Report

Description

1. The application site relates to a detached two storey dwelling which has been damaged in a fire. The site is located on the south side of Clare Hill, a private residential cul-de-sac in the settlement area of Esher.

2. The application site is located within SUB Area ES03: Claremont Park and Clare Hill of the Council’s Design and Character SPD.

Constraints

3. The relevant planning constraints are:

   - TPO
   - Potential Government Oil Pipeline
Policy

4. 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
CS9 – Esher
CS15 – Biodiversity
CS17 – Local Character, Density and Design

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
DM21 – Nature conservation and biodiversity

Design and Character SPD 2012
Companion Guide: Esher

Developer Contributions SPD 2012

Flood Risk SPD 2016

5. Relevant Planning History

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
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<tbody>
<tr>
<td>2017/0720</td>
<td>Detached two-storey house with rooms in the roofspace, dormer window, basement, integral garage and gates and piers (to a maximum height of 2.25m) following demolition of existing house</td>
<td>Refused (Appeal Lodged)</td>
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6. Planning application 2017/0720 was refused for the following reason:

“Due to the height and depth of the single storey rear projection (Pool House) it would appear out of keeping with the general character of the area and in particular appear overbearing when viewed from within the neighbours rear garden (No. 10). As such, this proposal is contrary to policies DM2 of the Elmbridge Development Management Plan (2015), CS9 and CS17 of the Elmbridge Core Strategy (2011), the Design and Character SPD and the National Planning Policy Framework (2012).”

Proposal

7. This application seeks planning permission for a replacement detached two-storey house with front and rear dormer windows, basement, attached rear pool enclosure, attached garage and gates and piers (a maximum height of 2.25m high) following demolition of existing house.

Consultations

8. British Pipeline Authority – Not in zone of interest.

9. Surrey Bat Group – Raises no objections subject to a condition.

10. Surrey Wildlife Trust – No comments received.
11. Tree Officer – No objections subject to the imposition of a condition for additional tree details.

12. Environmental Health (Pollution) – Following verbal consultation, there are no objections to the proposal subject to a condition requiring further information on pool plant and air source heat pump.

13. Surrey Highways – No comments to make, the application site is situated on a private residential road.

**Positive and Proactive Engagement**

14. 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.

15. Pre-application advice was sought prior to the submission of application ref. 2017/0720 under reference PreApp1365352. It was considered that the submitted scheme was likely to be acceptable. Therefore, on the basis of providing suitable supporting information an application was encouraged to fully consider the proposal.

**Planning Considerations**

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

- Planning history
- Principle of development
- The design of the proposal and its impact on the character of the area and the streetscene
- Impact on amenity of neighbouring properties
- Impact on garden amenity
- Access and parking

**Planning history**

17. This application follows on from application 2017/0720 for a replacement dwelling which was refused permission for the reason set out above. This application primarily makes changes to the pool house located at the rear of the proposed dwelling. Conditions on site have not changed since the previous decision. There have been no material changes in planning policy in relation to replacement dwellings that would alter the previous assessment. Accordingly this planning application will therefore be considered in terms of whether the revisions proposed overcome the previous grounds for refusal.

**Principle of development**

18. The proposed development is for a replacement dwelling located roughly on the existing footprint of the dwelling it would replace. For the most part this proposal represents development on previously developed land within the urban area. Accordingly, the principle of the proposed development is considered acceptable subject to other material planning considerations.

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

19. The application is a revised scheme following previous refusal on the site for a replacement dwelling. When viewed the overall siting, scale and design of the proposal is very similar to the previous. In the previous assessment of the scheme it was found that the layout, footprint, scale, height and size of the new dwelling would commensurate to that of other dwellings in the area, and it is not considered that it would have a negative impact on of the area.
20. The application site is located within the private residential estate of Clare Hill, which is characterised by its consistency in the layout and design of the houses. Whilst a significant number of the original houses still remain, the vast majority of these have been extended over time. In some cases, the extensions are so significant they have altered the original modest ‘Art and Crafts’ character of the buildings, such as the properties at No. 5, No. 15 and No. 31 Clare Hill. There are also examples of significant replacement dwellings such as the property at No. 21. This character of extension and replacement is replicated throughout Sub Area ESH03 of the Council’s Design and Character SPD. Due to this, the character of the area is acknowledged to be changing away from the modest Arts and Crafts style cottage dwellings to larger family dwellings in a variety of styles and designs. Typically, replacement dwellings are larger than the ones they replace.

21. Whilst the design of the replacement dwelling would be contemporary, it is considered given its location and the fact that some of the dwellings within the estate have changed since they were originally built that the resulting design will not have detrimental impact upon the existing street-scene and townscape. Concerns have been raised in regard to the front rooflight. This feature is not considered to have a detrimental impact on the character of the area and it complements the overall design of the proposed dwelling. The external material proposed would have contemporary detailing of robust traditional materials, including brick, stone, hardwood and metal. To ensure that the replacement dwelling would achieve a harmonious link between the existing houses on the estate it is recommended that a material sample condition is imposed.

