

DELEGATED REPORT SHEET

CASE NO: 2016/1046
LOCATION: MAGNOLIA HOUSE, WESTWOOD ROAD, WINDLESHAM, GU20 6LP
PROPOSAL: Detached two storey dwelling with associated landscaping following demolition of existing dwelling and annexe building.
TYPE: Full Planning Application
APPLICANT: Mr Sandiradze
OFFICER: Ross Cahalane

Registration Date	Earliest Decision Date	Statutory Expiry Date
17/11/2016	21/12/2016	12/01/2017

Site Visit(s): 14/12/2016

1.0 NEIGHBOURS CHECKED

1.1 Yes, see file for details.

2.0 RELEVANT PLANNING HISTORY

2.1 SU/2016/0268 Application for a Certificate of Lawful Development for proposed erection of an outbuilding to serve as a garage for 4 vehicles.

Decision: Agreed (implemented but not complete)

2.2 SU/2016/0188 Application for a Lawful Development Certificate for the proposed erection of a detached pool/gym building

Decision: Withdrawn

2.3 SU/2014/1040 Application for a Lawful Development Certificate (Proposed) for the erection of an outbuilding.

Decision: Agreed (implemented but not complete)

2.4 SU/2014/0462 Certificate of Lawful Proposed Development for the erection of an outbuilding.

Decision: Refused

2.5 SU/2013/0797 Erection of gates, boundary fencing and creation of access (part retrospective).

Decision: Granted (fencing implemented only)

2.6 SU/2013/0581 Creation of a Basement.

Decision: Refused

2.7 SU/2013/0555 Application for a Lawful Development Certificate for the proposed erection of a single storey side and rear extension, single storey rear extension, hip to gable roof conversion, insertion of 2 dormer windows, conversion of roofspace to habitable accommodation and insertion of 5 rooflights.

Decision: Agreed (implemented – foundations started)

- 2.8 SU/2013/0520 Permitted Development Prior Notification for the erection of a single storey rear extension to a depth of 8 metres beyond the original rear wall of the dwelling house with a ridge height of 4 metres

Decision: Prior Approval (implemented – foundations started)

- 2.9 SU/2012/0323 Certificate of Lawful of Proposed Development for the erection of two outbuildings.

Decision: Split decision (not implemented)

- 2.10 SU/2011/0844 Certificate of Lawful Development for the proposed erection of a single storey side extension, two storey rear extension and conversion of existing roof space along with the insertion of rooflights in the rear of the building.

Decision: Agreed (not implemented)

- 2.11 SU/2010/0456 Certificate of Lawfulness for the proposed erection of two outbuildings.

Decision: Agreed (not implemented)

- 2.12 SU/2008/0992 Erection of a replacement two storey dwelling following demolition of existing.

Decision: Withdrawn

- 2.13 BGR/4477 Erect one house with double garage

Decision: Granted (1964 - implemented)

3.0 CONSULTATION RESPONSES

- 3.1 Windlesham Parish Council: No objection
- 3.2 Surrey County Council Highway Authority: No objection raised

4.0 REPRESENTATION

- 4.1 At the time of preparation of this report no representations have been received.

5.0 SITE DESCRIPTION

- 5.1 The application site is to the north of the settlement of Windlesham and also within the Metropolitan Green Belt. The application property comprises of a detached two storey dwellinghouse on a large plot. Neighbouring properties in the area are detached two storey dwellinghouses on large plots that vary in design, age and type.

6.0 THE PROPOSAL

- 6.1 Permission is sought for the erection of a detached two storey dwelling with associated landscaping following demolition of existing dwelling and annexe building.
- The proposed dwelling would consist of a flat roof with parapet wall, and would have a

maximum depth of approx. 13m (excluding front portico), maximum width of approx. 24.1m, eaves height of approx. 8m and maximum roof height of approx. 8.7m from adjacent ground level. The proposal would utilise the existing vehicular access off Westwood Road.

7.0 PLANNING ISSUES

- 7.1 The application site falls within the Metropolitan Green Belt, detached from the settlement area of Windlesham as outlined in Policy CP1 of the Surrey Heath Core Strategy & Development Management Policies 2012 (CSDMP). Policies DM9, DM11 and CP14A of the CSDMP are material considerations in the determination of this application. The national guidance contained in the National Planning Policy Framework (NPPF) is also a material consideration to the determination of this application.

7.2 Impact on Green Belt

- 7.2.1 Policy DM9 (Design Principles) continues to promote high quality design that respects and enhances the local environment, paying particular regard to scale, materials, massing, bulk and density. The national guidance contained in the National Planning Policy Framework (NPPF) is also a material consideration to the determination of this application.

- 7.2.2 Paragraph 79 of the National Planning Policy Framework 2012 (NPPF) states that;

“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”

Paragraph 87 of the NPPF continues to advise that:

“As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”

- 7.2.3 Paragraph 89 of the NPPF states that:

“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt”.

