<table>
<thead>
<tr>
<th>Application No:</th>
<th>2018/0663</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Type:</td>
<td>S37A</td>
</tr>
<tr>
<td>Case Officer:</td>
<td>Natalie Lynch</td>
</tr>
<tr>
<td>Ward:</td>
<td>Molesey East Ward</td>
</tr>
<tr>
<td>Location:</td>
<td>38A Walton Road East Molesey Surrey KT8 0DQ</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Retrospective Variation of Condition 2 (Approved plans) and Removal of Condition 4 (Flat roof - no other use) of planning permission 2015/3733 (Two-storey terraced building to form three flats) to alter fenestration, increase rear first floor eaves height, replace three rear dormer windows with two larger dormer windows, include a 1.7m high privacy screen around the balcony and remove condition to allow use of the flat roof.</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Calatrava Capital Ltd</td>
</tr>
<tr>
<td>Agent:</td>
<td>Chris Dent Architect</td>
</tr>
<tr>
<td>5 North Avenue</td>
<td></td>
</tr>
<tr>
<td>Exeter</td>
<td></td>
</tr>
<tr>
<td>EX1 2DU</td>
<td></td>
</tr>
<tr>
<td>Decision Level:</td>
<td>Permit – Sub-Committee</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Permit</td>
</tr>
</tbody>
</table>

**Representations:** A total of 9 objections from 7 neighbouring properties have been received, raising the following concerns:

- Windows are fully openable and result in additional overlooking and loss of privacy
- Works being undertaken without planning permission
- Overlooking and loss of privacy
- Loss of sunlight
- Impact on views in the conservation area
- Privacy screen not of a sufficient height
- Safety risk
- Increase in noise pollution
- Out of keeping with the surrounding area
- Lack of parking
- Lack of bin stores

**Report**

**Description**

1. The application site contains a two-storey building which is currently being converted into three flats.

**Constraints**

2. The relevant planning constraints are:

- Conservation Area

**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**
- **CS7 – East and West Molesey**
- **CS17 – Local Character, Density and Design**
## Relevant Planning History

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015/3733</td>
<td>Variation of Condition 2 (Approved Plans), 3 (Materials) and 4 (Design Materials) of planning permission 2013/4363 (Two storey terraced building to form three flats) to change layout to provide four flats and change the materials</td>
<td>Granted</td>
</tr>
<tr>
<td>2015/2941</td>
<td>Variation of Conditions: 2 (Approved Plans) 3 (Materials) and 4 (Front Elevation Design) of planning permission 2013/4363 (Two storey terraced building) to change flat on ground floor to 2 flats, to change proposed materials and to provide proposed front elevation design</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>2015/2234</td>
<td>Variation of Conditions: 2 (Approved Plans) 3 (Materials) and 4 (Front Elevation Design) of planning permission 2013/4363 (Two storey terraced building) to change flat on ground floor to 2 flats, to change proposed materials and to provide proposed front elevation design</td>
<td>Refused – The proposed development, by reason of the inadequate gross internal area within the two proposed ground floor flats, would represent a cramped form of development and would not provide an appropriate standard of living for future occupiers.</td>
</tr>
<tr>
<td>2015/0883</td>
<td>Attached two storey building with rooms in the roof space, dormer windows and rear balconies to provide 9 flats following demolition of existing buildings</td>
<td>Refused</td>
</tr>
<tr>
<td>2013/4363</td>
<td>Two storey terraced building with front and rear dormer windows to facilitate rooms in the roof space to accommodate three flats, following demolition of existing building</td>
<td>Granted</td>
</tr>
<tr>
<td>2007/0738</td>
<td>Amendments to planning permission 2004/0909 (Part two/part single storey rear, first floor side extension and roof extension including front and rear dormer windows to form two additional flats) to allow demolition and rebuild of facade on front elevation</td>
<td>Granted</td>
</tr>
<tr>
<td>2005/1417</td>
<td>First floor rear balcony</td>
<td>Refused - The proposed terrace and screen wall, due to their siting, height and scale, would be an unneighbourly</td>
</tr>
</tbody>
</table>

CS25 – Travel and Accessibility

Development Management Plan 2015
DM1 – Presumption in favour of sustainable development
DM2 – Design and amenity
DM7 – Access and parking
DM10 – Housing
DM12 – Heritage

Design & Character SPD 2012
development which would have an overbearing impact on the adjoining property and is likely to result in a loss of privacy to neighbours. As such the proposal would conflict with policies HSG20 and HSG21 of the Elmbridge Borough Local Plan 2000 and advice within the Home Extensions Companion Guide to the Elmbridge Residential Design Guidance.

