Application No: 2017/0858
Application Type: FULL
Case Officer: Aline Goult
Ward: Cobham and Downside Ward
Location: 18 Mizen Way Cobham Surrey KT11 2RH
Proposal: Detached two-storey house with integral garage, following demolition of existing house
Applicant: Mr & Mrs Noussis
Agent: Mr Andrew Long
Iconic Architectural Design
7-9 Heath Road
Weybridge
Surrey
KT13 8SX
Decision Level: If Permit – Planning Committee
If Refuse – Sub-Committee
Recommendation: Permit

Representations: Fifty-four letters of objection received from forty-nine separate addresses, commenting on:
- Excessive increase in footprint and floor area
- Cramped design
- Loss of light, loss of privacy and overbearing impact
- Proximity of the dwelling to Mizen Way and incompatibility with the building line
- Out of character with the rural nature of area and streetscene
- Presence of covenants on the Oxshott Way Estate
- Lack of off-street parking and front garden
- Lack of detail on the external finish and materials
- Similarity of the design to that previously refused (ref. 2016/2735)

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

Report

Description
1. The application site comprises a detached two-storey dwellinghouse with rooms in the roofspace. It is located on the southern side of Mizen Way, on the Oxshott Way private estate within the settlement area of Cobham.

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
   CS1 – Spatial Strategy
   CS2 – Housing provision, location and distribution
4. Relevant Planning History

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016/2735</td>
<td>Part two/part single storey front extensions incorporating integral garage, single storey rear extension, rooms in roofspace and front and rear rooflights following demolition of existing garage</td>
<td>Refuse Permission</td>
</tr>
<tr>
<td>1995/0472</td>
<td>Loft conversion with rear dormer window</td>
<td>Grant Permission</td>
</tr>
<tr>
<td>1990/0186</td>
<td>Erection of two-storey side and rear extensions following demolition of existing side extension. Erection of front porch extension.</td>
<td>Grant Permission</td>
</tr>
</tbody>
</table>

5. Planning application ref. 2016/2735 was refused permission for the following reason: “The development would, by reason of its siting, excessive length and proximity to the road, be out of character and detrimental to the visual amenities of the street scene. This is contrary to Policies CS10 and CS17 of the Elmbridge Core Strategy 2011, Policies DM2 and DM7 of the Elmbridge Development Management Plan 2015 and the Design and Character Supplementary Planning Document (Home Extensions Companion Guide) 2012.”

6. There was a second reason for refusal, as arboricultural information was not provided in support of the application.

Proposal

7. Permission is sought for the erection of a detached two-storey house with an integral garage following the demolition of the existing house.

8. The replacement dwelling would have a maximum width of 22.4m, with a maximum depth of 17.5m and a maximum height of approximately 9m. It would maintain a minimum distance to the western side boundary of 2m, to the eastern side boundary of 2.2m, to the front boundary of 6.6m and to the rear boundary of 24.2m. The replacement dwelling would retain the use of the two existing accesses from Mizen Way.

Consultations

9. Council’s Tree Officer – no objection.
10. Surrey Bat Group – no objection.


**Positive and Proactive Engagement**

12. 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.

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

**Planning Considerations**

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

- The principle of the development
- The design of the proposal and its impact on the character of the area and the streetscene
- The impact on the amenity of neighbouring properties
- The impact on the living conditions of future occupiers
- The impact on access and parking
- The impact on trees
- The impact on ecology
- The impact on flood risk
- Financial considerations

*The principle of the development*

15. The proposal is to replace the existing dwelling and as such it is development on previously developed land within the urban area. Accordingly, the principle of the proposal is acceptable subject to the other material planning considerations outlined below.

*The design of the proposal and its impact on the character of the area and the streetscene*

16. There are a number of replacement and new dwellings of varying architectural styles within the locality. It is considered that the proposed design and scale of the replacement dwelling would have an acceptable impact on the character of the area and the streetscene.

17. The proposed dwelling would retain sufficient distances from each flank boundary and would maintain clear visual separation between itself and the adjoining properties. Many of the representations raised concerns that the proposal would not retain a suitable frontage, and would as such appear cramped within the plot and unduly prominent within the streetscene. The Proposed Site Plan indicates a variable distance of 8.1m and 6.6m from the front elevation of the house to the property’s front boundary, due to the orientation of the house within the plot. These distances are broadly reflective (and in some cases exceed) the separation distances from other houses on this section of Mizen Way to the front boundary, and so it is not considered that forward projection of the replacement dwelling would appear out of character with the area, or that it would cause the house to appear unduly prominent or cramped. The applicant has provided a plan showing an indicative building line and highlighting the separation distances of neighbouring properties to their side boundaries to emphasise this point.