One of the listed exceptions at paragraph 89 are:

“the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;”

- 7.2.4 The NPPF does not contain specific percentage figures for replacement buildings in the Green Belt. The Local Planning Authority would normally seek to ensure that the gross external area (GEA) of a replacement house does not exceed 30% over the existing. Whilst the applicant has only provided Gross Internal Area (GIA) figures, these would be similar to the GEA amounts and can therefore still be assessed. It is agreed that the GIA of the existing dwelling and annexe building amounts to approx. 333 sq. m. The proposed replacement dwelling would have a GIA of approx. 527 sq. m (194 sq. m above existing), which would amount to an increase of approx. 58.26% over the existing dwelling GIA (194 / 333 x 100). This is considered to be disproportionate for the purposes of the NPPF.

- 7.2.5 It is acknowledged that GIA is only one indicator of size and as such it is also relevant to assess footprint, height, design, volume and the position of the dwelling within the plot. The footprint of the existing dwelling, including the single storey annexe element, amounts to approx. 237 sq. m. The proposed dwelling would have a footprint of approx. 293 sq. m (56

sq. m above existing), which would amount to an increase of approx. 23.63% over the footprint of the existing dwelling (56 / 237 x 100). The proposed dwelling would be up to approx. 0.44m higher than the dwelling proposed for demolition.

- 7.2.6 Although no volume calculations of the existing and proposed buildings have been provided by the applicant, it is however accepted that some discernible consolidation of built form would nonetheless arise through the demolition of the existing annexe building. Additionally, the proposed footprint increase of approx. 23.63% above that of the existing dwelling would be proportionate for the purposes of the NPPF. The design merits of the proposal are assessed under Section 7.3 below.
- 7.2.7 It is also noted that further extensions to the existing dwelling could be added under permitted development rights, as outlined under the lawful development certificate/prior approval refs 13/0520 and 13/0555. The single storey side and rear extensions approved under 13/0520 and 13/0555 have a total GIA of approx. 158 sq. m. The roof extension approved under 13/0555 has a GIA of approx. 36 sq. m.
- 7.2.8 The fall-back position in terms of implementation of lawful extensions is a material consideration, although the weight to be given depends on the real likelihood of any fall-back position actually being exercised in the event of refusal. It is noted that the existing dwelling is stated within the Design and Access Statement as being in a poor structural state. However, a site visit revealed that the dwelling is still occupied and that the abovementioned extensions have been partially implemented. As such, it is considered that these extensions represent a realistic fall-back position and accordingly, this should be given weight in the determination of the current application.
- 7.2.9 The combined GIA of approx. 527 sq. m arising from the existing dwelling and the abovementioned lawful and part-implemented extensions would match the GIA of the proposed dwelling. Therefore, the impact on the openness of the Green Belt in this respect is considered to be neutralised. Additionally, the combined footprint of the existing dwelling and the above extensions is calculated to be approx. 290 sq. m, which would be only approx. 3 sq. m below the footprint currently proposed. In any event, the proposed footprint increase above that of the existing dwelling is considered to be proportionate as already outlined above. The acceptable design (as outlined in Section 7.3 below) and consolidation of development arising from the demolition of the annexe building adds further weight in favour of the proposal.
- 7.2.10 In light of the above, it is therefore considered that in this instance, very special circumstances exist that, on balance, outweigh the harm to the Green Belt. This is on the basis that a planning condition can be imposed removing permitted development rights for any further extensions or outbuildings, so that the openness of the Green Belt can be maintained.

7.3

Impact on character of the surrounding area

- 7.3.1 Policy DM9 (Design Principles) of the CSDMP continues to promote high quality design that respects and enhances the local environment, paying particular regard to scale, materials, massing, bulk and density. The National Planning Policy Framework seeks to secure high quality design, as well as taking account of the character of different areas.
- 7.3.2 The proposed dwelling would be widely visible from public vantage points when viewed from the vehicular entrance area. However, the proposal would retain significant separation distances from the site boundaries and views further to the northeast along Westwood Road would be largely restricted by screening within and along the front boundary and along the highway verge. As such, it is considered that although the proposed roof forms and fenestration design forming an international neo classical style would vary significantly from the simpler post-war architecture of the existing dwelling, it would not give rise to

adverse harm to the character of the surrounding area. Additionally, the proposed significant distances to the site boundaries would be sufficient to avoid a cramped or overdeveloped appearance. The precise specification and detailing of the proposed landscaping can be secured by means of a planning condition.

- 7.3.3 Therefore, in accordance with Policy DM9 (Design Principles) of the CSDMP the proposed development would sufficiently respect the character of the site and the surrounding area.

7.4 Impact on residential amenities of neighbouring properties

- 7.4.1 Policy DM9 (Design Principles) states that the amenities of the occupiers of the neighbouring properties should be respected by proposed development. The thrust of one of the core planning principles within the NPPF is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.4.2 It is considered that the proposed replacement dwelling would be sited at sufficient distance of from the surrounding neighbouring elevations and site boundaries to avoid adverse harm to amenity in terms of loss of light, outlook, privacy or overbearing impact, in compliance with Policy DM9.