<table>
<thead>
<tr>
<th>Reference</th>
<th>Proposal Details</th>
<th>Planning Decision</th>
</tr>
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<tbody>
<tr>
<td>2004/0909</td>
<td>Part two/part single storey rear, first floor side extension and roof extension including front and rear dormer windows to form two additional flats</td>
<td>Granted</td>
</tr>
<tr>
<td>1998/1831</td>
<td>Change of use of ground floor retail area to residential ancillary to existing ground and first floor residential accommodation</td>
<td>Granted</td>
</tr>
<tr>
<td>1997/0794</td>
<td>Change of use of ground floor shop (Class A1) to restaurant (Class A3).</td>
<td>Refused</td>
</tr>
<tr>
<td>1995/1244</td>
<td>Single storey rear extension to form new retail unit and installation of shopfront.</td>
<td>Granted</td>
</tr>
<tr>
<td>1980/1130</td>
<td>Change of use of ground and first floor from shop and residential to doctor’s surgery</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>78/1184</td>
<td>Change of use from shop and take away Indian food</td>
<td>Refused</td>
</tr>
<tr>
<td>78/1184</td>
<td>Change of use from shop and residential to Chinese restaurant</td>
<td>Refused</td>
</tr>
<tr>
<td>61/0556</td>
<td>Erection of building for use as bottle store</td>
<td>Approved</td>
</tr>
</tbody>
</table>

**Proposal**

5. Retrospective planning permission is sought for the variation of condition 2 (Approved plans) and removal of condition 4 (Flat roof - no other use) of planning permission 2015/3733 (Two-storey terraced building to form three flats) to alter fenestration, including an increase in rear first floor eaves height and front eaves height, replace three rear dormer windows with two larger dormer windows, include a 1.7m high privacy screen around the balcony and remove condition to allow use of the flat roof as a terrace.

6. Since the original submission of the application, amended plans were received to reflect what has been built on site. These amended plans included the raising of the front eaves level, the reduction in the size of the roof lights on the ground floor extension and the addition of glazing bars in the second floor level dormers. All neighbouring residents were re-consulted on these amended plans.

**Consultations**


8. East Molesey Conservation Area Advisory Committee – no further comments to make, objected to scheme in 2015/3733 and 2013/4363.

9. Conservation Officer – Object. No.38A is sited adjacent to a Significant Unlisted Building and in the vicinity of a number of statutory/locally listed buildings. Its rear elevation at upper
storey level is very visible from the eastern side of Matham Road. Raising the first floor eaves height adversely affects the appearance of the building and replacement of the smaller dormer windows with two full length windows is out of keeping. Secondly, do not consider that the privacy screening at No.40 sets a precedent. This has resulted in a small adverse impact on the conservation area when viewed from within Matham Road. It is considered that a similar privacy screen at No.38A would be slightly more prominent and have a greater negative impact on views across the rear of these buildings.

10. Surrey County Council (Transportation) - Based upon the information supplied without site inspection the Highway Authority has assessed the impact of the proposal on highway safety and capacity and raised no objections. The development is considered to be in accordance with policy CS25 of the Elmbridge Core Strategy 2011 and policy DM7 of the Development Management Plan 2015.

Positive and Proactive Engagement

11. 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.

12. Pre-application advice was sought following the refusal in 2015/2234. No further pre-application advice regarding the changes in this application have been sought.

Planning Considerations

13. 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, the street scene and the conservation area
   - The impact on the amenity of neighbouring properties
   - The impact on the highway

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

14. Policy CS7 states that all new development will be expected to enhance the local character of the area. Policy DM2 states that all development proposals should preserve or enhance the character of the area, taking account of design guidance detailed in the Design and Character SPD, paying particular regard to the appearance, scale, mass, height and pattern of built development. Policy DM12 states that planning permission will be granted for developments that protect, conserve and enhance the Borough’s historic environment.

15. The application site is located within the East Molesey (Old Village) Conservation Area. The rear of the building is partially visible from Matham Road. The two dormer windows that have been built are larger than the three approved dormer windows. The Conservation Officer has raised an objection to these two full length windows due to them being out of keeping. However, there are other dormer windows in the surrounding area. Whilst these dormer windows are larger, they do not dominate the rear roof slope and are positioned behind the raised eaves which gives the impression that they are not full height windows. Furthermore, the dormer windows are only visible from Matham Road and those neighbouring properties directly adjoining the site. It is considered that the roof dormers do not have an adverse impact on the character and appearance of the host building. It is considered that the character and appearance of the conservation area continues to be preserved.

16. The first floor eaves to the rear have been increased. The Conservation Officer has raised concerns about this having an adverse impact on the appearance of the building. However, the rear of the property has limited views from the surrounding area. The eaves have been raised so that they are the same height as the eaves of the neighbouring building, No. 40. Given the limited visibility and that the eaves height would be the same as the adjoining
building it is considered that there is no adverse impact on the character and appearance of the host building or the surrounding area. The front eaves have also been raised, however, again this is of a similar height to the eaves of the adjoining building, No. 40. It is considered that this has no adverse impact on the overall character and appearance of the street scene.

17. The roof lights have also been reduced in size on the roof of the ground floor extension. Given the limited visibility of these roof lights, it is considered that this has no adverse impact on the character and appearance of the surrounding area.

