Representations: A total of 14 objections, and one comment in support, have been received. The objections to this application are on the following grounds:

- Adverse increase in scale, bulk, mass and height.
- Overbearing.
- Loss of privacy.
- Supporting design and access statement does not refer to the subject application.
- Lack of detail provided within the application regarding the impact on mature trees.
- Impact on the environment i.e. developing on ‘green land’.
- Impact on flood risk.
- Inappropriate materials.
- Adverse impact on the character of the area.
- Development would dominate/overwhelm neighbouring properties.

***This Application Qualifies for Public Speaking***

Report

Description

1. The 0.15ha application site consists of a detached two-storey dwellinghouse located on the southwest side of Icklingham Road. The site is located within a private residential estate and within the COS04: Burhill Estate character area as outlined in the Cobham, Oxshott, Stoke D’Abernon and Downside companion guide to the Design and Character Supplementary Planning Document.

Constraints

2. The relevant planning constraint is:

- Surface Water Flooding - Medium
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  
   CS10 – Cobham, Oxshott, Stoke D’Abernon and Downside  
   CS15 - Biodiversity  
   CS17 – Local Character, Density and Design  
   CS26 - Flooding

   Development Management Plan 2015  
   DM1 – Presumption in favour of sustainable development  
   DM2 – Design and amenity  
   DM6 – Landscape and trees  
   DM7 – Access and parking  
   DM21 – Nature conservation and biodiversity

   Design & Character SPD 2012

   Flood Risk SPD 2016

   Developers Contributions SPD 2012

4. Relevant Planning History

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016/1598</td>
<td>Detached two-storey house with rooms in the roofspace, dormer windows and integral garage following demolition of existing house</td>
<td>Refused</td>
</tr>
</tbody>
</table>

5. Planning application 2016/1598 was refused for the following reason:

   a. Due to its excessive height, mass, bulk and scale, the proposed replacement dwelling would result in a cramped form of development, out of keeping with the character of the surrounding area. This would be further exacerbated by limited separation distances to the side boundaries and excessive front garage projection. The proposal is therefore contrary to Policy DM2 of the Development Management Plan 2015, the Design & Character SPD 2012 and the NPPF 2012.

Proposal

6. Planning permission is sought for the erection of a detached two-storey house with rooms in the roofspace, dormer windows, front balcony and integral garage following demolition of existing house.

7. The proposed dwelling, incorporating forward/rearward single storey projecting components, would approximately occupy a maximum depth of 23.4m, a maximum width of 22.8m and a maximum height of 9.4m. The external finish would comprise of, amongst other materials, natural stone/white render (walls) and slate (roof).

8. Differentiating from application reference 2016/1598, the subject application includes a reduced maximum height from approximately 9.8m to 9.4m (as well as marginal reductions to the height of the single storey elements), revised siting of the footprint (i.e. footprint repositioned 0.75m forward) within the plot as well as a reduction of the footprint itself; notably
to the forward projection of the integral garage and rearward projection of the ‘Day Room’ as annotated/illustrated on drawing no. 102.

Consultations

9. Council Tree Officer: No objection, subject to conditions.

10. Natural England: No comment received within statutory consultation period.

11. Consultation was not directly requested from the following parties via this application. However, given the similarities between 2016/1598 and the subject application and the recent date of which such comments were received via 2016/1598, the following representations are considered material within the determination of this application:

   o Surrey County Council Highway Authority: Based on the information supplied, the Highway Authority has assessed the impact of the proposal on highway safety and capacity and raises no objections to the proposal. The development is considered to be in accordance with policy DM7 of the Development Management Plan.

   o Surrey Wildlife Trust: No objection, subject to compliance with the recommended actions in the ‘Conclusion and Recommendations’ section of the Ecological Report.

   o Surrey Bat Group: No objection raised.

Positive and Proactive Engagement

12. Paragraphs 186-187 of the NPPF require officers to work with the applicant in a positive and proactive manner to resolve problems before the application is submitted and to foster the delivery of sustainable development. This requirement is met within Elmbridge through the availability of pre-application advice.

13. No pre-application advice has been sought prior to the submission of this application.

Planning Considerations

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

   • The design of the proposal and its impact on the character and appearance of the area
   • The impact on the amenity of neighbouring properties
   • The impact on garden space
   • The impact on trees
   • The impact on the highway
   • The impact on flood risk
   • The impact on ecology
   • Developer contributions

The design of the proposal and its impact on the character and appearance of the area

15. Section COS04 of the Cobham, Oxshott, Stoke D’Abernon and Downside companion guide to the Design and Character SPD outlines an overview of the Burhill Estate character area as containing large mostly two storey houses set in very large plots and set back from the private road behind mature boundaries, and advises that any development within this area would need to carefully consider the established plot sub-division and other possible constraints such as mature trees within or on the boundary of the site.

