Application No: 2017/0767  
Application Type: FULL
Case Officer: Peter Brooks  
Ward: Oxshott and Stoke D'Abernon Ward
Location: 11 Icklingham Road Cobham Surrey KT11 2NG
Proposal: Detached two-storey house with rooms in the roofspace, dormer windows and integral garage following demolition of existing house and detached garage
Applicant: Meadway Homes
Agent: Mr Andrew Long  
Iconic Architectural Design
Quadrant House
7-9 Heath Road
Weybridge
KT13 8SX
Decision Level: If Permit – Sub Committee
If Refuse – Sub Committee
Recommendation: Grant Permission

Representations: 15 letters of objection from 13 properties and 1 letter of comment from the planning agent have been received raising the following points:
- Adverse impact on neighbouring amenity (privacy, overlooking, overbearing, loss of light)
- Impact on properties in Summerhays
- Out of character
- Removal of trees and boundary planting
- Flooding
- Previous planning history
- Height of proposed dwelling

***This application qualifies for public speaking***

This application has been promoted by Cllr Burley if the recommendation is to permit.

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 constraints are:
   - Medium and low risk of surface water flooding

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:
4. Relevant Planning History

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016/3257</td>
<td>Detached two-storey house with rooms in the rooftop, dormer windows, front balcony and integral garage following demolition of existing house</td>
<td>Refused: 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. The proposal is therefore contrary to Policy DM2 of the Development Management Plan 2015, the Design &amp; Character SPD 2012 and the NPPF 2012.</td>
</tr>
<tr>
<td>2016/1598</td>
<td>Detached two-storey house with rooms in the rooftop, dormer windows and integral garage following demolition of existing house</td>
<td>Refused (appeal dismissed)</td>
</tr>
</tbody>
</table>

Proposal

5. Permission is sought for the erection of a detached two storey dwelling with rooms in the rooftop following demolition of the existing dwelling on site.

Consultations

6. Tree Officer – No objections subject to conditions in relation to tree protection.

Positive and Proactive Engagement

8. 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.

9. No formal pre-application advice was sought prior to the submission of this application.

Planning Considerations

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

- Planning history
- The impact on the character of the area and the streetscene
- The impact on the amenity of neighbouring properties and proposed occupiers
- The impact on trees
- The impact on the highway
- The impact on flood risk
- The impact on ecology
- Financial considerations

Planning history

11. Both previous applications on this site have been recommended for approval by officers, and in both cases the planning sub committee overturned this recommendation and refused for the following reasons:

2016/1598 - 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.

2016/3257 - 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. The proposal is therefore contrary to Policy DM2 of the Development Management Plan 2015, the Design & Character SPD 2012 and the NPPF 2012.

12. It can be seen that both reasons for refusal are similar, and relate to the overall scale of the replacement dwelling appearing cramped in the plot, which was considered to be out of character with the local area. Neither reason for refusal relates to adverse impact upon adjoining properties. An Inspector in dismissing the appeal for application 2016/1598 concurred with the view that the proposed dwelling would have a ‘significantly larger footprint in relation to the plot, and would thus depart from the prevailing pattern of development in the area’ which was in conflict with the Design SPDs advice on massing. The Inspector did not consider the proposals height, design or projecting garage to be out of keeping, noting ‘I note a number of houses in the area have a similar feature. In those respects, the development would reflect the characteristics found in the vicinity’. The Inspector also considered the separation between the proposed dwelling and those properties within Summerhays was ‘adequate to protect the living conditions at both properties’.

13. Whilst each application is considered on its own merits, the Council must have regard to previous planning history on the site.
The impact on the character of area and the streetscene

14. As identified in the officer reports for both previous planning applications, the application site has a narrower plot width than both adjoining properties, albeit such width is comparable to a number of plots opposite. The proposed two storey section of the development would be set further in from the southern boundary than the previously schemes, as would the single storey element. There would now be a separation of the two storey element from the southern boundary of approximately 5.8m (compared to 2.7m in the previous refused scheme), and a separation of the single storey element from the southern boundary of approximately 2.8m (compared to 1m in the previously refused scheme). The two storey element would be inset approximately 8.9m from the northern boundary and the single storey garage element some 2.1m from the northern boundary. A separation of 26.4m to the rear boundary and 16.2m from the front boundary would be provided.

15. The reduction in width of the proposed dwelling would see a greater separation between the proposed dwelling and the site boundary and to the adjoining dwelling to the south ‘Derwent House’. The proposed dwelling would have a narrower two storey frontage when compared to the previous refused schemes. The reduction in width of the two storey element, with the resultant reduction in roof mass, crown roof width and reduction in scale of the front projecting hipped roof element would in combination have a materially reduced impact on the streetscene when compared to the previously refused applications. The proposal would have a distinctive separation between itself and the site boundaries and adjoining dwellings. The reduced width would see a reduction in the footprint of the property, and it is considered that the proposed dwelling would not appear cramped when viewed in relation to the wider streetscene.

