Application No: 2013/1060

Application Type: FULL

Case Officer: Edward Chetwynd-Stapylton

Expiry Date: 31/05/2013

Location: Land to Rear of 33 Leigh Hill Road Cobham Surrey KT11 2HU

Proposal: Additional detached two storey house

Applicant: Mr & Mrs Nicolas Seal
Mr Anthony Oke
Coombe House
9 Holly Lea

Agent: Jacobswell
Guildford
Surrey
GU4 7PG

Ward: Cobham Downside

Decision Level: If Permit – Sub Committee
If Refuse – Sub Committee

Recommendation: Permit

Representations:

Objections received from 6 households concerned with:

- Inadequate separation to boundaries – proposed house too large for its plot
- Inappropriate development of rear garden land
- Out of character with surrounding area
- Inadequate access for fire service vehicles
- Loss of amenities for neighbouring plots

Report

Description

1. A 0.1 ha site comprising undeveloped garden / amenity land within the ownership of 33 Leigh Hill Road, Cobham. The site is within the urban area of Cobham on the fringe of the Oxshott Way & environs character sub area (Ref COS06) as properties to the north on Hogshill Lane are within the Tarter Hill character sub area.

History

2. Relevant to the determination of this application is application ref. 2012/2182 for an additional detached two storey house with basement and rooms in the roof. This application was refused planning permission for the following reasons:

i. The proposed additional detached two storey house with basement and rooms in the roof space, due to its proposed siting, inadequate separation to side boundaries, inadequate rear garden depth and over dominance of hard standing to the front results in a cramped development out of character with area contrary to the requirements of Elmbridge Core Strategy 2011 Policies CS10 and CS17 and to saved Replacement Elmbridge Borough Local Plan 2000 Policies HSG16, HSG18, HSG19 and ENV2 and the National Planning Policy Framework.

ii. The application does not propose to make any payments for Infrastructure and Service Contributions in accordance with the Council's Planning Obligations and Infrastructure Provision Supplementary Planning Document adopted in April 2008. This document replaced
the Council's Section 106 Code of Practice for Planning Infrastructure Contributions, which was prepared in collaboration with Surrey County Council and other Surrey Districts after consultation in order to take account of the cumulative impact of small-scale developments and was commended in the Panel Report on the South East Plan. As a result the proposal is also contrary to Core Strategy Policies CS14, Green Infrastructure and CS28, Implementation and Delivery and Policy LF10 of the South East Plan and national advice in the National Planning Policy Framework.

iii. In addition the application does not propose to make any payments for mitigating the impact of the development on the Thames Basin Heath SPA as set out in the council's Thames Basin Heaths Special Protection Area Interim Mitigation Strategy for Elmbridge adopted in April 2007. As a result the proposal is contrary to the National Planning Policy Framework, Core Strategy Policy CS13 and saved Policies ENV31 and ENV32 of the Replacement Elmbridge Borough Local Plan 2000 and national advice in Circular 06/2005.

iv. The application does not propose to make a financial contribution towards affordable housing contrary to the provisions of Policy CS21 of the Elmbridge Core Strategy.

3 Also of note is application ref 2009/1101 for an additional detached two storey house with basement, integral garage and additional rooms in the roof space on land within the ownership of 31 Leigh Hill Road, granted planning permission in August 2009 and currently nearing completion.

Proposal

4 Following the refusal of planning permission for the previous scheme, permission is now being sought for a revised scheme which seeks to overcome the first reason for refusal (as set out above). As such the house now proposed has been reduced in scale, mass and bulk by omitting the basement and accommodation in the roof previously proposed.

5 The proposed house is to be 155 sq.m in footprint (compared to 181 sq.m previously) and to have a ridge height of 8.1 metres compared to 9.1 previously.

6 As shown on the plans the proposed house would be rectangular in shape and to be sited within the plot to provide between 11.4 metres separation to the west boundary with the new house rear off 31 Leigh Hill Road, 2.5 metres separation to the southern boundary, between 1.9 and 4.4 metres separation to the northern boundary and a rear garden of between 15 and 17 metres depth to the eastern boundary.