18. The proposed dwelling would have a ridge height of approximately 9m, which is represented within the Proposed Streetscene as 58.59 AOD. This would be slightly higher than the ridge heights of the neighbouring properties No. 16 and No. 20 Mizen Way, which have ridge heights of 58.42 AOD and 58.27 AOD respectively. It is considered that the small difference in height would, by virtue of the separation between the properties, not result in a material harmful visual impact on the streetscene.
19. Some of the objection letters raised concerns that the precise specification of the materials to be used in the construction of the replacement dwelling was not sufficiently clear. The applicant has submitted a computer-generated view of the proposal, indicating that red brick, tile hanging and white render would be used. To ensure that a satisfactory external appearance is achieved, it is recommended that a condition is imposed to require the applicant to submit samples of their proposed materials prior to the commencement of the development.

20. Most of the objections refer to the similarity between the streetscene generated by the current proposal, and that refused under application ref. 2016/2735. It is accepted that the front elevations of both proposals share some visual similarities. The previous application, however, was refused because of the garage’s “siting, excessive length and proximity to the road”. The length of the forward projection has been significantly reduced, with the current proposal extending 4.8m from the front extent of the existing dwelling as opposed to the 9.3m previously proposed. In addition, the proximity to the road has been reduced, with the previous distance from the garage to the road of 5.4m increased to 8.1m. It is therefore considered that the current proposal would result in a materially different streetscene to that previously proposed.

21. One objection from a neighbouring property suggested that the increase in the footprint and floor area of the replacement dwelling is excessive, and should be considered to be unacceptable. The Council does not have a policy that restricts the increase in footprint or floor area, other than in the Green Belt (which does not apply in this case). It is therefore necessary for each application to be considered on its individual merits.

The impact on the amenity of neighbouring properties

22. The neighbouring properties most likely to be affected by the proposal are Nos. 16 and 20 Mizen Way, which are located to the west and east of the application site respectively.

23. The Council’s Design and Character SPD 2012 indicates that the 45 degree angle test will be applied to assess the impact on the provision of natural light to neighbouring properties. The rear elevation of the proposal would not extend beyond the rear elevation of the neighbour at No. 16. In addition, the front elevation would extend only 0.5m beyond the existing frontage. This, in conjunction with the siting of the replacement dwelling approximately 0.3m further from the boundary with No. 16 would not result in material harm to the provision of natural light to this neighbour.

24. The applicant has indicated the 45 degree angle taken from the closest rear-facing windows at No. 20 on the Proposed Site Plan. This demonstrates that new single-storey development would be located at least 8m away from the closest window, whilst new two-storey development would be located 14.3m away. The two-storey development is located 0.7m closer to the neighbouring window than the Design and Character SPD advises. It is, however, considered that the 14.3m distance in conjunction with the orientation of the properties is sufficient to ensure that the proposal would not result in material harm to the neighbour at No. 20 in terms of loss of natural light.

25. The applicant has proposed to include rooflights on the roofslope closest to the boundary with No. 20. These rooflights would serve en-suite bathrooms to bedrooms three and four. It is considered that, in the interests of preserving the privacy enjoyed by the neighbour at No. 20, these rooflights should be subject to a condition requiring them to be obscurely-glazed and non-opening to a height of at least 1.7m above the finished floor level of the bathrooms. The same condition should be applied to the first floor windows on the western side elevation close to the boundary with No. 16 in order to maintain privacy.

26. The other proposed side windows are located solely at ground floor level, and sufficient boundary screening was observed on the site visit to ensure that the privacy of both adjoining neighbours would not be affected by the inclusion of these windows.
27. It was suggested within the representations that the siting of the rear-facing first floor windows would result in a loss of privacy to the neighbour No. 16. In practice, these windows would likely afford a similar outlook to that already existing at first floor level. In residential areas, some limited degree if mutual overlooking is difficult to avoid.

28. Given the siting of No. 18 relative to the neighbour at No. 20, the low eaves height of the garage and the single storey rear element, it is not considered that the amenities of this neighbour would be harmed in terms of overbearing impact.

29. Adjacent to the boundary with No. 16, it is acknowledged that the overall height of the built form adjacent to this neighbour would slightly increase, by approximately 0.2m. The roof over the existing garage, however, already benefits from a very steep pitch and so it is not considered that the proposal would result in a material change to the amenities of the neighbour at No. 16 in terms of overbearing impact, particularly given that the western elevation would be located further from the boundary with No. 16 than is currently the case.

The impact on the living conditions of future occupiers

30. The replacement dwelling would provide generous and spacious accommodation far exceeding the requirements of the Government’s Nationally Described Space Standards. There would be suitable outlook, natural lighting and ventilation. The rear amenity space, with a depth of approximately 24.2m, would remain commensurate with the size of the dwelling.

31. There would be ample space within the garage or to the side of the property to store the necessary refuse and recycling receptacles.

The impact on access and parking

32. The replacement dwelling would retain the use of the two existing accesses from Mizen Way, which is considered to be acceptable.

33. The majority of the representations received raised an objection to the level of off-street parking available on the application site. The Council has published its maximum parking standards as Appendix 1 of the Development Management Plan 2015. For a residential unit in excess of four bedrooms and located within the suburban area, the maximum requirement would be two parking spaces. This would be provided for on the site, given the inclusion of a double garage within the scheme.