7.5 Impact on highway safety

- 7.5.1 Policy DM11 (Traffic Management and Highway Safety) 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 and mitigate such impacts to acceptable levels can be implemented.
- 7.5.2 The proposal would utilise the existing vehicular access off Westwood Road which leads to a large parking area. The County Highway Authority (CHA) has been consulted and has no comments to make on safety, capacity or policy grounds. The Local Planning Authority is therefore satisfied that the proposal would not conflict with the aims of Policy DM11.

7.6 Impact on ecology

- 7.6.1 Policy CP14A seeks to conserve and enhance biodiversity within Surrey Heath, and states that development that results in harm or loss of features of interest for biodiversity will not be permitted.
- 7.6.2 Although no ecological survey information has been provided, the proposal site is not located within any local or statutory areas of ecological conservation. Following a site visit and having regard to planning records held by the Council the existing dwelling appears to have been constructed in the 1960s and contains no weatherboarding or hanging tiles. As such, having regard to the Criteria for Bat Surveys in the Planning Process as outlined by the Surrey Bat Group it is considered unlikely that the proposal would affect existing bat roosts. An advisory informative will however be added.

7.7 Impact on local infrastructure

- 7.7.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014, and came into effect on the 1st December 2014. An assessment of CIL liability has therefore been undertaken. Surrey Heath charges CIL on residential and retail developments where there is a net increase in new build Gross Internal Area (GIA) of more than 100 sq. m.

- 7.7.2 The proposed development is CIL liable, as the calculated new build GIA would be over 100 sq. m. However, the applicant has applied for the self-build exemption, which is subject to conditions as outlined in the CIL Regulations. An advisory informative will be added.

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

- 8.1 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:
- 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.

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 front elevation (Drawing No. MGL/PL/13.1; Proposed rear elevation (Drawing No. MGL/PL/13.2; Proposed north side elevation (Drawing No. MGL/PL/13.3); Proposed south side elevation (Drawing No. MGL / PL / 13.4); Proposed roof plan (Drawing No. MGL/PL/12.3; Proposed ground floor plan (Drawing No. MGL/PL/12.1); Proposed first floor plan (Drawing No. MGL/PL/12.2); Proposed site plan (Drawing No. MGH/PL/11.2) - all received on 10 November 2016, 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. No development shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Materials to be agreed will include the proposed brick, tile, guttering and fenestration. Once approved, the development shall be carried out using only the agreed materials.

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.

4. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** Arboricultural Method Statement [AMS].

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

5. All hard and soft landscaping works shall be carried out in accordance with the approved details. Arboricultural work to existing trees shall be carried out prior to the commencement of any other development; otherwise all remaining landscaping work and new planting shall be carried out prior to the occupation of the development or in accordance with a timetable agreed in writing with the Local Planning Authority. Any trees or plants, which within a period of five years of commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased shall be replaced as soon as practicable with others of similar size and species, following consultation with the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

6. Notwithstanding the provisions of Schedule 1, Part 2, Classes A, B and E 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 dwelling hereby approved, additions to the roof shall be erected under Schedule 2, Part 1, Class A or Class B of that Order; and no buildings, enclosures, pools or containers incidental to the enjoyment of a dwelling house shall be erected under Schedule 2, Part 1, Class E 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 hereby approved, further spread of development across the site, and any further development prior to its implementation, in order to preserve the openness of the Green Belt, in accordance with the National Planning Policy Framework.

7. The development hereby permitted shall not be constructed until any additional outbuildings constructed after the date of this permission have been demolished and all resultant debris removed from the site, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargement of

the development, in order to preserve the openness of the Green Belt, in accordance with the National Planning Policy Framework.

Informative(s)

1. Decision Notice to be kept DS1
2. Exemption Informative CIL5

3. Bat roosts

The applicant is advised that all British bat species are afforded protection under the Wildlife and Countryside Act 1981 through inclusion on schedule 5, and additionally under the Conservation (Natural Habitats &c.) Regulations 1994 (which were issued under the European Communities Act 1972), through inclusion on schedule 4. These make it illegal to kill, injure, capture or disturb bats; or to obstruct access to, damage or destroy bat roosts. A bat roost is interpreted as "any structure or place used for shelter or protection" whether or not bats are present at the time. Therefore, all contractors working on site should be informed of the procedure to follow should a bat be unexpectedly found during any point of the development i.e. all work must stop and further advice sought from a bat licenced ecologist.

Trees

The applicant is advised that any mature trees to be removed as part of the development process should be assessed by an experienced ecologist for the possible presence of bat roosts and active birds nest prior to their removal and any required mitigation undertaken.

External Lighting

The applicant is advised that any new external lighting should be shaded and directed to avoid illuminating the treed edges of the site which may be used by foraging and commuting bat species, some of which are known to be adversely affected by artificial lighting. Any external lighting installed on this development should comply with the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK – Bats and The Built Environment Series".

Issued Authorised By:

Date: