Representations: 2 objections received from individual households on the following grounds:

- Scale, height, small gardens and separation to road and between buildings contribute to an overdevelopment of the site and be out of character in the conservation area;
- Overbearing impact and loss of privacy to neighbouring properties;
- Store rooms to rear attic space could be or become habitable rooms; suggest their windows are obscurely glazed;
- Rendered finish out of keeping in conservation area;
- Highway safety concerns on a blind corner due to increased car movements, proximity to school and associated parking/traffic and loss of on-street parking spaces due to new vehicular crossovers;
- Noise from intensification of garden use.

This application is promoted to Sub Committee as Cllr Regan owns one of the existing properties on the site

Report

Description

1. The site consists of two detached bungalows located on the east side of Church Road, opposite St Lawrence C of E Junior School and the junction with Parsons Mead, in the East Molesey (Kent Town) conservation area. By virtue of being in the conservation area, the trees on and around the site are protected, and several individual trees on the adjacent sites are further protected by specific Tree Preservation Orders (TPOs).

Constraints

2. The relevant planning constraints are:

- East Molesey (Kent Town) conservation area
- TPO trees on neighbouring sites
Policy

3. In addition to the National Planning Policy Framework and the National Planning Practice Guidance, the following local policies and guidance are relevant to the determination of this application:

Core Strategy 2011
CS1 – Spatial strategy
CS2 – Housing provision, location and distribution
CS7 – East and West Molesley
CS17 – Local character, density and design
CS19 – Housing type and size
CS21 – Affordable Housing
CS25 – Travel and accessibility
CS28 – Implementation and delivery

Development Management Plan 2015
DM1 – Presumption in favour of sustainable development
DM2 – Design and amenity
DM6 – Landscape and trees
DM7 – Access and parking
DM8 – Refuse, recycling and external plant
DM10 – Housing
DM12 – Heritage

Design & Character SPD 2012
Companion Guide: East and West Molesley

Developer Contributions SPD 2012

Flood Risk SPD 2016

4. Relevant Planning History

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>70/28093</td>
<td>Erection of 2 canopies adjoining dwellinghouse (23 Church Road).</td>
<td>Building Regulations approved.</td>
</tr>
<tr>
<td>ESH/1956/12298</td>
<td>Erection of a detached bungalow and garage amended plan to 11051 (23 Church Road).</td>
<td>Permitted and implemented.</td>
</tr>
<tr>
<td>ESH/1955/11051</td>
<td>Erection of a detached bungalow and garage (23 Church Road).</td>
<td>Permitted.</td>
</tr>
<tr>
<td>ESH/1955/10967</td>
<td>Erection of a detached bungalow and garage (25 Church Road).</td>
<td>Permitted and implemented.</td>
</tr>
</tbody>
</table>

Proposal

5. Planning permission is sought for a pair of semi-detached two-storey houses with rooms in the roofspace, dormer windows to the front roof slopes, integral garages and new accesses following the demolition of the existing single storey houses.

Consultations

6. Conservation Officer – Objections raised due to the scale of the proposed buildings, constituting an overdevelopment of the site with a cramped appearance detrimental to the conservation area. Uniformity of the buildings would not accord with the eclectic mix of buildings in the conservation area. Loss of soft landscaping to front gardens and small size of rear gardens are also a concern and uncharacteristic of the area.

7. East Molesey Conservation Areas Advisory Committee (EMCAAC) – Overdevelopment of the site due to the buildings’ large scale, detrimental to the character of the conservation area.
Two detached units of a reasonable size would be more acceptable, particularly in brickwork rather than render.

8. Tree Officer – No objections raised subject to the imposition of relevant tree protection conditions.

9. Surrey County Highways Authority – Based upon the information supplied and following a site visit, the Highway Authority has assessed the impact of the proposal on the safety and operation of the adjoining public highway and raised no objections subject to the imposition of conditions concerning the new accesses and a construction transport management plan. The proposals are considered to be in accordance with policies CS25, DM7 and the NPPF.