16. The application site falls within a residential context predominantly characterised by large two storey detached dwellings set within spacious plots, most of the dwellings of which vary in their architectural design and appearance. Positioned to the southwest of Icklingham Road,
the application property is sited adjacent to No. 15(north) and Derwent House (south); both of which are of a considerably greater scale to that of the dwelling as proposed for demolition.

17. As identified within the previous Officers report, the application site occupies a narrower plot width when compared to both adjoining properties, albeit such width is comparable to a number of plots opposite. The proposed two storey section of the development would remain similarly positioned within the plot in comparison to that as proposed via 2016/1598. It would be inset approximately 8.9m from the northern boundary and 2.7m from the southern boundary, 27m from the rear boundary and 14.8m from the front boundary.

18. At single storey, the separation distance of the development would be approximately 2.2m to the northern boundary and 1m to the southern boundary. In terms of the proposed depth, the rearward projection of the single storey component would similarly align with Derwent House, whilst the reduced forward projection of the integral garage would be sympathetic to the subtle tapered building line shared between No. 15 and Derwent House.

19. Although the reduced height proposed is relatively minor in comparison to the last application, the resultant impact however would lead to an acceptable transition of height viewing Derwent House, No. 15 and the proposed dwelling as a group. The height is considered to respond well to the minor gradient in the ridge height shared between Derwent House and No. 15. Whilst a greater set back from the northern and southern boundaries would be preferable, having regard to the ‘cramped’ concerns as previously raised, the overall reduction of the scale, bulk, mass and height proposed, in conjunction with the hipped nature of the roof form and demarcations that would be shared between the bulk of the two storey section and the boundaries, would overcome the previous reason for refusal.

20. It is noted the scale of the replacement dwelling would far exceed that as occupied by the existing dwelling. However such scale proposed would not appear at odds to that as shared by a number of dwellings within the context of the site. With regards to materials, considering the eclectic appearance of the setting, the resultant visual impact would not be to an extent of which would detract from the streetscene/character of the area. Noting a number of concerns raised in regards to the impact on the dwellings in Summerhays, it is considered alike the previous assessment that the separation distance would be sufficient to avoid the creation of an over-dominant relationship with the Summerhays streetscene.

21. Overall, the revised design approach is considered to overcome the reason for refusal linked to application 2016/1598; subject to the inclusion of conditions.

The impact on the amenity of neighbouring properties

22. The impact on the amenities of neighbouring occupiers was considered via 2016/1598, and in principle no concerns were raised (subject to condition). The proposed development, reduced in its scale, mass, bulk and height to that as previously considered, would be sympathetically positioned within the plot. Such being the case, the development would not lead to an adverse loss of light or overbearing impact to the amenities of the adjacent occupiers.

23. To negate adverse overlooking to and from the windows contained within the flanks at first floor, all windows of which would serve rooms of a non-habitable nature, a suitably worded condition (i.e. obscurely glazed with high level openings) would secure an acceptable degree of privacy. The roof lights within the flanks, by virtue of the high level nature (i.e. 1.7m cill height), would not give rise to undue overlooking.

24. The proposed fenestration at first and second floor to the rear of the development would serve rooms of a habitable nature, the resultant views of which would face directly towards No. 8 and No. 9 Summerhays. Whilst it is accepted an impact on the existing degree of privacy would arise, the resultant impact would not be to an extent, by virtue of the substantial rear to boundary separation distance (i.e. 27m) and minimum rear to rear (rear building line) separation distance (i.e. 42m), of which would detrimentally harm the amenities of either the further occupiers of the development nor the occupiers along Summerhays Road.
25. The remaining properties within the vicinity would be sufficiently set back from the development not to be materially impact upon.

The impact on garden space

26. A sufficient degree of private amenity space, above and beyond that as recommended via the SPD, would be provided for the enjoyment of future occupants.

The impact on trees

27. The Tree Officer has comments on the application as follows: ‘The proximity of the proposed dwelling to the retained trees is considered acceptable and there are no objections to this application on arboricultural grounds subject to full compliance with the submitted arboricultural information (The arboricultural report by DPA arboricultural consultants dated October 2016 – Ref. DPA69908 / AIS / Rev. 2)’. With regards to the trees as proposed for removal to the rear of the site, such trees are considered to be of ‘little landscape significance’. No objection was received from the Tree Officer.

The impact on the highway

28. Whilst formal comments were not sought from the County Highway Authority, the previous comments are considered material within the determination of this application given the similarities between the schemes. They concluded that ‘it is considered unlikely that the vehicle movements will significantly increase. It is considered that adequate off street parking provision would remain at the site’. An acceptable degree of on-site parking remains proposed. No alterations to the existing access are proposed and therefore no adverse impact on highway safety would arise.

