Application No: 2017/2500  
Application Type: VAR73  

Case Officer: Dana Nickson  
Ward: Esher Ward  

Location: 17 Sandown Avenue Esher Surrey KT10 9NT  
Proposal: Variation of Condition 2 (Approved Plans) of planning permission 2016/1149 (Detached house) to reduce the overall height of house and chimneys, alterations to fenestration and internal alterations  
Applicant: Aspire Luxury Properties Ltd  
Agent: Mr Warren Joseph  
Ascot Design  
Berkshire House  
39-51 High Street  
Ascot  
Berkshire  
SL5 7HY  

Decision Level:  
If Permit: Sub Committee  
If Refuse: Sub Committee  

Recommendation: Permit  

Representations: Eight letters of objection received from six households the contents of which can be summarised as follows:  

- Unduly prominent and detrimental to the street scene  
- Overbearing  
- The proposed alterations to windows will give the building the appearance of a three-storey house  
- Out of keeping with surrounding properties  
- Overlooking  
- Incorrect description of proposal  
- The staff accommodation appears safe contained resulting in two residential units on site  
- Concerns regarding the CIL forms being update accordingly  
- Concerns regarding the garage provision not being adequate for the size of the development  
- Concerns regarding the application form incorrectly stating that the proposal has not commenced  
- Incorrect plans  
- Significant increase in bulk from the previous application  

Report  

Description  

1. The application site relates to a two storey detached dwelling located on the north side of Sandown Avenue, a private residential road in Esher in the Settlement Area of Esher and within the Design and Character Sub-area ESH02 New Road, Esher Park Avenue and Milbourne Lane.  

2. At the time of the site visit the existing dwelling has been demolished and works have commenced on the new dwelling.  

Constraints  

3. There are no relevant planning constraints.
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
CS2 – Housing provision
CS9 – Esher
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

Design & Character SPD 2012

Developer Contributions SPD 2012

5. Relevant Planning History

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<th>Reference</th>
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<td>2016/3212</td>
<td>Confirmation of Compliance with Conditions: 8 (Landscaping - Scheme) and 10 (Landscaping - Tree Planting) of planning permission 2016/1149</td>
<td>Compliance Refused</td>
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<td>2016/2942</td>
<td>Confirmation of Compliance with Condition: 3 (Materials Samples) of planning permission 2016/1149</td>
<td>Compliance Confirmed</td>
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<td>2016/1149</td>
<td>Detached two storey house with rooms in the roof space, dormer windows and integral garages following demolition of existing house</td>
<td>Granted</td>
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<tr>
<td>2015/2343</td>
<td>Detached two storey house with rooms in the roof space, dormer windows and integral garages following demolition of existing house</td>
<td>Appeal Dismissed</td>
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Proposal

6. This is a S73 application for the Variation of Condition 2 (Approved Plans) of planning permission 2016/1149 (Detached house). The proposal involves a reduction of approximately 35cms in ridge height and 83cms in the height of the chimneys as well as various alterations to fenestration, out of which the most prominent one is the replacement of the front and rear centrally positioned single dormer windows with three smaller dormer windows. The proposal also involves some internal alterations.

Consultations

7. Tree officer – confirmed that a pre commencement tree inspection in relation to application 2016/1149 had been carried out.

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. Section 73 provides for the ‘determination of applications to develop land without compliance with conditions previously attached’. It only provides for the variation of conditions attached to an existing planning permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions).

11. The principle of the development has already been established, as such the main planning considerations in the determination of this application are:

- The design of the proposal and impact on the street scene and character of the area
- The impact on neighbouring amenity
- The impact on parking

The design of the proposal and its impact on the host dwelling, the character of the area and the street scene

12. The application site is located in a residential area characterised by large detached dwellings of mixed character and design set in substantial plots.

13. The proposed alterations include a reduction in ridge and chimney heights which is considered to be acceptable and would actually reduce the scale of the proposed dwelling.

