GRANT 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 proposed development shall be built in accordance with the following approved plans: Proposed Ground Floor 1550-P114A and Proposed First Floor and Roof Plan 1550-P115A both received 22.8.16 and Proposed Elevations 1550-P116 received 3.8.16, 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no gates, fences or walls shall be erected under Schedule 2, Part 2, Class A of that Order other than replacement of existing fences/walls along the existing boundaries defining the curtilage of 49 Bosman Drive as shown in red on the Location Plan 1550-P110 received 3.8.16 and along the boundary between the rear gardens of 49 and 49A Bosman Drive as shown on the Proposed Ground Floor Plan 1550-P114A received 22.8.16.

Reason: To prevent any obvious sub-division of the driveway which could cause harm to the character of the area, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no extensions or outbuildings to either of the proposed residential dwellings to be known as 49 and 49A Bosman Drive shall be erected under Class A or Class E of Schedule 2, Part 1 of that Order without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control of the enlargement or other alterations to the development in the interests of character and amenity, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

5. The parking area to the front of the properties as shown on Block Plan 1550-P110 received 3.8.16 shall be retained as such at all times unless the prior approval has been obtained in writing from the Local Planning Authority.

Reason: To ensure that sufficient parking remains for the two proposed dwellings so as not to cause a nuisance on the highway, in line with Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Informative(s)

1. Building Regs consent req'd DF5
2. Decision Notice to be kept DS1