7 The proposed house is shown to measure some 16 metres across the frontage by 12 metres depth and to be 8.1 metres to ridge (5 metres to eaves) and would be finished in a palette of materials comprising fair faced brick with a clay tile roof.

Consultations

8 Surrey County Council (Transportation Development Planning) – Following a site inspection, the Highway Authority has assessed the impact of the proposal on highway safety and capacity and raised no objections subject to conditions and informatives. The development is considered to be in accordance with Elmbridge Core Strategy Policy CS28, Policies MOV4 and MOV6 of the Replacement Elmbridge Borough Local Plan 2000 and the National Planning Policy Framework.

9 Head of Planning Services (Trees) – No objection subject to conditions.

Positive and Proactive Engagement

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

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.

Proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

**Planning Considerations**

11 As with the previous application, the development plan policies relevant to the determination of this application are Core Strategy Policies CS10 – Cobham, CS17 – Local Character, Density & Design and Policy CS28, Implementation and Delivery. In addition saved Policies ENV2 – Standard of Design, HSG16 Design and Layout of Residential Development, HSG18 – Development of Land Located to the Rear of Existing Residential Properties, HSG19 – Garaging and Car-Parking, ENV2 – Standard of Design and ENV12 – retention of Trees on Development Sites. Regard also must be had to the National Planning Policy Framework and to advice within the Design and Character SPD.

12 Whilst Core Strategy Policy CS10 states that there is scope for additional residential development across the area this should be through the redevelopment of previously developed land. Having regard to the NPPF, the definition of previously developed land now specifically excludes private residential gardens and paragraph 53 encourages local authorities to put in place policies that resist inappropriate development of residential gardens where it would cause harm to the local area. In this case the area is characterised by an eclectic mix of dwellings and plot sizes and given that development has occurred on the adjacent plot it is considered that the application site is a development site for a dwelling of suitable size and scale.

13 Saved Local Plan Policy HSG16 requires proposals for residential development including infill development to be sympathetic and not detract from the appearance and character of the surrounding area. In addition, given the nature if the development proposed, HSG18 further requires development on land to the rear of existing properties to have an adequate access that would not cause loss of amenity to adjacent established dwellings and for the proposed dwelling to have adequate space between it and existing dwellings to protect privacy, avoid undue overlooking and loss of amenity. In addition, development to the rear of existing dwellings should not adversely affect the character of the area and will require very sensitive planning, design and a high standard of landscaping to avoid disturbance or loss or amenity.

14 In this case whilst it is noted that planning permission was granted in August 2009 for an additional dwelling on land at 31 Leigh Hill Road, adjacent to the application site, that scheme was determined before the amendments made in June 2010 to the then national policy and guidance contained in PPS3 which then excluded gardens from the definition of previously developed land. Notwithstanding that as noted in the officer’s report in respect of that application, the size of the house relative to the overall size of the plot in that case resulted in much greater separation distances to boundaries and was not considered to be an overdevelopment of the site out of character with area, the current scheme has, in officer’s view, materially addressed these concerns. Whereas the previous scheme proposed separation to side boundaries of between 0.2 and 1.2 m to northern boundary, between 0.8 and 1.6 m to southern boundary and a rear garden of between 13.5 and 14.5 metres depth, 19.9 metres separation to 116 Hogshill Lane and 18.5 metres separation to 31 Leigh Hill Road, the current application drawings show a
house with between 1.9 and 4.0 metres separation to the northern boundary, 2.5 metres to the southern boundary and a rear garden of between 15 and 17 metres depth and separation to 116 Hogshill Lane and 31 Leigh Hill Road of 23.4 metres and 20.2 metres respectively. As such it is considered that these increased separations to boundaries combined with a reduction in footprint and ridge height has materially addressed the concerns raised previously and now would result in a development that would neither be too large for its plot nor result in a cramped over development of the site.

