Report To East Area Planning Sub-Committee – List A – Applications For Decision

<table>
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<th>Application No:</th>
<th>2015/4300</th>
<th>Application Type:</th>
<th>FULL</th>
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<tr>
<td>Case Officer:</td>
<td>Ross Cahalane</td>
<td>Ward:</td>
<td>Thames Ditton</td>
</tr>
<tr>
<td>Expiry Date:</td>
<td>04/02/2016</td>
<td>Proposal:</td>
<td>A pair of semi-detached two storey houses with rooms in the roofspace, dormer windows and new access following demolition of existing house and outbuildings</td>
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<tr>
<td>Location:</td>
<td>7 &amp; 9 Kings Drive Thames Ditton Surrey KT7 0TH</td>
<td>Applicant:</td>
<td>D &amp; G (Thames Ditton) Ltd</td>
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<td></td>
<td></td>
<td>Mr Warren Joseph</td>
<td>Ascot Design</td>
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<td>Berkshire House</td>
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<td>Agent:</td>
<td>39-51 High Street</td>
<td>Ascot</td>
<td>Berkshire</td>
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<td>SL5 7HY</td>
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<td>Decision Level:</td>
<td>If Permit: Sub Committee</td>
<td>If Refuse: Sub Committee</td>
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<td>Recommendation:</td>
<td>Permit</td>
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Representations: Two letters of support and 17 objections (from 14 addresses) have been received. The objections raise the following concerns:

- Plot too small for two houses
- Too bulky for the size of the plot
- Appearance and semi-detached form out of keeping with other houses on same side of street
- Dwellings effectively three storey and too high and overbearing
- Increase in overshadowing and enclosure to No. 11 Kings Drive. Dominates and overpowers No. 11 and reduces privacy afforded to No. 11.
- Re-sited building away from highway breaches 45 degree line towards rear window of No. 11
- Parking issues still not satisfactorily addressed
- Loss of 4 spaces on street
- Parking arrangement will be inconvenient for new occupants
- Will add to density of the area
- Most appropriate development would be a single detached family home
- Query compliance with BRE light regulations
- Query compliance with fire and access regulations
- Lack of confidence with developers based on previous site dealings

***This Application has been promoted by Councillor Randolph if the recommendation is to refuse***

***This Application Qualifies for Public Speaking***

Report

Description

1. The application site comprises a single storey building with flat roof garage located on the western side of Kings Drive. The site is located within the Settlement Area of Thames Ditton and accords with sub area DHW02: Thames Ditton, Giggs Hill Green and part Long Ditton residential suburbs as identified within the Design and Character Supplementary Planning Document.
Constraints

2. There are no relevant planning constraints.

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**
  - CS2 – Housing provision, location and distribution
  - CS8 – Thames Ditton, Long Ditton, Hinchley Wood and Weston Green
  - CS17 - Local Character, Density and Design
  - CS21 - Affordable housing
  - CS25- Travel and Accessibility

- **Development Management Plan 2015**
  - DM1-Presumption in favour of sustainable development
  - DM2- Design and Amenity
  - DM6 – Landscape and trees
  - DM7 – Access and parking
  - DM10 – Housing

- **Design & Character SPD 2012**
  - Part 5: Design Guidance (General Aspects of Design)
  - Companion Guide: Thames Ditton, Long Ditton, Hinchley Wood and Weston Green

- **Developer Contributions SPD 2012**

Relevant Planning History

4.

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
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<tr>
<td>2014/5064</td>
<td>A pair of semi-detached two storey houses rooms in the roofspace, dormer windows and new access following demolition of existing house and outbuildings</td>
<td>Refused</td>
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5. 2014/5064 was refused by East Area Sub-Committee on 06 July 2015 for the following reasons:

1. The submitted plans show that the car space for Plot 2 is less than 5.8m in depth. This would not fully provide the 1 space per unit in this area of on-street parking stress required by policy DM7 of the Elmbridge Development Management Plan 2015. If this substandard parking space were used, it would likely lead to a vehicle overhanging the public highway. This obstruction would prejudice highway safety contrary to policy DM7 of the Elmbridge Development Management Plan 2015 and CS25 of the Elmbridge Core Strategy 2011.

