

2016/0920

Reg Date 10/10/2016

Town

**LOCATION:** LYNWOOD, HEATH RISE, CAMBERLEY, GU15 2ER  
**PROPOSAL:** Variation of condition 4 of Appeal Decision APP /D3640/A/10/2133102 to planning permission SU/09/0814 so as to allow changes to windows, doors, basement layout and the erection of dormer windows on all 3 plots, and changes to roof for Plot 3 (retrospective for Plots 1 and 2).  
**TYPE:** Relaxation/Modification  
**APPLICANT:** The Proprietor  
Beckingham Homes Frimley Ltd  
**OFFICER:** Emma Pearman

**This application would normally be determined under the Council's Scheme of Delegation, however it has been reported to the Planning Applications Committee at the request of the Executive Head of Regulatory.**

**RECOMMENDATION: GRANT subject to conditions**

## **1.0 SUMMARY**

- 1.1 This application relates to three dwellings which were allowed on appeal in 2010, after a refusal of permission by the Council, on land which formerly comprised the garden of Lynwood. The dwellings are now under construction and the exterior of all three is mostly complete. The three dwellings are on high ground and due to their height do appear somewhat overbearing from ground level and from the dwellings to the rear in Chaucer Grove and Tekels Avenue, particularly. This application seeks permission for minor changes to the exterior of all three dwellings, which relate to windows, doors and the basement layout, including the construction of some small dormer windows in the roofspace to the rear, identical to those already allowed for two of the dwellings.
- 1.2 Concern has been raised by neighbouring residents particularly about the new dormers to the rear. However, given the size of the dwellings and the views which would already exist from the balconies, dormers, and veluxes, it is considered that the new dormers would not give rise to any significant additional views or any significant additional overbearing effects from that which have already been approved. It should also be noted that once the houses are occupied the occupiers could erect larger dormers without planning permission. However, if this application is approved it is considered that removing permitted development rights to prevent any additional dormers being constructed without planning permission is justified for the reasons set out in the report, along with a condition to ensure additional screening along the boundaries where there are gaps. It is therefore considered that permission should be granted, subject to conditions.

## **2.0 SITE DESCRIPTION**

- 2.1 The application site is an irregularly shaped parcel of land which formerly was part of the grounds of the property Lynwood in Heath Rise, within the settlement area of Camberley. The three dwellings allowed at appeal under 09/0814 are currently under construction on the site though the exterior of the dwellings themselves are mostly completed. The dwellings are different levels because of the lie of the land, but to the front appear as two storey dwellings and to the rear, there are three floors being the basement, ground and first floors. The site is bordered by residential dwellings on all sides, other than to the north where a dwelling is proposed to be constructed under a separate application (SU10/0717). The site also lies within the Wooded Hills Housing Character Area, as set out in the Western Urban Area Character SPD. The application site is bordered by mature trees and understorey although there are gaps in places that give rise to views of neighbouring dwellings.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 09/0814 – Erection of three detached split level dwellings with associated detached garages and vehicular access.

*Allowed on appeal 14/12/2010. The Council refused the application originally for five reasons, relating to the loss of trees, impact on badgers, infrastructure contributions, the impact on the Thames Basin Heaths SPA, and impact on bats.*

## **4.0 THE PROPOSAL**

- 4.1 The proposal is for the Variation of condition 4 of Appeal Decision APP /D3640/A/10/2133102 to planning permission SU/09/0814 so as to allow changes to windows, doors, basement layout and the erection of dormer windows on all 3 plots, and changes to roof for Plot 3 (retrospective for Plots 1 and 2). Condition 4 lists the plans that were approved as part of the permission, and as such some of these plans are proposed to be replaced by this application.

- 4.2 The proposed changes to Plot 1 are as follows:

- Replace two roof windows with two dormers on rear elevation to first floor bedroom
- Remove 6 roof windows at pitch (3 front and 3 rear) and replace with three on rear above galleried landing
- Change window shape from arch to rectangular on front elevation
- Changes to front door details and windows either side
- Additional window at basement level to rear and changes to internal layout of basement.

4.3 The proposed changes to Plot 2 are as follows:

- Replace four roof windows with four dormers to first floor bedroom on rear elevation
- Remove 6 windows at pitch of roof (3 front and 3 rear facing) and replace with three on rear elevation of roof above galleried landing
- Change window shape from arch to rectangular on front elevation
- Changes to front door details and windows either side
- Reduce size of window serving master suite in side elevation, and a new obscure glazed window to serve en-suite to bedroom 4
- An additional window at basement level on the rear elevation, and changes to the internal layout of the basement.

4.4 The proposed changes to Plot 3 are as follows:

- Replace two roof windows with two dormers to first floor bedroom on rear elevation
- Remove 6 roof windows at pitch of roof (three front and three rear) and replace with three on the rear elevation located above the galleried landing
- Removal of two gabled ends on front elevation and replacement with hipped roof
- Additional window at basement level (rear elevation) and changes to internal layout of basement.

## 5.0 CONSULTATION RESPONSES

n/a

## 6.0 REPRESENTATION

6.1 At the time of preparation of this report four letters of representation (one from the Chaucer Grove Residents' Association) have been received which raise the following issues:

### Character [see section 7.3]

- Dormer windows add to the mass of the dwellings and their overbearing impacts.

### Amenity and landscaping/screening issues [see section 7.4]

- New windows rear of Plot 3 will impact on privacy over and above the velux windows

- Dormer windows will increase the impact in terms of overlooking
- Previous application 09/0814 was refused partly due to overlooking of 18 Chaucer Grove
- The part velux/part dormer arrangement was in order to protect privacy
- Distances from neighbouring properties are irrelevant given the height of these dwellings compared to neighbours
- No plan provided to show landscaping – should be additional planting between the site and houses on Tekels Avenue
- Application site is not enclosed by a dense band of mature trees and hedging as stated in the documents.

#### Other

- Application is retrospective – should have been made before the dwellings were built *[Officer comment: This is correct but is not something that can be taken into account in the determination of the planning application]*
- Council has failed to act in time or provide a response to complaints about the dormers being constructed *[Officer comment: The applicant was advised to submit this planning application once the Council was aware about the construction of the dormers]*
- Has reduced property values in Chaucer Grove *[Officer comment: Not a planning consideration]*
- Fact that they have already completed these should not weigh in their favour *[Officer comment: This would not weigh in the applicant's favour as the application is determined on its planning merits only]*
- There was no specific discussion of the roof design or balconies at the Appeal *[Officer comment: The Inspector would have had regard to the design of the roof and balconies when making his decision and could have dismissed the Appeal if he considered these to be unacceptable]*
- Council has not visited the site to see the result of its decision *[Officer comment: The Council did not allow the original application, this was a decision made by the Planning Inspectorate following a refusal by the Council. A site visit has been made in response to this application].*

## **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 policy is Policy DM9 (Design Principles).

It will also be considered against the National Planning Policy Framework (NPPF) and the Guiding Principles of the Wooded Hills Housing Character Area as set out in the Western Urban Area Character SPD.

7.2 The main issues to be considered are:

- Character; and
- Residential amenity and landscaping/screening.

### **7.3 Impact on character**

- 7.3.1 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.
- 7.3.2 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. The Guiding Principles of the Wooded Hills Housing Character Area state that new buildings should be set in spacious, irregularly shaped plots allowing for maintenance of a verdant character, consist principally of two storey detached buildings, and high quality contemporary designs will be welcomed where it respects its surroundings.
- 7.3.3 The three dwellings already permitted and under construction appear two-storey to the front and three-storey to the rear. They are set on higher ground than the dwellings to the rear in Chaucer Grove and Tekels Avenue, and due to the combination of their height and the higher ground upon which they are set, do appear somewhat overbearing from ground level. The Wooded Hills character guidance was not in effect in 2009 or 2010 when they were allowed on appeal and as such any harm to the character area has already occurred. As such the changes to the dwellings listed in paragraphs 4.2-4.4 of this report must be considered in the context of what has already been permitted. In terms of character, with the exception of the internal layout of the basement, the changes are in respect of windows, and the changes to the front and side elevations of all three dwellings and the addition of basement windows are not considered to be significant or harmful in character terms.
- 7.3.4 On the rear elevations, the proposed dormers would be in keeping with the overall appearance of the three properties as they would match those already approved in size and design. While concern has been raised that the dormers add to the overbearing impacts and mass of the dwellings, the dormers are in fact small when compared to the overall size of all three dwellings, and given their size it is considered that they would increase the overall dominant appearance of the dwellings by only a very limited degree.
- 7.3.5 It should also be noted that, permitted development rights for the properties were not removed by the Inspector who allowed the appeal. As such, considerably larger dormers could have been constructed in the future without planning permission. It is considered that, given the overall dominant effect of the dwellings

and the change in policy position since 2009/2010, and this proposal for additional dormers, that it is reasonable and necessary to now remove permitted development rights to prevent any further large additions to the roof which may detrimentally affect the character of the Wooded Hills.

- 7.3.6 It is therefore considered that, subject to the above condition, the proposal complies with Policy DM9 and the Guiding Principles of the Wooded Hills Character Area.

#### **7.4 Impact on residential amenity and proposed landscaping/screening**

- 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 three dwellings face each other and towards Redcrest on Heath Rise. The proposed changes to the front elevations do not add any windows at first floor level and as such are not considered to affect the amenities of this neighbour or each other.
- 7.4.3 The changes to the rear of Plot 1 include two dormer windows in the roof on the north-eastern side and an additional basement window at ground level. The rear elevation of the dwelling is approximately 25m from the boundary with Spring Hill and additionally the dwelling is orientated such that it faces towards the middle/end of the garden and not the patio area. Although the dwelling is on a higher level than the garden of Spring Hill, there is significant mature vegetation on this boundary including understorey and from the new dormers the garden of Spring Hill is almost completely obscured. In addition, the new dormers do not give rise to any views that are significantly different to those already seen by the balcony and the two dormers that already have permission. Nor would they be significantly different from the velux windows that do have permission, as the veluxes were going to be positioned low in the roof, and could be opened, and the Inspector did not consider that they should be obscure glazed. The window at basement level given its height, the distance from the boundary and the resultant views is not considered to give rise to any significant impact on amenity; and, given also the two existing windows at this level will not give rise to any significantly different views from existing.
- 7.4.4 The changes to the rear of Plot 2 include four new dormer windows in the roof, and a window at basement level. The rear elevation of the dwelling is approximately 23m from the boundary of the garden of number 18 Chaucer Grove, and faces towards the front of number 18 and the garden of Lynwood rather than the rear garden of number 18. There is mature vegetation on the boundary with number 18 although this has gaps in places, and from the new dormers there are oblique views through gaps in the vegetation of the some of the garden of 18 Chaucer Grove. However again, these views are not significantly different from what they would have been from the velux windows that were proposed, nor any different from the views from the balcony that already exist.

The additional window at basement level is 30m from the boundary and given its height and the vegetation in between, is not considered to cause any adverse impacts on amenity.

- 7.4.5 The changes to the rear of Plot 3 comprise two dormers on the southern side, next to the already approved balcony and two dormers on the opposite side. The new dormers are approximately 21m from the rear boundary of number 19 Tekels Avenue though face towards the gardens of 17 and 17a Tekels Avenue. Again, there are views from the dormers of the rear garden of 17a Tekels Avenue particularly, through gaps in the vegetation, but these views are not noticeably different from those that already exist with the approved balcony and dormers. Again, the basement window is considered to be acceptable given the distance from the boundary and additionally there is vegetation and boundary fencing in between.
- 7.4.6 As already explained in paragraph 7.3.5 above, the Inspector did not remove permitted development rights for any of the properties. As such, if this application is refused then the future occupiers of the dwellings could in fact build much larger dormers in the roof without planning permission i.e. under Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, which allows homeowners to enlarge the roof by 50 cubic metres. Such a scenario could give rise to the same or additional views as now proposed and could potentially be more harmful to neighbouring amenity. By permitting this application it may be less likely that future roof enlargements will be sought, but in the interests of safeguarding residential amenities, it is also considered reasonable to impose a condition to remove permitted development rights.
- 7.4.7 The landscaping plan was agreed pursuant to Condition 8 of the Inspector's decision and was approved in November 2013. Having reviewed the approved plan, it does not appear that there is much in the way of planting proposed along the rear garden boundaries of the most affected properties. As such, in light of the new dormers and the additional harm arising (although limited), it is considered that some additional boundary planting, along the boundaries of the garden of 18 Chaucer Grove and 17, 17a and 19 Tekels Avenue is justified and could be secured by condition. This would assist in screening the gardens of the properties from the new development where currently there are gaps in the vegetation. The Council's Arboricultural Officer has advised that due to the existing trees there would not be space for additional trees, however, mature understorey planting could be added of a minimum of 2-2.5m planted height. It is considered therefore that a new landscaping plan should be secured by condition which can be based on the existing approved plan but with additional screening along these boundaries.
- 7.4.8 The three velux windows on the rear of each property that are proposed to be moved down the roof slope, are above a galleried landing and as such no views would be possible from these windows. The changes to the windows on the side of Plot 2 are not considered to impact on the amenities of Plot 1 given the orientation between the buildings and the fact that there are already windows on this side elevation. Additionally the applicant states that the additional window will be obscure glazed.

7.4.9 It is therefore considered that, subject to the above conditions, the proposal is acceptable in terms of its impact on residential amenity and in line with Policy DM9 and the NPPF in this regard.

## **7.5 Other matters**

7.5.1 The proposal does not increase the floorspace and as such it is not CIL liable.

## **8.0 CONCLUSION**

8.1 The three dwellings granted on appeal in 2010 are now mostly complete and the changes relate to mostly minor changes to windows and doors, and the erection of small dormer windows in the roofspace identical to those already approved for plots 1 and 3. It is considered that the changes are acceptable in character terms, though will add to the overbearing impacts to a limited degree.

