

Application No:	2019/0312	Application Type:	S37A
Case Officer:	Aneta Mantio	Ward:	Cobham and Downside Ward
Expiry Date:	08/04/2019		
Location:	154 Portsmouth Road Cobham Surrey KT11 1HX		
Proposal:	Variation of Condition 2 (Approved Plans) of planning permission 2012/3176 (Detached single-storey outbuilding) to alter the approved width, height and fenestration.		
Applicant:	Mr Andrew Mahendru		
Agent:			
Decision Level:	If Permit – Sub-Committee If Refuse – Sub-Committee		
Recommendation:	Permit		

Representations: Letters of objection from 17 addresses in addition to a petition signed by the occupiers of 9 further addresses, one of which is outside of the Borough (25 in total) and one letter of observation have been received concerned with the following matters:

- Out of character (design of windows; overbearing impact; external materials differ from the approved; raised internal floor level);
- Replacement of four smaller windows with two large would result in dominant appearance (refused previously);
- Loss of privacy due to increased internal floor level;
- Plans are incorrect (do not show what has been built so far) and do not indicate the location of drains;
- Flooding implications (surface water);
- Highway implications (congestion);
- No access for disabled persons provided;
- Potential use of rear garden of No. 152 for commercial purposes (container in place);
- Request for a confirmation of permission from Thames Water being obtained for a discharge of rainwater to the main drain;
- The current application does not include Design & Access Statement.

***** This application qualifies for Public Speaking *****

R e p o r t

Description

1. The application site comprises a semi-detached two-storey property with a commercial A1 use at the ground floor and a residential unit above. It is located on a corner plot to the south of Portsmouth Road and to the west of Copse Road in Cobham.

Constraints

2. The relevant planning constraint is:
 - Low risk of surface water flooding (limited areas on the boundary along Copse Road)

Policy

3. In addition to the revised 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

CS10 – Cobham, Oxshott, Stoke D’Abernon & Downside

CS17 – Local Character, Density and Design
CS23 – Employment Land Provision
CS26 – Flooding

Development Management Plan 2015

DM1 – Presumption in favour of sustainable development
DM2 – Design and amenity
DM7 – Access and parking
DM11 – Employment

Design & Character SPD 2012

Including the Companion Guide: Cobham, Oxshott, Stoke D’Abernon & Downside

Developer Contributions SPD 2012

Flood Risk SPD 2016

Relevant Planning History

4. The site is associated with several applications over the years, therefore only the applications directly relevant to the current proposal are outlined below.

Reference	Description	Decision
2018/1778	Whether or not works were substantially commenced in accordance with condition 1 of planning permission 2012/3176.	Grant Lawful Development Certificate - Existing Use
2012/3176	Detached single storey store room (87sqm) following demolition of existing sheds (107sqm)	Granted
2012/0771	Single storey detached store room (87sqm) following demolition of existing sheds (107sqm)	Refused

5. The previously refused scheme ref. 2012/0771 included two large windows (4.2m wide and 2.2m high) with two separate doors within the front elevation facing Copse Road. The application was refused for the following reason:

The design of the detached building with two large display windows would appear out of keeping with the distinctive residential area along Copse Road, thus contrary against saved policies ENV2 of the Replacement Elmbridge Borough Local Plan 2000, CS10 of the Core Strategy, National Planning Policy Framework (NPPF) and the Elmbridge Design and Character SPD.

Proposal

6. This is a Section 73 application for the variation of Condition 2 (Approved Plans) of planning permission 2012/3176 (Detached single-storey outbuilding) to alter the approved width, height and fenestration.
7. The proposal is for a building measuring 14.3m wide, 7.4m deep with a ridge and eaves heights at 4.35m and 3.05m respectively. The proposed front windows are 2.05m wide and 2m high (2.15m narrower and 0.2m lower than windows refused under the application ref. 2012/0771). The previously approved building measured 14.2m wide, 7m deep with a ridge and eaves heights at 4.3m and 2.9m respectively. As such, the amended building would be 0.1m wider, 0.4m deeper with an increase to the ridge height by 0.05m and eaves height by 0.15m. The development has commenced.
8. The ground levels of the application site slope slightly down to the south, along Copse Road. As such, the height measurements of the building would vary along the front elevation facing the road. The height of a building is measured from the ground level’s highest point next to the

building. As such, the height of the altered building is considered as that annotated on the proposed north elevation drawing, as at that point, the ground levels are at their highest.