10. Natural England – No comments to make on the application.

Positive and Proactive Engagement

11. 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 by making available pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.

12. No pre-application advice sought.

Planning Considerations

13. The main planning considerations in the determination of this application are:

- The design of the proposal and its impact on the character of the conservation area and the street scene
- The impact on the amenity of neighbouring properties
- Provision of a suitable residential environment
- Impact on highway safety and parking
- Financial considerations

The design of the proposal and its impact on the character of the conservation area and the street scene

14. The proposed development to demolish the existing bungalows and erect 2 pairs of two-storey semi-detached houses with rooms in the roof is considered by both the Council’s Conservation Officer and the EMCAAC to be an overdevelopment of the site which is contrary to the character of the conservation area. The comments from the Council’s Conservation Officer are as follows:

“...The existing buildings at Nos. 23 and 25 are mid-20th century bungalows occupying modest plots and set behind cottage style front gardens. They were considered to make a ‘neutral’ contribution to the conservation area when an appraisal was carried out a few years ago. Whilst they are of no special architectural interest, there would be an expectation that their demolition and replacement would preserve or enhance the character or appearance of the conservation area."

I have a number of concerns with regards to this current proposal. I do not consider that the plots are of sufficient proportions to replace two modest bungalows with two pairs of semi-detached, two-and-a-half storey houses. This would appear rather cramped and out of character for the conservation area. The resultant need for areas of hardstanding at the front of four properties would heavily reduce the available space for planting at the front over that which currently exists. The amenity spaces at the rear appear, especially given the size of houses proposed, to be uncharacteristically small given the spacious character of the conservation area. As identified by the applicants there is an eclectic mix of buildings within the conservation...
area and I would recommend it best to avoid uniformity in appearance of any replacement buildings here."

15. Some supporting information has been submitted by the agent for the application in response to these comments, augmenting the Design & Access and Heritage Statements originally submitted with the application. On the issue of amenity space and overdevelopment of the site, the supporting information refers to Figure 5.5 of the Council’s Design and Character SPD which shows plot ratios (footprint of dwellings to site area) of 1:2.5 being appropriate for semi-detached dwellings. The plot ratios for each dwelling are between 1:2.5 and 1:2.6, although this does not take into account the ratio of front garden amenity space and rear private amenity space. It also does not include the bin stores or the garden stores in the rear corner of each site as part of the built footprint. Whilst the proposal may just satisfy the ratio in the guidance, it is only one consideration. The supporting text of the SPD ( paras. 5.56 and 5.57 in particular) states that gardens should be of an appropriate size to provide amenity for occupants and that issues to consider include whether a home is likely to be occupied by a family, the size of the building and if the amount of usable space is constrained. The SPD also states that, in some instances, a minimum garden depth of 11m should be provided, which is the norm for new developments; however, this will depend on the character of the area and the type of development proposed.

16. The supporting information contests that the 11m garden length is met when taken from the main two-storey bulk of the houses rather than the rear of the single storey elements from which the gardens would measure circa 7.7m and that this is acceptable in accordance with the SPD. It also mentions a recent planning Appeal that was successful where the gardens were less than 11m for 2 x 4-bedroom properties, although no address or application number is provided. It is therefore difficult to assess the weight of such a claim but, in any case, each application is assessed on its merits and little or no attention has been paid in the supporting information to the fact that the site is within the conservation area. There may well be scope for a similar scheme outside of the conservation area in a higher density urban environment but the SPD categorically states that more spacious gardens will be appropriate in other settings where the character of the area warrants a greater depth. The conservation area is vital in terms of the character of the area and it is considered, in support of the Conservation Officer’s comments, that the proposal does not take full account of the character of the area in this regard or the SPD in terms of the issues to be considered as mentioned above; i.e. whether the home is likely to be occupied by a family, the size of the building and if the amount of usable space is constrained.