2. By reason of the bulk and mass of this proposal it will result in a form of development that will appear overly dominant within the streetscene and cramped within this narrow plot. This proposal therefore fails to comply with policy DM2 of the Elmbridge Development Management Plan 2015, CS8 and CS17 of the Elmbridge Core Strategy 2011, the Design and Character SPD and the NPPF 2012.

3. The proposed dwelling of Plot 2 would breach the 25 degree line splay from a side facing ground floor habitable window of No.11 Kings Drive and the 45 degree angle from the corner of the new dwelling and is considered to result in a loss of daylight to habitable rooms at

6. Only the first reason for refusal quoted above was recommended by officers.

Proposal

7. Permission is sought for a pair of semi-detached two storey houses with rooms in the roofspace, dormer windows and new access following demolition of existing house and outbuildings.

8. The proposed dwellings would be two storey with 2nd floor accommodation within the roof space facilitated by a front and rear dormer window. The proposed dwellings would have a maximum depth of approx. 14.51m (reducing to approx. 11.8m at two storey level), width of 6.2m, ridge height of 8.8m and maximum eaves height of approx. 6.3m. A shared vehicular crossover will be provided with one car parking space at the front for each dwelling.

9. The proposal forms an amendment of the refused 2014/5064 scheme, with the dwellings moved further back from the highway in an attempt to overcome the first reason for refusal, and a reduced depth overall of approx. 1.3m (approx. 1.7m at first floor level). The current proposed dwellings no longer contain a protruding chimney breast above the ridge and a chimney breast is now located within each side elevation roof slope. The current proposal also contains full-hipped flank roof forms as opposed to the barn-hip forms of the refused scheme, in an attempt to overcome the second reason for refusal.

10. In respect of the third reason for refusal, a daylight and sunlight report has been provided by the applicant in an attempt to demonstrate that the current proposal would have a low impact on the light receivable by its neighbouring properties. The proposed two storey element of the dwellings would not project further beyond the rear elevation lines of the dwellings No. 5 and No. 11 Kings Drive at either side than the 2014/5064 scheme. However, the proposed single storey extensions would be approx. 0.6m deeper than the 2014/5064 scheme.

Consultations

11. Council Tree Officer: No objection, subject to imposition of conditions regarding tree protection and a pre-commencement site meeting.

12. SCC Highway Authority - The Highway Authority has assessed the impact of the proposal on highway safety, capacity and policy grounds and raises no objections, subject to a condition and informative.

Positive and Proactive Engagement

13. 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.

14. Pre-application advice (2014/4499/NEW) was sought prior to the submission of this application. It was advised that the principle of the development was acceptable.

Planning Considerations

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

- The design of the proposal and its impact on the character of the area and the street scene
- The impact on the amenity of neighbouring properties
• The living conditions of future occupiers
• Access and parking
• Trees and landscaping
• Financial considerations

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

16. The current proposed dwellings no longer contain a protruding chimney breast above the ridge and a chimney breast is now located within each side elevation roof slope. The current proposal also contains full-hipped flank roof forms as opposed to the barn-hip forms of the 2014/5064 refused scheme, in an attempt to overcome the second reason for refusal.

17. In general, the character of Kings Drive is mixed and includes detached, semi-detached and single storey dwellings. This particular western part of Kings Drive comprises of detached dwellings, some with second floor accommodation. There are a number of pairs of semi-detached dwellings on the adjacent side of the road. In addition, there are examples of second floor accommodation within roof spaces and dormers within the street scene and locality.

18. With this in mind, it is considered that the design and appearance of the current proposed dwellings would be compatible with general vernacular of the locality and would not adversely impact upon the street scene. Furthermore, it is considered that the current proposed full-hipped side elevation roof profiles, although incorporating a flat crown roof, would not appear incongruous or intrusive within the wider context of the street. At a ridge height of 8.8m, it is considered that the proposed dwellings would not appear unduly prominent or tower over the surrounding properties.