18. The flat roof area is also proposed to be used as a roof terrace. A 1.7m high privacy screen around the roof terrace is also proposed. This would be obscurely glazed. The Conservation Officer has raised an objection to this screen and considers that it has a small adverse impact on the conservation area when viewed from within Matham Road. The Conservation Officer also considers that a privacy screen here would be more prominent and have a greater negative impact on views across the rear of these buildings. However, it is considered that the rear of these buildings has a limited view from the surrounding area and the screen would have a similar appearance to the screen at No. 40. As such, it is considered that any additional harm as a result of the screen being slightly more prominent is likely to be limited.

The impact on the amenity of neighbouring properties

19. Policy DM2 states that to protect the amenity of adjoining and potential occupiers and users, development proposals should be designed to offer an appropriate level of outlook and provide adequate daylight, sunlight and privacy.

20. The increase in the eaves height to the front and the rear of the building and the reduction in the size of the roof lights has no adverse impact on neighbouring amenity in terms of loss of light or overshadowing.

21. Two larger roof dormers have been constructed instead of three smaller dormers. Whilst the larger dormers include additional glazing, the applicant is willing to agree to a condition requiring these windows to be obscurely glazed below 1.7m. This would prevent any direct overlooking into the neighbouring rooflight at Matham House, which adjoins the rear of the site. This would prevent any issues of overlooking or loss of privacy. The approved smaller windows had a cill height of 1.4m, so with the windows being obscurely glazed up to 1.7m, this would be an improvement over the approved scheme for this neighbouring property. Concern has also been raised by neighbours regarding 1.7m not being of a sufficient height, however, 1.7m is the standard approach (which also applies to developments constructed under permitted development) for any new upper floor side windows to protect neighbouring amenity in terms of overlooking and loss of privacy. This is a standard approach to avoid overlooking. Whilst this relates to upper floor side windows, the same principles can be applied to new windows which are within 22m of a neighbouring window and could result in direct overlooking onto the neighbouring property, as in this case.

22. A condition was imposed on the approved permission restricting the use of the flat roof area as a roof terrace to protect neighbouring amenity. The applicant now proposes to use part of this flat roof area as a roof terrace. A 1.7m high privacy screen which will be obscurely glazed is proposed. This would be similar to the roof terrace at No. 40. The 1.7m high privacy screen would prevent any direct overlooking onto neighbouring properties and any loss of privacy. As such, there would be no adverse impact on neighbouring amenity.

23. Concern has been raised regarding the potential increase in noise pollution, however, the use of a roof terrace area would generate no further noise in comparison to occupiers enjoying their back garden at ground floor level. It is considered that there would be no adverse impact on neighbouring amenity through additional noise and disturbance issues.

The impact on the highway

24. The alterations that have been made to the building would not result in any adverse impact on parking or highway safety. Concern has been raised regarding the lack of parking on the site.
However, the scheme has already been approved with no car parking and this application does not increase the number of flats at the site. Surrey County Council as the Highway Authority have raised no objection to the proposals.

**Matters raised in Representations**

25. Whilst the works that have been undertaken are not in accordance with the approved plans, this application seeks to rectify this breach of planning control. Concern has been raised regarding the use of the roof terrace posing a safety risk, however this is not a planning consideration. Concern has also been raised regarding the lack of bin stores, however, the bin store arrangements remain unchanged in this application and are the same as previously approved with a bin store in the service room.

26. All the other matters raised have been addressed in the report above.

**Conclusion**

27. 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**

2. **LIST OF APPROVED PLANS**
The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: A-(10)-002, A-(13)-010, A-(13)-013 received on 28 February 2018 and J418 10 Rev A, J418 12 Rev A, J48 11 Rev A received on 04 May 2018.

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

3. **MATERIALS - APPROVED**
The building shall not be erected other than in the materials as stated in the Proposed Materials Drawing No.A-(21)-010 received 19 October 2015 and the Proposed Balcony Screening received on 23 May 2018 and as indicated on the approved plans or such other materials as have been approved in writing by the borough council. The design details on the front elevation and in particular the proposed brick crosses, lintels, quoins and dentil coursing shall be carried out strictly in accordance with the details as set out in Drawing No. J418 12 Rev A unless otherwise first agreed in writing by the 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.

5. **OBSCURE GLAZING**
The first and second floor windows on the side elevation and the second floor rear facing windows of the development hereby permitted shall be glazed with obscure glass and be non openable up to a minimum height of 1.7m above the floor levels of the rooms which they serve. 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.

6. **BALCONY SCREEN**
Prior to the first use of the terrace hereby approved the balcony screen shall be erected and maintained permanently in strict accordance with the approved plans.
Reason: To preserve the privacy of neighbouring residents in accordance with Policy DM2 of the Elmbridge Development Management Plan 2015.
PROPOSED SECOND FLOOR PLAN