17. There is no doubt that each house would be occupied by a family, being 4-bed dwellings with the potential for a fifth bedroom in each if the attic space were to be converted in future. The Council considers that, regardless of whether the 11m minimum garden length is taken from the single storey rear projection or the two-storey part of the house, the SPD recommends that a greater distance of 15 metres will be expected for larger family dwellings. Therefore the proposed gardens are considered to be too small and would not be proportionate to the scale of the 4-bed dwellings. Furthermore, there would be little scope for enlarging them due to the retention of an important street tree to the front of the site, and the need for a second off-street parking space to the front of each proposed garage. The front gardens would not contribute to the amenity space of future occupiers and it is considered that the small size of the gardens would not only be contrary to the SPD but also out of character with the conservation area which is generally spacious at this end of Church Road, becoming less spacious and more urbanised as you travel south towards Walton Road. On a site in closer proximity to the lower density characters of Palace Road and Wolsey Road, this spaciousness would be significantly eroded to the detriment of the street scene and the conservation area in general.

18. The Council’s East Molesey (Kent Town) Conservation Area Character Appraisal & Management Proposals highlights this part of the conservation area as one of individual houses within generous plots and with a continuous backdrop of mature trees. As with the plot ratios and garden sizes above, the houses would retain the SPD’s minimum separation of 1m to each boundary (and 2m between each pair of semi-detached houses) but, in the context of the conservation area, more space around each dwelling would be required to accord with the general pattern of development and form a less cramped appearance within the plots.
The overall scale, spacing, height and massing of the proposal, particularly due to the rooms in the roof space, would give the appearance of urban townhouses rather than the low density detached buildings in this part of the conservation area. The minimum separation between the blocks would also prevent against views through to a backdrop of trees, although it is noted in this instance that there are not a large number of trees to the rear which currently make a significant contribution to the street scene, only those to the front and sides which are to be retained.

19. It is noted that the design of the buildings themselves is not uncharacteristic of the area given there is a detached property (18 Church Road) of similar appearance opposite the junction with Wolsey Road to the south. However, that property is one individual dwellinghouse which adds to the variety of buildings in the area whereas the proposal is for 4 dwellings in 2 semi-detached blocks. Consequently, such a uniform design between the two adjacent pairs of semi-detached houses is considered to be detrimental to the varied design styles in the conservation area. Some degree of visual distinction between the two blocks would therefore be preferable in enhancing the appearance in the street scene to the benefit of the conservation area. In its current form however, the proposal is considered to be contrary to Policy DM12 as it would not preserve or enhance the character and appearance of the area, taking account of the streetscape, plot sizes, materials and relationships between existing buildings and spaces.

The impact on the amenity of neighbouring properties

20. The siting of the proposed dwellings is such that it would retain adequate separation from the relevant side or rear elevations of the neighbouring properties and thus would not result in a loss of light or a significant loss of privacy. Concern has been raised that the proposed attic room windows to the rear could overlook the garden land to the rear which serves 63 Wolsey Road. Although the neighbour’s garden is long and it would not be the main garden amenity space which could be overlooked, given the small length of gardens proposed it is considered reasonable that, should permission be granted for the development, a condition concerning obscure glazing to these non-habitable room windows should be imposed.

21. The scale and height of the buildings would mean that they would be in view from the neighbouring properties but the separation is such that it is not considered that they would be significantly overbearing on the neighbouring properties.

Provision of a suitable residential environment

22. Proposed new residential development should provide an appropriate level of lighting, outlook and amenity to all habitable rooms and be of suitable space standards. Developments are also expected to enhance existing landscaping and allow visual interest and amenity that provides a setting for the proposed development.

23. As mentioned above, the garden space is limited and would not be sufficient for or proportionate to the scale of the proposed dwellings, resulting in an unsatisfactory living environment for future occupiers of the dwellings.