22. Whilst the proposed dwelling would differ in appearance from the existing properties in the cul-de-sac it would not be out of keeping in terms of scale, bulk or mass. The NPPF comments that decisions should not attempt to impose architectural styles of particular tastes and they should not stifle innovation, originality or initiative. The building is of a good design and sited at the end of the cul-de-sac and also well set back from the road. As such, it is considered that it would not result in any adverse impact on the character of the area or the visual amenities of the street scene.

**Impact on amenity of neighbouring properties**

23. In assessing the previous application it was considered that the proposal would not result in a significant adverse impact upon neighbouring amenity. The proposed replacement dwelling would retain a reasonable separation distance to side boundaries. In addition, it would not breach the 45 degree angle to the nearest rear facing habitable room window of the neighbouring dwellings. As such, it is considered that the proposal would not result in a significant loss of light or overbearing impact upon neighbouring dwellings.

24. There are no side facing windows proposed at first and second floor level. The rear facing windows at first and second floor level would afford relatively similar views to the existing. In conjunction with the separation distance to the boundary it is considered that this window would not result in a significant loss of privacy to the neighbour’s immediate private amenity space.

25. Concerns have been raised with regards to the pool house in terms of loss of light, overbearing impact and noise pollution. The pool house has been reduced to 3.7m in height (at its highest point) and its length has been reduced by 2.5m. This combined with the change in the roof profile is considered to improve the impact the pool house would have on the amenity of the neighbouring property and has sufficiently overcome the reason for refusal. As such, it is not considered that the pool house element would have a significant impact on the occupants of No.10. In terms of the noise that would be associated with the use of the pool is not considered to warrant a reason for refusal, as the property is situated in a semi-urban location. In the absence of any acoustic detail for the proposed pool plant, it is recommended that a noise impact assessment of pool plant and mechanical equipment as well as air source heat pump is submitted to the Council before use in accordance with advice from Environmental Health.
The provision of a suitable residential environment

26. The proposed new dwelling would provide generous and spacious accommodation throughout with suitable outlook, natural lighting and ventilation. The retained garden area would be of generous size, commensurate to the size of the dwelling proposed. Furthermore, there would be adequate space for the storage of bins and recycling. As such it is considered that the proposal would provide a suitable residential environment for future occupiers.

Highway safety and parking

27. The application site is located on a private residential road and comprises a replacement dwelling. The proposal would utilise the existing access and would provide a garage which would fit two vehicles and provide storage of bicycles. Furthermore, the front drive would have adequate space for the parking of any additional vehicles. As such, there are no concerns with regards to the proposed access or parking provision.

Issues regarding trees

28. The Council’s Tree Officer has been consulted on the application and has raised no objection to the removal and planning of new trees on site. It was recommended that additional tree information and pre-commencement inspection condition be attached to any permission. In light of the comments made, it is considered that on the basis of this condition the impact upon trees is acceptable.

29. Concerns have been raised regarding loss and planting of trees on the boundary between No. 10 and 11. The proposed site plan indicates that two category C trees will be removed; a pear tree and a Persian ironwood. The tree officer has raised no objection to the removal of these trees which are located in the rear garden and do not significantly contribute to the character of the area and the majority of trees on the site would be retained. The applicant’s arboriculturist detailed in their response that from experience there would be sufficient volume of soil available between the side elevation of the pool house and boundary line to plant a new 3m high pleached beech hedge. This replacement hedge would form part of the overall landscaping of the site and would positively contribute to the character of the area. A landscaping condition would be added to ensure that this is carried out.

Impact on biodiversity

30. In assessing the previous application it was considered that the proposal would not result in a significant adverse impact upon biodiversity. An ecology survey was submitted with the application which identified that there is no evidence of bats roosting in the building. Surrey Bat Group in their consultation response made reference to the previous comments against refused application 2017/0720, where they considered that the submitted information was sufficient to determine this application and that due to fire damage the likelihood of bat roosting is unlikely. A condition is proposed to ensure that the proposed mitigation measures are adhered to.

Infrastructure contributions

31. The proposed development is liable for the Community Infrastructure Levy (CIL). The applicant has provided the relevant liability forms required to pay this development in accordance with these regulations.

Matters raised in Representations

32. The material planning issues have been fully assessed in the planning considerations above.

33. Concerns have been made regarding a loss in property value. This is not a planning consideration in the decision making process.
34. The applicant has a right to submit a revised application with modified plans following refusal as well as submitting an appeal to Planning Inspectorate. Both applications would be treated on their own merits and would be assessed against the relevant adopted policy.