34. The policy also states that “Where space permits, it may be appropriate to consider provision for visitors in suburban areas.” The Proposed Site Plan indicates an area located in front of the double garage with approximate dimensions of 8m by 7.2m. This area would accommodate at least two additional vehicles orientated on an east-west axis. It is therefore considered that the proposal includes adequate provision for off-street parking in accordance with Policy DM7.

The impact on trees

35. There are a number of mature trees located on the application site, with some covered by Tree Preservation Order EL:10/03 located just beyond the site’s rear boundary. The proposal would not result in the loss of any significant trees on site, and so the site and the streetscene would maintain its well-treed character despite the loss of some smaller trees and shrubs.

36. The Council’s Tree Officer was consulted on the proposal and raised no objection subject to the inclusion of conditions concerning tree protection and the arrangement of a pre-commencement inspection.

37. It is also recommended that the applicant be required to submit a landscaping scheme prior to the commencement of the development, in order to ensure that the verdant character of the area is preserved.
### The impact on ecology

38. Given the inclusion of the demolition of the existing house as part of the proposal, the applicant was required to submit an initial ecological survey to determine whether or not the house might be harbouring protected species. The survey found evidence that soprano pipistrelle bats may inhabit the tile hanging on the front elevation of the property, and so a follow-up survey was required.

39. Surrey Bat Group has reviewed the application and concluded that the survey was carried out in line with current best practice and that the recommendations for mitigation and compensation are suitable for a loss of a roost of this nature. A suitable condition can be imposed to ensure that the development proceeds in line with these recommendations.

40. Surrey Wildlife Trust was also consulted and raised no objection to the development. Informatives to ensure that the applicant is aware of their responsibility to apply for a Protected Species Licence from Natural England, that a net increase in external lighting is discouraged and to implement biodiversity enhancements were recommended by the Trust.

### The impact on flood risk

41. The rear of the property is at a medium risk of surface water flooding. A Flood Risk Assessment (FRA) was submitted in support of the application.

42. The applicant has proposed that the finished floor levels of the replacement dwelling will be raised by 300mm above the existing ground level to provide protection against the ponding of surface water: this should ensure that the development is safe for its lifetime.

43. In terms of mitigation, measures including the use of permeable paving and the installation of a soakaway have been proposed. These seek to ensure that the proposal does not increase flood risk away from the application site.

44. Overall, it is concluded that the risk of flooding on site has been adequately considered and that the FRA is sufficient to comply with Policy CS26 of the Core Strategy 2011 and the Flood Risk Supplementary Planning Document 2016.

### Financial considerations

45. Local financial considerations are defined as grants from Government or sums payable to the authority under the Community Infrastructure Levy (CIL). The proposed development is liable to pay CIL. All of the relevant forms and documentation have accompanied this application.

### Matters raised in Representations

46. The material planning considerations have been addressed in the above report. The presence or otherwise of legal covenants on the Oxshott Way Estate will be a separate issue for the applicant to contend with, as they are not a planning matter.

### Conclusion

47. 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. Consequently, the recommendation is to grant planning 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, 103 105 and Arboricultural Impact Assessment received on 15th March 2017, DPA-69909-02 rev A and DPA-69909-03 rev A received on 17th March 2017, Follow-up Bat Survey and Flood Risk Assessment received on 4th July 2017.

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

3 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 Policy DM2 of the Elmbridge Development Management Plan 2015. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external materials goes to the heart of the planning permission.

4 OBSCURE GLAZING
The rooflights on the eastern side elevation and first floor windows on the western side elevation of the development hereby permitted shall be glazed with obscure glass. Such glass shall be sufficiently obscure to prevent loss of privacy. The affixing of an obscure film will not be sufficient. They must also be non-opening unless located higher than 1.7m above the finished floor level of the room. The rooflights shall be subsequently maintained in this form.

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

5 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.

6 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 WITH 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.

7 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.

8 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.

9 FLOOD RISK
The development hereby permitted shall be carried out in accordance with the details contained with the Flood Risk Assessment prepared by AA Environmental Ltd. dated June
2017 and received by the Council on 4th July 2017. The measures to mitigate flood risk shall be fully implemented prior to the first occupation of the development.


10 BIODIVERSITY MITIGATION MEASURES
The mitigation of impacts on biodiversity (including protected species) shall be carried in accordance with the recommendations outlined in the Follow-up Bat Survey by AA Environmental Ltd dated 3rd July 2017 and received by the Council on 4th July 2017.


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.

2 EUROPEAN PROTECTED SPECIES LICENCE
The applicant is advised that they will need to apply to Natural England for a European Protected Species (EPS) licence prior to the demolition of the existing dwelling.

3 LIGHTING
The applicant should ensure that the proposed development will not result in an increase in external artificial lighting. In order to comply with the relevant legislation, any external lighting installed on this development should comply with the recommendations of the Bat Conservation Trust's document entitled “Bats and Lighting in the UK - Bats and The Built Environment Series”.

4 BIODIVERSITY ENHANCEMENTS
The development is likely to offer some opportunities to restore or enhance biodiversity. It is recommended that the applicant should implement the recommendations of the 'Conclusions and Recommendations' section of the ecological walk-over survey report provided by AA Environmental Ltd dated 10th April 2017.