19. It is considered that the proposed front and rear dormers would not over-dominate the roof profiles of the host dwellings and would not appear out of keeping or intrusive within the locality.

20. The proposed plot sizes and frontages would be compatible with neighbouring and surrounding properties. It is considered that the gaps proposed between the dwellings and the site boundaries would respect the existing spacing pattern within the street scene. Moreover, the spacing distances would be sufficient to prevent a terracing affect and would prevent the new dwellings appearing cramped within their plots.

21. In light of the above, it is considered that the proposed development as a whole would not result in adverse harm to the character of the surrounding area.

The impact on the amenity of neighbouring properties

22. The current proposed two storey element of the dwellings would not project further beyond the rear elevation lines of the dwellings No. 5 and No. 11 Kings Drive at either side than the 2014/5064 refused scheme. However, the proposed single storey extensions would be approx. 0.6m deeper than the 2014/5064 scheme.

23. An updated daylight and sunlight report has been provided by the applicant, carried out by Right of light Consulting in accordance with the numerical tests set out in the Building Research Establishment (BRE) guide ‘Site Layout Planning for Daylight and Sunlight: a guide to good practice’ by P J Littlefair 2011, which is based on the requirements of the British Standard BS8206 Part II. This report is supplemented by a third party review of the report and analysis by a RICS-qualified surveyor. The subsequent review expands on the findings in respect of impact upon daylight and sunlight and states that five windows of No. 11 do not meet the BRE guidelines for VSC, and four windows do not meet the guidelines for total and winter APSH, but nonetheless concludes that the alteration in daylight and sunlight is considered to be ‘minor adverse’ in significance.

24. The findings of this report and subsequent review are considered further below. However, it must be noted that the above BRE guidance also states that:
The guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly, since natural lighting is only one of many factors in site layout design.

25. The submitted site plan shows that the proposed two storey element would not breach the relevant 45 degree test taken from the nearest rear windows of the detached properties No. 5 and No. 11 Kings Drive at each side. Although the site plan shows a breach of a 45 degree line over a small corner of the proposed single storey rear extension of Plot 2, this would be to a distance of approx. 8.3m. Paragraph 5.60 of Part 5 of the Elmbridge Design and Character SPD advises that if new single storey development is positioned further than 8 metres from the edge of the existing dwelling’s window, the relationship between the buildings is acceptable. As such, the proposal would not breach the relevant 45 degree tests outlined above.

26. Paragraph 5.61 of the Design and Character SPD advises that “An additional tool for considering the relationship between buildings is the ‘25 degree rule of thumb’. This Building Research Establishment (BRE) guidance advises that daylight and sunlight levels may be adversely affected by the presence of buildings near to windows serving habitable rooms.” The BRE Guidelines state that a window may be adversely affected if its Vertical Sky Component (VSC) measured at the centre of the window is both less than 27% and less than 0.8 times its former value. The guidelines also state that a window may be adversely affected if a point at the centre of the window receives less than 25% of the total Annual Probable Sunlight Hours (APSH), or less than 5% of the APSH during the winter months (21 September – 21 March), receives less than 0.8 times its former sunlight hours during either period and has a reduction in total ASPH which is greater than 4%.

27. No. 11 has side facing habitable window in the ground floor of its rear outshot (labelled 22 -25 in the daylight and sunlight report), which are identified as habitable windows. The impact of the 2014/5064 scheme upon these windows was considered unacceptable by Members and formed the basis of the third reason for refusal, and the current proposed Plot 2 would breach the relevant 25˚ sightline splay from these windows. The daylight and sunlight report acknowledges all these windows as serving a habitable room, and all these windows meet the above VSC guidance apart from Window 25 with VSC percentages of 7.6% and 5.3% before and after (significantly below the recommended 27% threshold), giving a loss ratio of 0.7 (below the recommended 0.8 threshold). In terms of sunlight received, the report also suggests that Window 25 would not meet the recommended total and winter sunlight thresholds.