**Conclusion**

35. 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:
   - Location Plan received on 13 June 2017 and
   - Proposed Pool House Section (Drawing No.242(PL)11 Rev P1);
   - Proposed Second Floor Plan (Drawing No.242(PL)15 Rev P2);
   - Proposed Elevations (Drawing No. 242(PL2)10 Rev P1);
   - Proposed Site Plan (Drawing No. 242(PL2)2 Rev P1);
   - Proposed Ground & First Floor Plans (Drawing No. 242(PL2)3 Rev P2);
   - Proposed Basement & Roof Plan (Drawing No.242(PL2)4 Rev P2) received on 17 June 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. **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.

5 ADDITIONAL TREE INFORMATION AND PRE-COMMENCEMENT INSPECTION

NO DEVELOPMENT SHALL TAKE PLACE UNTIL FURTHER ARBORICULTURAL DETAILS 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 DETAILS OF:

A) THE MEASURES TAKEN TO PROTECT EXISTING TREES AND HEDGES DURING CONSTRUCTION, DEMOLITION, AND DELIVERY OF MATERIALS/MACHINERY, INCLUDING A ARBORICULTURAL METHOD STATEMENT IN LINE WITH BS5837:2012 AS OUTLINE BELOW.

B) THE SCHEME SHALL PAY PARTICULAR ATTENTION TO FINAL SPECIFICATIONS FOR HARD SURFACING INSIDE THE RPAs AND SITE MONITORING

C) PRIOR TO THE COMMENCEMENT OF WORKS ON SITE AND AFTER THE INSTALLATION OF THE TREE PROTECTION IN ACCORDANCE WITH (A) ABOVE THE APPLICANT SHALL ARRANGE A PRE-COMMENCEMENT MEETING BETWEEN THE BOROUGH COUNCIL AND THE APPLICANT'S PROJECT ARBORICULTURIST TO ALLOW INSPECTION AND VERIFICATION OF THE PROTECTION MEASURES.

Reason: This permission is granted on the basis that 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 BIODIVERSITY MITIGATION
The development shall be carried out in accordance with the recommendation set out in the submitted Ecology Survey prepared by AAe (ref. 163325/JDT) dated 4 November 2016 and submitted on 7 June 2017.


8 AIR CONDITIONING/ AIR SOURCE HEAT PUMP
The use of the dwelling shall not commence until a scheme for the control of noise and vibration from any plant and equipment (including air conditioning, heat pump and air handling units) to be used in pursuance of this permission has been submitted to and approved in writing by the local planning authority. This shall then be so installed prior to first occupation of the premises and this shall be so retained and operated in compliance with the approved scheme.

Reason: To ensure the development hereby permitted is not detrimental to the amenity of nearby residential properties by reason of undue noise emission and/or unacceptable disturbance in accordance with Policy DM5 of the Elmbridge Development Management Plan 2015 and the NPPF 2012.
PLANNING

Front (North) Elevation

Existing

Proposed

Scale: 1:100 @ A1

11 Clare Hill, Esher KT10 9NA
Front (North) Elevation

Hale Brown Architects
Unit 2.01, Chester House, Kensington Park, 1-3 Brixton Road, London SW9 6DE
T: 020 8977 6946/ 020 3735 7442   E: mail@halebrown.com   W:  www@halebrown.com
No.10 Terrace Lvl
No.11 - The Site
No.12

Existing

Red dotted line indicates previous application pool house 2017/0720 (New pool house reduced in height by 1.48m).

New Pool House Reduced in Height and Length and Screened from No.10 by New 3m High Pleached Beech Hedge

Existing Beech Tree Screening and Yew Hedge retained at bottom of poolhouse

PLANNING

Rear (South) Elevation

Scale: - 1:100 A1

Hale Brown Architects
Unit 2.01, Charlen House, Kensington Park, 1-3 Brixton Road, London SW9 6DE
T: 020 8977 6946 / 020 3735 7442   E: mail@halebrown.com   W: www.halebrown.com

11 Clare Hill , Esher KT10 9NA
Rear (South) Elevation

242(PL2) Rev P2
Proposed pool house length reduced by 2.5m from previous application (2017/0720) to allow for retention of existing beech tree screening and yew hedge.

Conservation Style Rooflight, flush with roof tiles and split into 2 sections to reduce impact from Street.

New flat green sedum roof to pool house. Height reduced by 1.48m from previous application (2017/0720).
First Floor

Ground Floor

Proposed pool house length reduced by 2.5m to allow for retention of existing beech tree screening and yew hedge.
Conservation Style Rooflight, flush with roof tiles and split into 2 sections to reduce impact from Street.

Loft Plan

Scale: - 1:100 @ A1/ 1:200 @ A3
Proposed Rear Elevation and Section Through New Pool House

Note
Please refer to Design & Access Statement for more boundary condition details adjacent Pool House.

Section Through New Pool House

Scale: - 1:50 @ A1

11 Clare Hill, Esher KT10 9NA
Pool House Section