The impact on flood risk

29. As outlined within the previous report, the application site falls within Flood Zone 1, an area categorised as being of low risk of flooding from rivers. However, most of the application site to the rear of the existing dwelling is located within an area identified as having a medium risk of surface water flooding (1% annual probability/1 in 100 year). The Flood Risk Assessment provided again by the applicant is supported by a site information template and proposed site plan, which identifies the site as being at risk of surface water flooding and demonstrates that surface water can be managed and attenuated in accordance with SuDS best practice, through the use of permeable paving and driveways and surface water underground storage tanks. Subject to the development being carried out in accordance with the supporting details contained within the FRA, no material impact on the existing flood risk constraints of the site would occur.

The impact on ecology

30. An ecological report has been provided by the applicant. Having due regard to the comments received from Surrey Bat Group and Surrey Wildlife Trust via 2016/1598 (no objection), it is considered justifiable to condition the development to be carried out in accordance with the measures as specified within the supporting report, in the interest of preserving and enhancing protected species and biodiversity.

Developer contributions

Community Infrastructure Levy

31. The proposed development is liable for CIL, as it involves the creation of a new dwelling; the resultant floor space of which would exceed that as proposed for demolition. The applicant has provided the relevant liability forms required to pay the chargeable amount in accordance with the relevant regulations.
Matters raised in Representations

32. The proposed design and access statement, whilst dated May 2016 and similar in its format to that as previously provided, makes reference to this application being a re-submission of 2016/1598 i.e. is relevant supporting information with the application. The remaining matters have been addressed accordingly within the report.

Conclusion

33. On the basis of the above, and in light of any other material considerations, the proposal is considered to be in accordance with the development plan. Accordingly, the recommendation is to grant permission.

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: 101, 102 & 104 received on 04 October 2016, and 103 received on 07 October 2016.

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

3. MATERIALS - APPROVED
The development hereby approved shall not be erected other than in the external materials as stated in Section 9 of the application form received on 07 October 2016, or such other materials as have been approved in writing by the borough council.

Reason: To ensure that a satisfactory external appearance is achieved of the development in accordance with Policy DM2 of the Elmbridge Development Management Plan 2015.

4. OBSCURE GLAZING
The windows on both first floor side elevations of the development hereby permitted shall be glazed with obscure glass and fitted with non-opening principal lights, unless the parts of the windows which can be opened are more than 1.7m above the floor of the room in which the window is installed, and subsequently maintained in this form. Such glass shall be sufficiently obscure to prevent loss of privacy. The affixing of an obscure film will not be sufficient.

Reason: To preserve the reasonable privacy of neighbouring residents in accordance with Policy DM2 of the Elmbridge Development Management Plan 2015.

5. TREE PROTECTION AND PRE-COMMENCEMENT INSPECTION
BEFORE DEVELOPMENT TAKES PLACE TREE PROTECTION MEASURES SHALL BE INSTALLED AND ANY FURTHER INFORMATION PROVIDED IN ACCORDANCE WITH THE SUBMITTED ARBORICULTURAL INFORMATION. THE APPLICANT SHALL ARRANGE A PRE-COMMENCEMENT MEETING AFTER THE INSTALLATION OF THE TREE PROTECTION 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 DM6 of the Elmbridge Development Management Plan 2015. It is considered necessary for this to be a pre-commencement condition because the demolition and construction works could have implications for the future health and amenity of retained trees within the site.

6 TREE PROTECTION
In this condition "retained tree" means an existing tree, 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.

d) any arboricultural protection information and plans submitted as part of the application, and listed in the approved plans condition, or submitted to meet a condition of consent 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 and site monitoring. This condition may only fully be discharged on completion of the development subject to satisfactory written evidence of contemporaneous supervision and monitoring of tree protection throughout construction by the appointed arboriculturist.

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 DM6 of the Elmbridge Development Management Plan 2015.

7 FLOOD RISK MITIGATION MEASURES
The development permitted by this planning permission shall only be carried out in accordance with the approved details set out in the Flood Risk Assessment and proposed site plan (Drawing No. 101), both received on 04 October 2016.

Reason: To ensure that flood risk within and surrounding the site is adequately mitigated, in accordance with Policy CS26 of the Core Strategy 2011 and the Flood Risk Supplementary Planning Document 2016.

8 BIODIVERSITY MITIGATION
The development shall be carried out in accordance with the conclusions and recommendations in the Ecological Report by AA Environmental dated 18th March 2016.

Informatives

1 COMMUNITY INFRASTRUCTURE LEVY

The development permitted is subject to a Community Infrastructure Levy (CIL) liability for which a Liability Notice will be issued as soon as practical after the day on which planning permission first permits development.

To avoid breaching the CIL regulations and the potential financial penalties involved, it is essential a prior commencement notice be submitted. A blank commencement notice can be downloaded from http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf.

For the avoidance of doubt commencement of demolition of existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of the CIL regulations.