9. The alterations to the fenestration include the following:
- Front elevation - a replacement of four front windows with two; and a replacement of two doors with one double door;
 - Rear elevation – a replacement of two doors with one double door and the introduction of two obscurely glazed small windows;
 - South/side elevation – repositioning of a door; and
 - North/side elevation – widening of the approved door by 0.1m to 2.1m.

Consultations

10. Surrey County Council (Transportation) – The County Highway Authority has undertaken an assessment of the submitted application and does not consider the proposed variations to represent a significant or severe impact on the local highway network. Therefore, no objections are raised on highway safety or capacity grounds to the application.

Positive and Proactive Engagement

11. The revised NPPF requires local planning authorities 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.
12. No formal pre-application advice was sought prior to the submission of this application.

Planning Considerations

13. 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). Section 73A is a legal provision that enables planning permission to be issued for development already carried out, including without complying with some conditions subject to which planning permission was granted.
14. The main planning considerations in the determination of this application are:
- The design of the proposal and its impact on the streetscene and the character of the area;
 - The impact on the amenity of neighbouring properties;
 - Highway implications;
 - Financial considerations.

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

15. The proposal is to raise the ridge and eaves height of the approved outbuilding by 0.05m and 0.15m respectively; and to increase the footprint to approximately 106sqm. The alterations also include changes to the fenestration details, doors and windows.
16. The original sheds that are being replaced by a purposely built storage outbuilding associated with the retail business use of the unit had a footprint of 107sqm. The current outbuilding would be of very similar dimensions, resulting in a footprint of 106sqm. The overall design of the building as approved would be retained. The proposed increase in the ridge height by 0.05m is considered very limited.
17. Previously considered application ref. 2012/0771 was refused due to the excessive scale front windows with signage being proposed, as these were considered out of keeping with the

distinctive residential character as viewed along Copse Road, in comparison with the main frontage in Portsmouth Road, which has a more varied mix of residential and commercial uses. Whilst the current proposal re-introduces two larger windows, their scale is substantially reduced in comparison with the earlier scheme. Furthermore, no signage is proposed. As such, it is not considered that the current proposal would result in any adverse visual impact in the residential context of Copse Road.

18. The external materials matching the host building have been subject to condition 3 of the original permission. The current application does not seek to alter these. Whilst it is noted that the host building was built in brick, the elevations visible in the context of the proposed outbuilding are painted white. The outbuilding is being implemented in blocks rather than brick, however could be rendered white, which would match the general appearance of the host building and would be therefore considered acceptable.
19. On the basis of the above, it is not considered that the proposed alterations would result in any detrimental impact in the street scene or on the character of the surrounding area beyond the original approved 2012 scheme.

The impact on the amenity of neighbouring properties

20. The proposed increase in the footprint is a result of a 0.4m deeper rear projection and a very limited, 0.1m additional side projection. The height would be increased marginally.
21. None of the neighbouring dwellings face the application site with their primary habitable room windows. The resulting impact on light reaching the adjacent ground floor front window of No. 3 Copse Road is considered similar to that of the approved outbuilding. Furthermore, due to the orientation of the proposed development to the north/northeast, no loss of sunlight is considered to result.
22. The proposal is a single storey storage building. As such, no overlooking or loss of privacy is considered to result. Despite this, the applicant proposes that the small scale rear windows are obscurely glazed.

Highway implications

23. The Highway Authority reviewed the proposed alterations to the original scheme and raised no objections in terms of highway safety or capacity. Some of the objections highlighted the issue of lack of disabled access. It should be noted that the storage outbuilding is to be used in association with the retail unit fronting Portsmouth Road and not as a shop, i.e. not for visiting members of the public. On this basis, no disabled access is considered necessary.

Financial considerations

Community Infrastructure Levy (CIL)

24. This is an application under Section 73A. As the original permission 2012/3176 was issued in November 2012, prior to the CIL charging being adopted in Elmbridge, and the additional floorspace is below the chargeable threshold, the proposed development is not liable for CIL.

Matters raised in Representations

25. The matters raised have been addressed in the planning considerations above. The outstanding matters are discussed below:
 - The original plans submitted as part of the current application did not reflect the development that had been already partially implemented and therefore a set of amended plans were accepted during the course of the application. The third parties were re-consulted on this change.