16. It is acknowledged that the proposed dwelling would be slightly higher (by approximately 40cm) than the previously refused scheme 2016/3257. Whilst the reason for refusal explicitly stated its height as part of the reason for refusal, this formed part of a wider description of the overall scale of the development proposed. It is considered that the increase in height in this instance would be acceptable as the reduction in width has seen the overall mass, bulk and scale of the building reduced. The proposed height would mirror that of the adjoining dwelling to the south ‘Derwent House’ and it is considered by virtue of the overall reduced mass of the building, the height proposed would not appear excessive or out of character within the streetscene. This view was also taken by the Inspector who found the building would be of a similar height to a number of nearby buildings which would ‘reflect the characteristics found in the vicinity’.

17. The proposed dwelling has been moved further back into the plot, so that the two storey element would be in line with that of Derwent House to the south. The proposed single storey front element would project beyond the building line of both adjoining properties but it is considered this would not have an unacceptably harmful impact on the streetscene, as there would be a significant separation from the front boundary maintained. It should also be noted the proposed separation from the front boundary of this garage element (8.477m as annotated on the submitted site plan) would be identical to that of application 2016/1598 in which the Inspector found to be acceptable (as referred in paragraph 12 of this report). The single storey rear element would project slightly to the rear of Derwent House but this element would not be readily visible from within the street.

18. It is therefore considered that the application under consideration here, having regard to the alterations in the overall scale and bulk, has satisfactorily overcome the previous reasons for refusal, and having regard to the comments made by the Inspector in relation to application 2016/1598, would have an acceptable impact on the character of the area and the streetscene.

The impact on the amenity of neighbouring properties and proposed occupiers

19. The impact on the amenities of neighbouring occupiers was considered to be acceptable in both applications 2016/1598 and 2016/3257, and in principle no concerns were raised (subject to condition). In addition the Inspector did not consider the proposal would have an
unacceptable impact on neighbouring amenity. The proposed developments reduction in scale, mass and bulk 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.

20. One first floor window on the southern flank elevation would serve a bedroom. It is considered that despite the fact this window would overlook the flank of Derwent House to the south, no unacceptable overlooking would occur to the occupiers of this property as its first floor windows according to approved plans serve bathrooms. It is not considered due to the acute angle that overlooking to the ground floor rooms through the glazed roof on the flank of Derwent House. It is considered the proposed rooflights in the flanks of the dwelling would not result in any unacceptable overlooking to adjoining dwellings due to their position and orientation.

21. 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 increase in overlooking would occur when compared to the existing dwelling, by virtue of the significant separation from these properties to the rear (approximately 40m) the proposal would not result in an unacceptable loss of privacy or overlooking to the occupiers along Summerhays Road. The Inspector in considering the appeal for application 2016/1598 considered the impact upon the occupiers of those dwellings in Summerhays to be acceptable, stating ‘a separation of approximately 40m would be maintained. This would be adequate to protect the living conditions at both properties’.

22. The remaining properties within the vicinity would be sufficiently set back from the development not to be materially impact upon. The proposed dwelling and garden would provide an acceptable standard of accommodation for proposed occupiers, in excess of the national and local standard minimum space standards.

The impact on trees

23. The proposal would not the removal of any significant trees, some cypress trees and smaller ornamental trees and shrubs would be removed, and proposed planting is proposed. The Councils tree officer was consulted on the proposal, and on the basis of the submitted information and the proposed planting plan raised no objections to the proposal, subject to conditions in relation to tree protection. Landscaping can be secured by appropriate condition.

The impact on the highway

24. It was considered during both previous applications that the proposal would not have a harmful impact on highway safety. The site would provide off street parking commensurate for a dwelling of this scale.

The impact on flood risk

25. 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 site information template and proposed site plan, identify 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, nor would flood risk be increased elsewhere as a result of the development.

The impact on ecology

26. An ecological report has been provided by the applicant which found no evidence of protected species. Having due regard to the comments received from Surrey Bat Group and Surrey
Wildlife Trust for application 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.

Financial considerations

Community Infrastructure Levy

27. 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

28. Covered in the above report.

Conclusion

29. 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: 288 501 and 288 504 received on 08.03.2017. 288 502 and 288 503 received on 13.03.2017. DPA-69908-03 received on 08.03.2017.

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 08 March 2017, 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 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.

5 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.

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 Policy DM6 of the Elmbridge Development Management Plan 2015.

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 Policy DM6 of the Elmbridge Development Management Plan 2015.

8 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. 288 501), both received on 08 March 2017.

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.

9 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.
Icklingham Road Street View