24. Provision would also be required on any application for planning permission for suitable refuse and recycling stores, and the size of the dwellings would need to accord with the Technical housing standards - nationally described space standards (March 2015). Bin stores are proposed to the front of each site and the houses would meet the space standards with the Gross Internal Area (GIA) of each house being approximately 244 sqm. However, the internal dimensions of the integral garages are 3.1m x 5.5m, falling below the County Highway Authority’s standing advice for recommended minimum internal garage dimensions of 3m x 6m which may also have a negative impact on the living environment for future occupiers, potentially limiting the use of the garage.
Impact on highway safety and parking

25. Despite the garage falling below the recommended internal dimensions, it would be able to accommodate a car as it would exceed the minimum dimensions for a standard parking bay is 2.4m x 4.8m. It may however not provide space for both the parking of a car and general storage. This is a concern but it is not sufficient to warrant a reason for refusal on its own. Furthermore, the County Highway Authority raises no objections to the proposed development subject to the imposition of conditions regarding the new accesses and requiring a construction transport management plan to be submitted and agreed prior to development commencing so as to not prejudice highway safety. In addition, each house will have two off-street parking spaces in accordance with the Council’s adopted parking standards.

Financial considerations

26. Section 70 subsection 2 of the Town and Country Planning Act 1990 (as amended) states that any local financial considerations are a matter to which local planning authorities must have regard to in determining planning applications; as far as they are material for the application. The weight to be attached to these considerations is a matter for the Council.

27. The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes and their use. The New Homes Bonus is paid each year for 6 years. It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use. There is also an extra payment for providing affordable homes. The Council’s New Homes Bonus Scheme Grant Determination for 2016/17 is £2.96m.

5. Local financial considerations are defined as grants from Government or sums payable to the authority under the Community Infrastructure Levy (CIL). This means that the New Homes Bonus is capable of being a material consideration where relevant. In the current case, the approval of the application would mean that the New Homes Bonus would be payable for the net increase in dwellings from this development.

6. Policy CS21: Affordable Housing of the Council’s Core Strategy (2011) requires that development resulting in the net gain of 1-4 residential units should provide a financial contribution equivalent to the cost of 20% of the gross number of dwellings on site as Affordable Housing. Contributions towards affordable housing would need to be secured via a unilateral undertaking.

7. Following a Court of Appeal decision which found in favour of the Government, paragraphs 012-023 of the National Planning Policy Guidance on planning obligations have been reintroduced. These paragraphs and the Ministerial Statement are now a material consideration, alongside local planning policy, against which the Council must consider all planning applications. However, given that the local plan remains the primary consideration against which decisions must be made, the Council is continuing to apply policy CS21 Affordable Housing as set out in the Core Strategy. Following receipt of legal advice, the Council has produced a statement to set out local evidence in support of continuing to apply policy CS21 to this application in light of the revised PPG. This is available to view on the Planning Services webpages:

8. However, the applicant has not provided a legal agreement in the form of a unilateral undertaking to secure an affordable housing contribution of approximately £235,795 as part of this application and as such, it fails to comply with Policy CS21.

9. The development also falls under development which is liable for CIL. It is estimated that approximately 976 sqm of new floor space, less 209 sqm of existing floor space, will require a contribution of approximately £108,630.
Matters Raised in Representations

28. The majority of issues are addressed above. The issue of increased noise from the proposed gardens is a consideration as there would be an intensification of use, from two houses to four on the site. However, the use of the gardens serving family homes is not considered to result in significant noise impacts on the neighbouring garden land as the noise levels would not be expected to be over and above that usually expected from residential use. In any case, this would be a matter for Environment Health as necessary.

Conclusion

29. The proposed development, by reason of the design, height, scale, massing and proximity to the boundaries of the proposed dwellings, is considered to result in a cramped and overcrowded form of development that would appear incongruous and overbearing within the street scene, failing to respect the spacious character of the conservation area. It is therefore contrary to the NPPF, policies CS17 of the Elmbridge Core Strategy 2011, policies DM2, DM10 and DM12 of the Elmbridge Development Management Plan 2015, and the Elmbridge Design and Character SPD 2012.

30. The proposed development, by reason of an overdevelopment of the site with gardens that are disproportionately small for the scale of the dwellings proposed, would fail to offer an appropriate standard of living to future occupiers, contrary to policies DM2 and DM10 of the Elmbridge Development Management Plan 2015, and the Elmbridge Design and Character SPD 2012.