28. However, it must be acknowledged that the existing VSC to this window is already significantly below the VSC guidelines, as it appears to be poorly lit on account of its positioning to the side of the set of French doors and facing the main host dwelling two storey elevation, and that the habitable room in question appears to be served by other windows that fall within the VSC guidelines.

29. The use of a SunCalc indicates that there would be a loss of midday sunlight to the above side windows, in particular within the summer months. This is acknowledged by the Council’s initial 25 degree sightline assessment and the daylight and sunlight report provided by the applicant. However, taking into account the above assessment of relevant local planning policy guidance and the evidence within the daylight and sunlight report, it is considered that on balance, it would be difficult to sustain at appeal a reason for refusal based on loss of light to No, 11, albeit it is acknowledged that there will be some loss of light for a period in the middle of the day.

30. The report also suggests a more significant loss of daylight upon Windows 30, 31, 33 and 34 (0.33, 0.34, 0.55 and 0.64 respectively). However, Windows 30 and 31 appear to be secondary habitable windows on the side elevation facing the proposal and Windows 33 and 34 appear to be obscure-glazed. As such, it is considered that no adverse loss of light would
arise. It is however considered necessary and reasonable to impose a planning condition removing permitted development rights for extensions and outbuildings, so that sufficient private amenity space can be retained for future occupiers.

31. It is acknowledged that No.7 has two ground floor windows within its northern elevation. Although serving a habitable room, these windows are secondary windows and obscurely glazed. Therefore, limited weight can be attributed to a loss of light to the same.

32. The separation distance between the new dwellings and the neighbouring dwellings to the rear (on Kings Drive) along would be sufficient to prevent any undue overlooking and loss privacy.

33. The plans indicate that the first floor flank window in each new dwelling would serve an non-habitable area (staircase). The inclusion of these windows is considered acceptable subject to the imposition of a condition requiring obscure glazing and fixed shut below 1.7m from the internal floor level. This would prevent any adverse overlooking and loss of privacy to the neighbouring properties.

34. Additionally, the proposed two storey element of Plot 2 would not project further from the rear elevation line of No. 11 than the 2014/5064 scheme, which was on balance considered acceptable by officers following the submission of a daylight and sunlight report that was considered by East Area Sub-Committee on 06 July 2015.

35. The living conditions of future occupiers

36. The proposed rear gardens of the new dwellings would comply with the minimum recommended depth for dwellings of this size as set out in the Council’s ‘Design and Character’ SPD. Furthermore, this amenity space is considered adequate and commensurate to the size of the new dwellings.

Access and parking

36. Policy DM7 seeks to ensure that development does not result in on-street parking stress that would be detrimental to the amenities of local residents. The current proposed dwellings have been moved further back from the highway in an attempt to overcome the first reason for refusal of the 2014/5064 scheme. There is considerable amount of on-street parking pressure along Kings Drive and there are a number of houses along the road and within the vicinity that do not benefit from off street parking. The Council operates maximum parking standards and in this location a minimum of 1 space per residential unit should be provided.

37. The proposal would provide one off-street car parking space for each dwelling, with their dimensions meeting the Surrey County Council Standing Highway Design Advice for Minor Development. A space of 1m is now provided between the parking bay and the front wall of the properties, as advised by Surrey County Council Highway Authority under the previous 2014/5064 scheme. SCC Highways has assessed the current proposal on safety, capacity and policy grounds and has recommended a pre-occupation planning condition requiring provision and maintenance of the vehicular crossover and maximum achievable sightlines, and thereafter the sightlines shall be kept permanently clear of any obstruction overhanging the highway along the site frontage onto Kings Drive between 0.6m – 2m above ground.

38. In light of the above, it is considered that the current proposal accords with Policy DM7 as it sufficiently overcomes reason 1 of the previous 2014/5064 scheme.