8.2 In terms of amenity, the changes are not likely to result in any significant additional views to those that already exist from the approved windows and balcony. Additionally, the Inspector did not remove permitted development rights and as such the rear dormers (or larger dormers) could be constructed in any case once the dwellings are occupied. However, it is considered that in light of the limited additional harm arising, that a condition can be imposed to remove permitted development rights preventing any further additions to the roof, and also to add screening along the boundaries of some of the most affected properties.

8.3 It is therefore considered that the proposal is acceptable in terms of its impact on character and amenity, 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 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 shall be carried out in accordance with details and samples of the external materials that have already been approved as agreed by letter from the Council dated 10th September 2013 and the additional elements hereby approved shall match those agreed samples.

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

2. The development shall be carried out in accordance with the approved Method of Construction Statement as agreed by letter from the Council dated 3rd October 2013.

Reason: In the interests of highway safety and not to cause inconvenience to other highway users, in line with Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan received 10.10.16

Plot 1 Lower Ground Floor Plan CDA/179/P1/101 Rev D received 26.9.16

Plot 1 Front and Side Elevations CDA/179/P1/111 Rev E received 26.9.16

Plot 1 Rear and Side Elevations CDA/179/P1/112 Rev H received 26.9.16

Plot 1 Roof Plan CDA/179/P1/117 received 26.9.16

Plot 1 First Floor Plan CDA/179/P1/103 Rev H received 26.9.16

Plot 2 First Floor Plan CDA/179/P2/103 Rev D received 26.9.16

Plot 2 Lower Ground Floor Plan CDA/179/P2/101 Rev E received 26.9.16

Plot 2 Front and Side Elevations CDA/179/P2/111 Rev C received 26.9.16

Plot 2 Roof Plan CDA/179/P2/116 received 26.9.16

Plot 2 Rear and Side Elevations CDA/179/P2/112 Rev E received 26.9.16

Plot 3 Lower Ground Floor Plan CDA/179/P3/101 Rev B received 26.9.16

Plot 3 First Floor Plan CDA/179/P3/103 Rev D received 26.9.16

Plot 3 Roof Plan CDA/179/P3/116 Received 26.9.16

Plot 3 Front and Side Elevations CDA/179/P3/111 Rev C received 10.10.16

Plot 3 Rear and Side Elevations CDA/179/P3/112 Rev D received 26.9.16

Site Plan Amended received 15.12.16

and the following plans approved under Appeal Decision

APP/D3640/A/10/2133102:

COM 16861 11B, 3831/F/04, COMP/GAR/E1, 3831/F/01, COM 16861 03B, 3831/F/02 and levels only as shown on COMP/SS-AA and COMP/SS-BB

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 NPPG.

4. Each of the garages hereby permitted shall be completed in accordance with the approved drawings before occupation of the house that it serves and shall thereafter be kept available for the parking of motor vehicles.

Reason: In the interests of ensuring there is sufficient parking for the development, so as not to impact upon highway safety nor cause inconvenience to other highway users, in line with Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

5. Construction works, including the delivery of plant and materials, shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In the interests of preventing harm to the amenities of neighbouring properties, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document and the National Planning Policy Framework.

6. Development shall proceed in accordance with the details of tree protection and sequence of work contained in the Arboricultural Method Statement dated 1 October 2009 prepared by ACD Arboriculture and submitted with the planning application, amended to refer to tree protection plan no COM16861-03 revision B.

Reason: To protect the vegetation worthy of retention in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

7. Within six weeks of the date of this decision, a revised landscaping plan based on the plan PRI18945-12 dated November 2013 already approved under Condition 8 of appeal decision APP/D3640/A/10/2133102, shall be submitted to the Local Planning Authority for approval in writing. This plan shall include all planting as shown on the approved plan, with additional understorey planting proposed along the boundaries of the application site with 18 Chaucer Grove, and 17, 17a and 19 Tekels Avenue. The additional planting shall comprise suitable species for this location and the plants shall be at a minimum of 2-2.5m planted height.

Reason: In order to assist in screening views of neighbouring rear gardens from the proposed rear dormer windows, and to maintain and enhance the character and quality of the area in line with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

8. All hard and soft landscaping works shall be carried out in accordance with the details approved under Condition 7 above. The works shall be carried out before occupation of any part of the development or in accordance with a programme agreed with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: In order to maintain and enhance the character and quality of the area and maintain boundary screening in the interests of amenity, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

9. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and Planning Practice Guidance, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and, ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In order to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policy Document 2012 and the National Planning Policy Framework.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no further extensions to the roofspace shall be erected under Schedule 2, Part 1, Class B of that Order, without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargement of the development and prevent any additional overbearing or overlooking effects, in line with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Informative(s)

1. Decision Notice to be kept DS1