14. The main alterations to fenestration include the replacement of the approved single front and rear dormer windows to a maximum height 1.9m and a width of 2.6m with three smaller dormer windows of the same height and width of 1.6m. It is not considered that the proposed alterations to fenestration would alter the general appearance of the approved dwelling and therefore are considered to be acceptable.

15. It is therefore considered that the proposed variations to the approved scheme would not result in an adverse impact on the street scene and or the wider character of the area.

The impact on neighbouring amenity

16. The impact of the proposal on the amenity of the neighbouring properties has been fully assessed under planning application 2016/1149 and there were no concerns with regards to the impact upon neighbouring amenity. There have been no changes on site or in policy which would alter this assessment. The neighbouring properties potentially affected by the proposals are Nos.15 and 19 Sandown Avenue. Whist it is acknowledged that the proposed rear dormer windows would result in some additional high level views towards the rear of the site and the neighbouring properties gardens, such views would be relatively similar to those afforded from the existing first floor windows. In addition such views to the rear are not uncommon in a sub-urban residential environment. Therefore it is considered that the proposal would not result in a significant loss of privacy to neighbouring dwellings.

17. With regards to No.15, the proposal seeks to omit the first floor side dormer window on the elevations towards this neighbouring property, as such, this is considered to be an improvement over the approved proposal.

18. With regards to No.19, the proposed amendments do not involve any side facing windows above ground floor level that would face this neighbouring property. It is therefore considered that the proposed amendments would not result in a loss of privacy to this neighbour.
The impact on parking

19. The proposal also involves some internal alterations from the approved scheme including converting one of the internal garages into a cycle store and plant room which would result in the loss of one off-street car parking space; however the plans indicate that there would be adequate space on the proposed driveway to provide parking for at least four modern vehicles. This level of off-street car parking would be considered acceptable for the size of the dwelling. It is therefore considered that the proposed alterations to the approved garage provision would not result in any additional parking pressures in the surrounding area.

Matters raised in Representations

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

21. With regards to the incorrect description of the proposal referring to the alterations to fenestration only, this has been amended to include the reduction in ridge and chimney heights as well as the internal alterations.

22. With regards to the comments regarding the self-contained staff accommodation, this is considered to be ancillary to the host dwelling and it is considered reasonable to impose a condition ensuring this is maintained this way.

23. With regards to the comments regarding CIL, it must be noted that the proposed alterations do not result in an increase in floor space.

Conclusion

24. 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 LIST OF APPROVED PLANS
The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: CL09315/TPP Rev:2 received on 08 April 2016; 17-J2045-102 Rev A received on 31.07.2017 and 17 - J2045 - 103 Rev B received on 14.09.2017.

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

2 FLAT ROOF - NO OTHER USE
The flat roof to the single storey element of the development hereby permitted shall not at any time be altered or adapted to form a balcony, roof garden or similar amenity area without the grant of a further specific permission from the Borough Council.


3 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.

4 LANDSCAPING - SCHEME

Prior to first occupation 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.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM6 of the Elmbridge Development Management Plan 2015.

5 LANDSCAPING - IMPLEMENTATION

Prior to first occupation 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.

6 LANDSCAPING - TREE PLANTING AND AFTERCARE

Prior to first occupation full details of all proposed tree planting, the proposed times of planting, and arrangements for aftercare over a period of 5 years have been approved in writing by the Borough Council. All tree planting and aftercare shall be carried out in accordance with those details and at those times. If within a period of five years from the date of the planting of any tree, that tree, or any planted in replacement for it, is removed, uprooted or destroyed or dies,
another tree of the same species and size as that originally planted shall be planted in the same place, unless the Borough Council gives its 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.
1. Single wide dormer window omitted and replaced with 3 narrow dormer windows
2. Ridge height reduced
3. Bulk & height of chimney reduced
4. Pop up dormer omitted
5. Roof lantern reduced in size
6. Door to plant room introduced
7. Window repositioned and size amended
8. Door to boot room repositioned
9. Window introduced to WC
10. Glazing omitted