In terms of access, saved Replacement Elmbridge Borough Local Plan Policy HSG18 states that applications will require a proper means of access to the site which would not cause an undue loss of amenity to existing residents and the provision of adequate space between the proposed new dwelling and those existing to ensure a reasonable level of privacy and minimise overlooking and loss of amenity. In this case the existing access road serves existing dwellings at 31 and 33 Leigh Hill Road and will also serve the new dwelling adjacent to 31 and the dwelling the subject of this application. On this basis the view of Surrey County Council as Highway Authority not raising any objection is material. Concern has been raised by third parties with respect to the adequacy of the access arrangements for fire appliances however this is a building control matter rather than a planning consideration (Approved Document B, Volume 1 Section 5.11).

A further concern with the previous application was that the some 61% of the frontage of the proposed house was to be hard-standing (185 sq.m. out of a total of some 301 sq.m) which was considered to dominate both the frontage of the proposed house and also to have a detrimental impact on the character of the area. The current application now proposes some 93 sq.m of hard-standing in the form of a driveway with turning head which allows for all the trees on the northern boundary of the site to be retained and for there to be generous soft landscaping to the front of the proposed dwelling.

Impact on Trees

The council's tree officer has assessed the scheme and having regard to the requirements of saved Policy ENV12 is satisfied that the development would not result in the loss of any trees that make a significant contribution to the character of the area. With respect to the concerns raised regarding tree T6, this is an off-site 16 metre high Norway Spruce within the garden of 114 Leigh Hill Road with a root protection radius of some 5.52 metres. The tree is shown to be protected by the boundary fence and whilst there would be some incursion into the root protection zone due to the proposed ground floor footprint, as this would be the equivalent of some 0.4% of the total RPA, where up to 20% is considered not to have a detrimental impact on the health of the tree, this is not considered to be a reason for refusing planning permission.

CIL and S106 issues

This proposal would result in additional development and accordingly is liable for the Community Infrastructure Levy (CIL). The applicant has provided the relevant liability forms required to pay the chargeable amount required by the Council’s adopted Charging Schedule in accordance with the relevant regulations. The applicant has also provided a unilateral undertaking to secure the necessary affordable housing financial contributions in accordance with policy CS21 of the Core Strategy and to secure the Strategic Access Management and Monitoring (SAMM) mitigation payment for new dwellings within 5km of the Thames Basin Heaths SPA in accordance with policy CS13 of the Core Strategy.

Matters raised in Representations

The matters raised regarding inadequate separation to boundaries, inappropriate development of rear garden land, being out of character with surrounding area, inadequate access for fire service vehicles and loss of amenities for neighbouring plots are covered in the above report.
Conclusion

This application is for a satisfactorily designed detached two storey house that would not have an adverse impact on the amenities of neighbouring residents or the character of the area, thereby overcoming the previous reasons for refusal. It has been considered against Core Strategy Policies CS10, CS17, CS28, saved Policies ENV2, HSG16, HSG18, HSG19, ENV2 and ENV12 within the Replacement Elmbridge Borough Local Plan 2000, national policy and guidance contained in the National Planning Policy Framework and other material considerations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest.

Sub Committee Delegation: Yes

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Recommendation: Grant Permission

Conditions/Reasons

1 TIME LIMIT (FULL APPLICATION)
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

2 LIST OF APPROVED PLANS
The development hereby permitted shall be carried out in strict accordance with the following list of approved plans:
2012-13-02C, 04B, 03D received on 5 April 2013
IJK/7971/WDC & 7971/02, Rev A received on 5 April 2013

Reason: To ensure that the development is carried out in a satisfactory manner.

3 PD LIMITATION
Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (as amended - or any Order revoking or re-enacting that Order) no development falling within Part 1 Class A of Schedule 2 to the said Order shall be carried out within the curtilage of the dwellinghouse, unless planning permission is first granted by the Borough Council.

Reason: To safeguard the character and amenities of the premises and adjoining properties and to comply with saved Policies HSG16 and HSG20 of the Replacement Elmbridge Borough Local Plan 2000.