31. Due to the lack of a satisfactory legal agreement to secure a financial contribution towards affordable housing, the proposal fails to comply with the provisions of Policy CS21 of the Elmbridge Core Strategy 2011, the NPPF 2012 and the Developer Contributions SPD 2012.

Recommendation: Refuse Planning Permission

Reasons For Refusal

1 The proposed development, by reason of the design, height, scale, massing and proximity to the boundaries of the proposed dwellings, is considered to result in a cramped and overcrowded form of development that would appear incongruous and overbearing within the street scene, failing to respect the spacious character of the conservation area. It is therefore contrary to the NPPF, policies CS17 of the Elmbridge Core Strategy 2011, policies DM2, DM10 and DM12 of the Elmbridge Development Management Plan 2015, and the Elmbridge Design and Character SPD 2012.

2 The proposed development, by reason of an overdevelopment of the site with gardens that are disproportionately small for the scale of the dwellings proposed, would fail to offer an appropriate standard of living to future occupiers, contrary to policies DM2 and DM10 of the Elmbridge Development Management Plan 2015, and the Elmbridge Design and Character SPD 2012.

3 Due to the lack of a satisfactory legal agreement to secure a financial contribution towards affordable housing, the proposal fails to comply with the provisions of Policy CS21 of the Elmbridge Core Strategy 2011, the NPPF 2012 and the Developer Contributions SPD 2012.

Informatives

1 COMMUNITY INFRASTRUCTURE LEVY (REFUSAL)
Notwithstanding the above reason(s) for refusal the applicant is advised that the Local Planning Authority has adopted the Community Infrastructure Levy (CIL) on any planning application determined after 01 April 2013. This is a non-negotiable land charge based on per sqm of development (internal gross floorspace). In the event of an appeal situation this planning application will likely be liable for CIL, further details of which can be found on the Council's website via the following link: http://www.elmbridge.gov.uk/planning/apps/cil.htm
NOTES
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23 & 25 Church Road,
East Molesey
KT8 9DS

Client
Igloo Developments

Title
Site Location Plan

Scale @ A3
1:500

Drawn
TS

Date
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SC

site location plan
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Title:
Site Block Plan

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16004. L(PA) 002 PA1

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14

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East Molesey
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23 & 25 Church Road,
existing Elevations:

23 Church Road

west elevation - along Church Road

east elevation

south elevation

north elevation

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PA1 Planning Application Issue
Revisions

11/05/2016 TS

Existing Elevations:

23 & 25 Church Road, East Molesey
KT8 9DS

Client:

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Title:

23 Church Road

Drawing No.

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Revision

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KT8 9DS

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Title:
Existing Elevations

25 Church Road

16004 E(PA) 016 PA1

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PA1 Planning Application Issue

Proposed Floor Plans

First

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1:125

04/05/2016 SC

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Client
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Title
Proposed Floor Plans

Roof

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NOTES
1. Render
2. Natural slate
3. Timber windows - white
4. PPC aluminium bi-fold doors
5. Painted window surround and cill

Proposed Elevations

House Elevations
Left Hand Semi

Church Road elevation
Rear elevation
Side elevations
1. Render
2. Natural slate
3. Timber windows - white
4. PPC aluminium bi-fold doors
5. Painted window surround and cill

Proposed Elevations

House Elevations
Right Hand Semi

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PA1 Planning Application Issue
Revisions
07/06/2016 TS

10655
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9000
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9000

1. Render
2. Natural slate
3. Timber windows - white
4. PPC aluminium bi-fold doors
5. Painted window surround and cill
Paving - 600x600 natural stone

Front driveways: permeable surface

Front driveways: timber refuse bin storage

Surface materials
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Existing Church Street elevations

Proposed Church Street elevation

Project
23 & 25 Church Road, East Molesey KT8 9DS

Client
Igloo Developments

Title
Existing and Proposed Street Elevations

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Revisions
PA1

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