Trees and landscaping

39. An updated arboricultural report, method statement and tree protection plan has been provided by the applicant. The Council’s tree officer has raised no objection, subject to imposition of conditions regarding tree protection and a pre-commencement site meeting, which is considered necessary and reasonable. Site landscaping can also be controlled through planning conditions.
Financial considerations

40. Section 70 subsection 2 of the Town and Country Planning Act 1990 (as amended) states that any local financial considerations are a matter to which local planning authorities must have regard to in determining planning applications; as far as they are material for the application. The weight to be attached to these considerations is a matter for the Council.

New Homes Bonus

41. The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes and their use. The New Homes Bonus is paid each year for 6 years. It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use. There is also an extra payment for providing affordable homes. In the 2014-15 allocation, the Council received £2.07m through the New Homes Bonus. The Council's New Homes Bonus allocation for 2015-16 is £2.45m.

42. Local financial considerations are defined as grants from Government or sums payable to the authority under the Community Infrastructure Levy (CIL). This means that the New Homes Bonus is capable of being a material consideration where relevant. In the current case, the approval of the application would mean that the New Homes Bonus would be payable for the net increase in dwellings from this development.

Affordable Housing

43. Paragraph 012 - 023 of the National Planning Policy Guidance on planning obligations has been removed following the quashing of Ministerial Statements dated 28 November and 10 February by the High Court (on the application of West Berkshire District Council and Reading Borough Council vs. Secretary of State for Communities and Local Government [2015]). This was overruled by the Court of Appeal and therefore Government guidance may change again.

44. As it currently stands, the Council's approach to the provision of Affordable Housing is set out in Policy CS21 of the Core Strategy (July 2011) and the Developer Contributions Supplementary Planning Document (SPD) (April 2012). All planning applications for new residential development within the Borough determined from 31 July 2015 will be required to comply with this policy. The proposed development involving one net additional dwelling is therefore liable for an affordable housing contribution.

45. The appropriate level of the financial contribution towards the affordable housing provision has been calculated, and it is anticipated that a Unilateral Undertaking will be secured prior to the Planning Sub-Committee meeting.

Community Infrastructure Levy

46. The proposed development is liable for CIL, as it involves the creation of a new dwelling. The proposed new dwelling Gross Internal Area space has been measured to be approx. 85 sq. m, and it is estimated that this will require a contribution of £12,047.99. However, the applicant has claimed the self-build exemption, which will be subject to a number of criteria and procedures being met.

Matters raised in Representations

47. Matters regarding fire and access regulations are covered under separate building control legislation outside of the planning regime. The application must be considered on its planning merits and a decision cannot be based upon having confidence in the developers. All other matters covered in the report.

Conclusion

48. 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.
Case Officer Checklist

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<td>Drawings</td>
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<td>Site Visit Notes</td>
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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:

   - Proposed streetscene (Drawing No. 14 - P1078 - 204) - received on 27 November 2015;
   - Proposed site plan (Drawing No. 14 - P1078 - 201); Proposed Plot 1 floorplans and elevations (Drawing No. 14 - P1078 - 202) - both received on 10 December 2015;
   - Proposed Plot 2 floorplans and elevations (Drawing No. 14 - P1078 - 203) - received on 11 December 2015.

   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 submitted material schedule received on 27 November 2015, 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. **OBSCURE GLAZING**
   The bathroom windows on both first floor side elevations of the development hereby permitted shall be glazed with obscure glass and fitted with non-opening principal lights, and subsequently maintained in this form. Such glass shall be sufficiently obscure to prevent loss of privacy. The affixing of an obscure film will not be sufficient.

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

5. **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.

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

7   PD LIMITATION
Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Part 1 Class A of Schedule 2 to the said Order shall be carried out within the curtilage of the dwellinghouses hereby approved, unless planning permission is first granted by the Borough Council.

Reason: To safeguard the character and amenities of the premises and adjoining properties and to comply with Policy DM2 of the Elmbridge Development Management Plan 2015.
LOCATION PLAN - Scale 1:1250

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PLANNING ISSUE

D&G (THAMES DITTON) Ltd

7 & 9 KINGS DRIVE,
THAMES DITTON, KT7 0TH

1:1250 @ A4

14 - P1078 - LP201