- In accordance with Regulation 9(1) of the Development Management Procedure Order 2015, 'Design and Access Statement' is not required to accompany the current application.
- As the proposal is not a major development, the details of the drainage system is not a planning material consideration. A very limited area along to the front boundary along Copse Road has a low risk of surface water flooding. Due to the scale of the area affected by this risk and its nature is low, it is considered that the implementation drainage required by Building Regulations would be sufficient.
- From the discussions with the applicant it is understood that the container currently in the rear garden is used as a temporary storage serving the retail use of the application site. This should cease once the storage building is complete.
- Unless specifically conditioned, the height of the internal floor level does not fall within the definition of development and therefore falls outside of the planning permission requirement.

Conclusion

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

The proposed development does not require a CIL payment

Recommendation: Grant Permission

Conditions/Reasons

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 (as part of MR11/12 01 rev A) received on 25th September 2012; and amended Proposed Front and Rear Elevations, Proposed Side Elevations and Proposed Ground Floor Plan, all received on 16/04/2019.

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

3 MATERIALS TO MATCH

The materials to be used in the construction of the external surfaces of the extension shall match as nearly as is practically possible those of the existing building to which it is attached, in colour, type, finish and profile.

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 OCCUPANCY - ANCILLARY STORE ROOM USE

The store room shall not be used for any purpose other than in connection with the existing ground floor commercial use at 154 Portsmouth Road, and in particular shall not be separately let, sold or otherwise occupied as a separate independent unit.

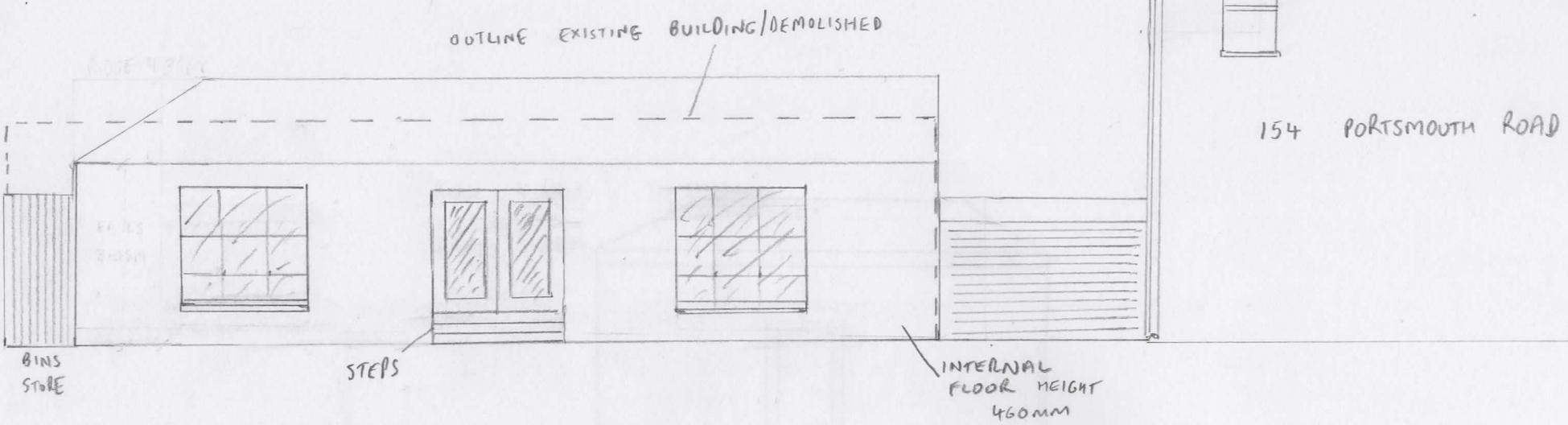
Reason: A separate unit could give rise to amenity issues that would affect the surrounding residential area.

Informatives

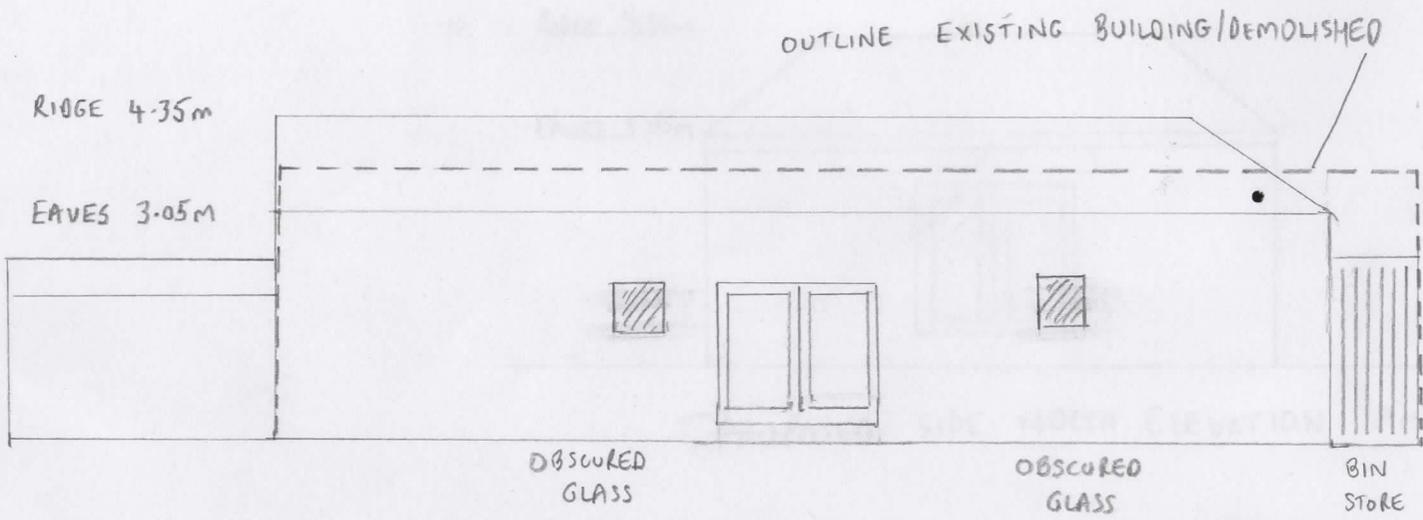
1 PLANNING CONDITIONS

some of those conditions applied to the original application 2012/3176 have had their details agreed or been discharged. For clarity details of these are set out below:

1) Time Limit - The approved development was commenced by virtue of the implementation of permission 2012/3176.



FRONT EAST ELEVATION PROPOSED AMENDED



1:100 REAR WEST ELEVATION PROPOSED AMENDED

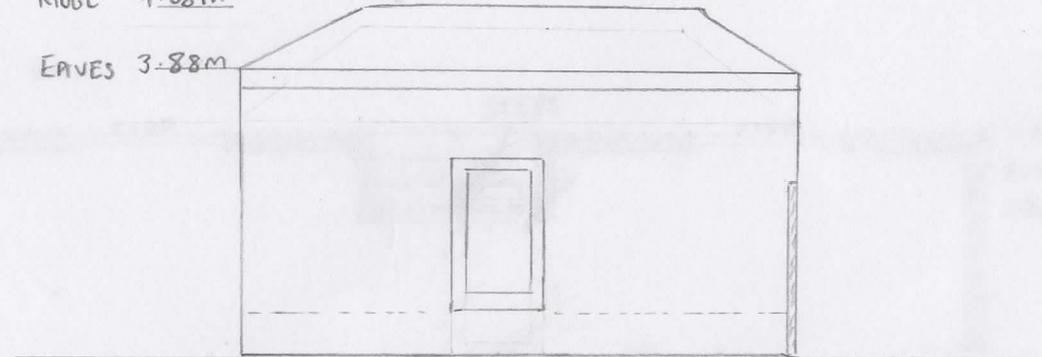
NEW
154 PORTS RD
FRONT
REAR
ELEVATIONS

EXISTING STRUCTURE
APPROX 98.1 50M

CORSE ROAD

RIDGE 4.68M

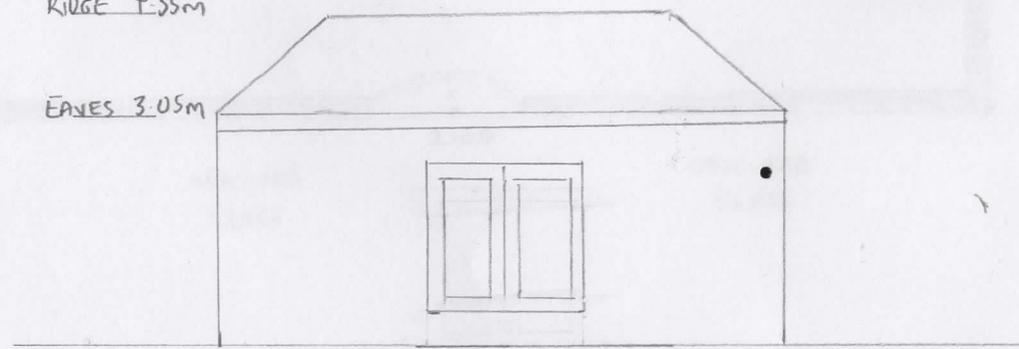
EAVES 3.88M



PROPOSED SIDE SOUTH ELEVATION AMENDED

RIDGE 4.35M

EAVES 3.05M



PROPOSED SIDE NORTH ELEVATION AMENDED

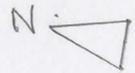
NEW
154 PORTIS RD
SIDE
ELEVATIONS

1:100

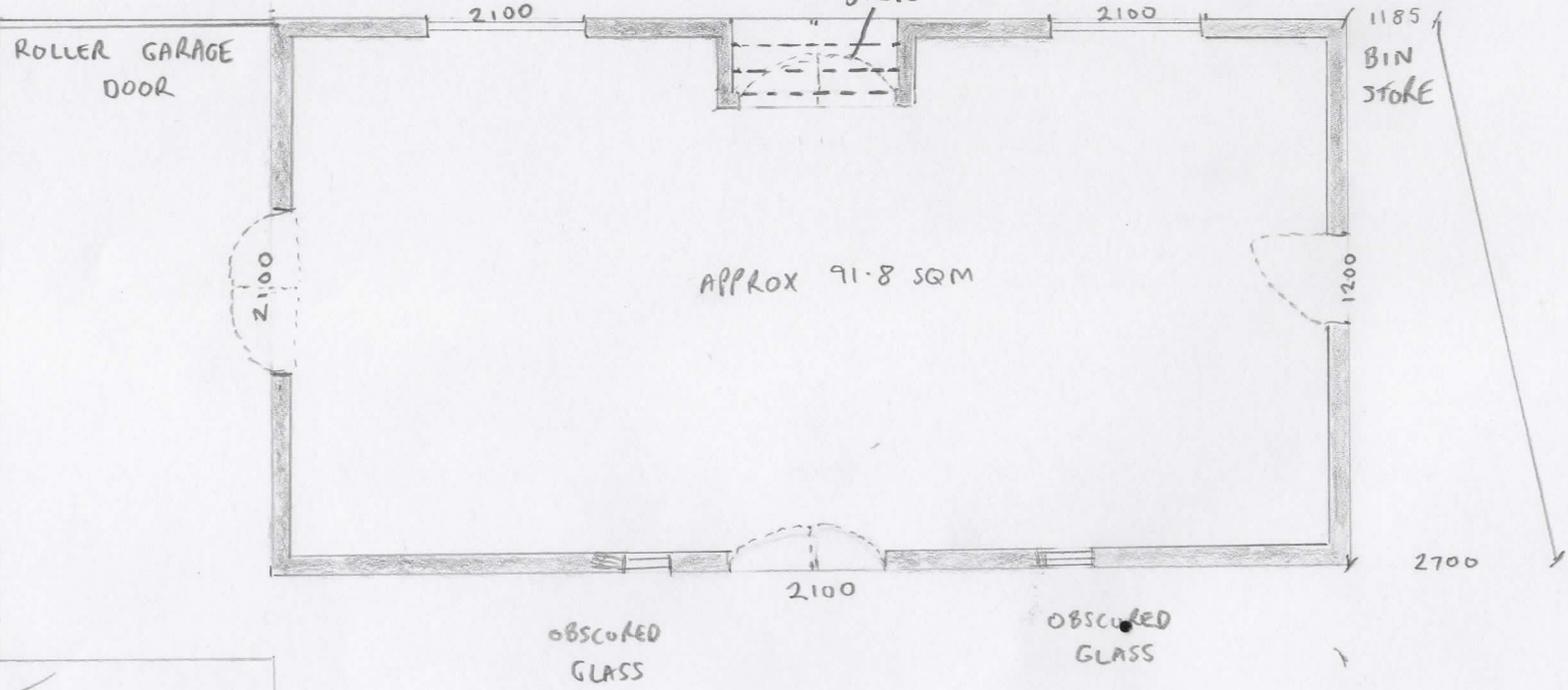
GROUND FLOOR PLAN PROPOSED AMENDED

EXISTING STRUCTURE
APPROX 98.1 SQM

COPSE ROAD



REAR OF 154 PORTSMOUTH ROAD



1:100

GROUND FLOOR PLAN PROPOSED AMENDED

NEW
154 PORTSMOUTH
GROUND
FLOOR
PLAN