4 MATERIALS SAMPLES
No development shall take place until samples of the materials to be used on the external faces and roof of the building have been submitted to and approved in writing by the Borough Council. Development shall be carried out in accordance with the approved details.
Reason: To ensure that a satisfactory external appearance is achieved of the development in accordance with saved Policy ENV2 of the Replacement Elmbridge Borough Local Plan 2000.

5 ADDITIONAL WINDOWS
The development hereby permitted shall have no windows or other openings (other than those shown on the approved plans) inserted into any elevation unless planning permission has first been granted by the Borough Council.

Reason: To preserve the reasonable privacy of neighbouring residents in accordance with saved Policies HSG16 and HSG 20 of the Replacement Elmbridge Borough Local Plan 2000.

6 LANDSCAPING - SCHEME
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 BOROUGH COUNCIL AND THESE WORKS SHALL BE CARRIED OUT AS APPROVED. THIS SCHEME SHALL INCLUDE INDICATIONS OF ALL HARD SURFACES, WALLS, FENCES, ACCESS FEATURES, THE EXISTING TREES AND HEDGES TO BE RETAINED, TOGETHER WITH THE NEW PLANTING TO BE CARRIED OUT, AND DETAILS OF THE MEASURES TO BE TAKEN TO PROTECT EXISTING FEATURES DURING THE CONSTRUCTION OF THE DEVELOPMENT.

Reason: To preserve and enhance the visual amenities of the locality in accordance with saved Policy ENV11 of the Replacement Elmbridge Borough Local Plan 2000.

7 LANDSCAPING - IMPLEMENTATION
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 ANY PART OF THE DEVELOPMENT OR IN ACCORDANCE TO THE TIMETABLE AGREED WITH THE BOROUGH COUNCIL. ANY TREES OR PLANTS, WHICH WITHIN A PERIOD OF FIVE YEARS OF THE 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 BOROUGH COUNCIL, UNLESS THE BOROUGH COUNCIL GIVES WRITTEN CONSENT TO ANY VARIATION.

Reason: To preserve and enhance the visual amenities of the locality in accordance with saved Policy ENV11 of the Replacement Elmbridge Borough Local Plan 2000.

8 TREE PROTECTION
In this condition 'retained tree' means an existing tree or hedge, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development.

a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Borough Council. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with any supplied arboricultural method statement.

b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Borough Council.

c) tree protection shall be maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground
levels within those areas shall not be altered, nor shall any excavation or vehicular access be made, without the written consent of the Borough Council.

d) any arboricultural protection information and plans submitted as part of the application, and listed in the approved plans condition, shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the Borough Council. This shall include any requirement for arboricultural supervision.
e) this permission shall lapse if any retained tree is felled, pruned or relocated prior to the commencement of development unless otherwise agreed in writing by the Borough Council.

Reason: This permission is only granted on the basis that the trees would remain on site to mitigate the impact of the development and to preserve and enhance the visual amenities of the locality in accordance with Policy ENV12 of the Replacement Elmbridge Borough Local Plan 2000.

9 TREE PROTECTION AND PRE-COMMENCEMENT INSPECTION
a) no development shall take place until tree protection measures are installed and any further information provided in accordance with the submitted arboricultural information.
b) prior to the commencement of works on site and after the installation of the tree protection the applicant shall arrange a pre-commencement meeting between the Borough Council and the applicant’s project arboriculturist to allow inspection and verification of the protection measures.

Reason: This permission is granted on the basis that the trees would remain on site to mitigate the impact of the development and to preserve and enhance the visual amenities of the locality in accordance with Policy ENV12 of the Replacement Elmbridge Borough Local Plan 2000.

Informatives

1 REASONS FOR PERMISSION
Summary of reasons for grant of permission: This application is for a satisfactorily designed detached two storey house that would not have an adverse impact on the amenities of neighbouring residents or the character of the area, thereby overcoming the previous reasons for refusal. It has been considered against Core Strategy Policies CS10, CS17, CS28, saved Policies ENV2, HSG16, HSG18, HSG19, ENV2 and ENV12 within the Replacement Elmbridge Borough Local Plan 2000, national policy and guidance contained in the National Planning Policy Framework and other material considerations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest.