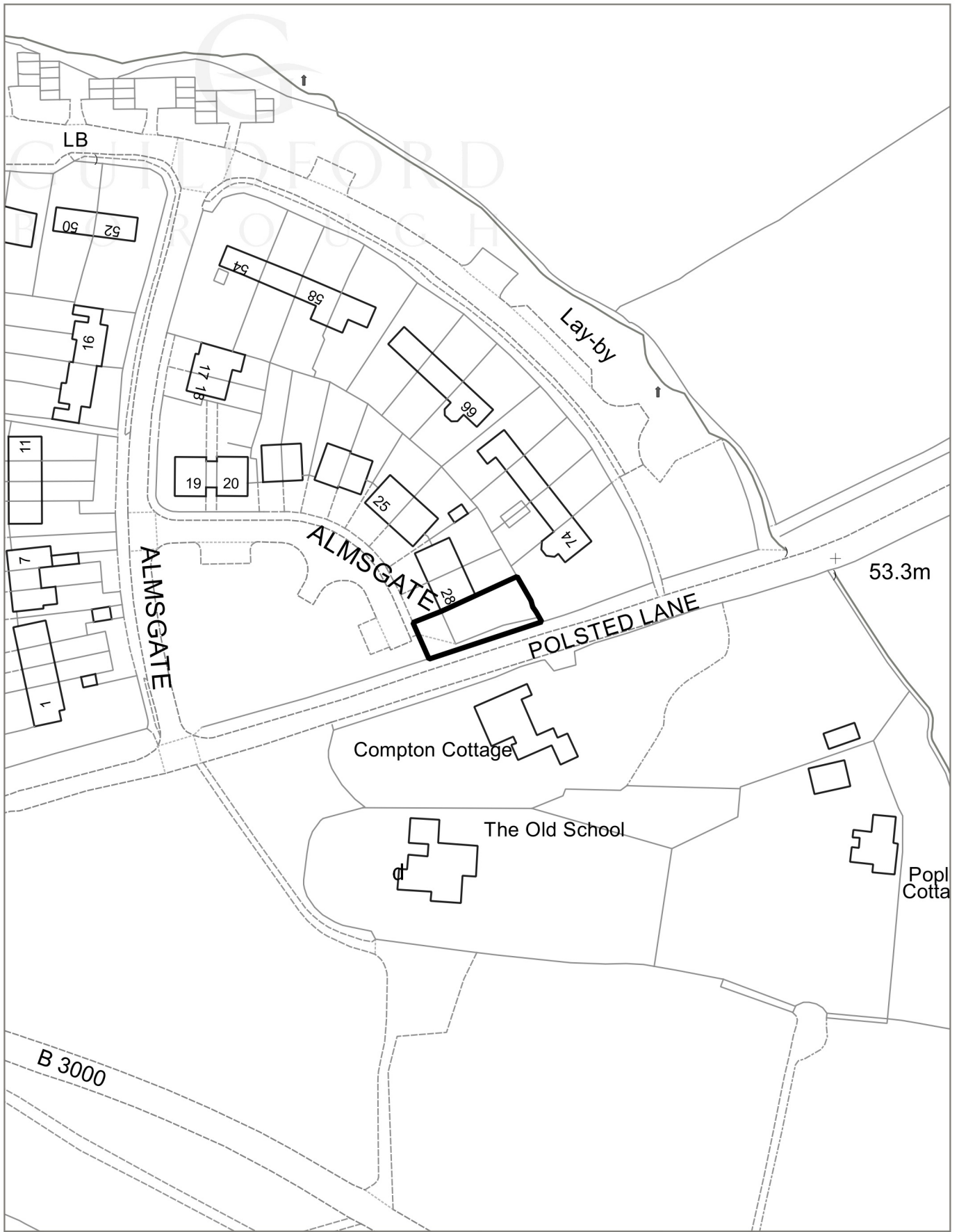


20/P/01663 - Land Adjacent To 28, Almsgate, Compton



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Print Date: 18/01/2021



Not to Scale



GUILD FORD
BOROUGH

App No: 20/P/01663
Appn Type: Full Application
Case Officer: Katie Williams

8 Wk Deadline: 01/12/2020

Parish: Compton
Agent : Mr J. K. Wilson RIBA
Foundations Architects
Old Chambers
93-94 West Street
Farnham
GU9 7EB

Ward: Shalford
Applicant: A. Bailes
28 Almsgate
Compton
GU3 1JG

Location: Land adjacent to 28 Almsgate, Compton, GU3 1JG
Proposal: Proposed new two bedroom attached dwelling.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee by Councillor Ramsey Nagaty as he considers the proposal may have an adverse impact on trees, the character of the area and the openness of the Green Belt.

Key information

Proposed new two bedroom attached dwelling.

Width: 4.5m
Depth: 13.24m (ground floor); 9.74m (first floor)
Height: 6.5m

Amended plans (received 4th December 2020) show parking provision of the new dwelling (2 spaces).

Summary of considerations and constraints

This application is a revision to application 14/P/00856 which was refused and dismissed at appeal on the ground of the impact on the TPO trees and the impact of the trees on the amenity of future occupants of the new dwelling in terms of overshadowing.

This proposal for a new dwelling has subsequently been revised to minimise the impact on the trees. This revised application shows a revised design, with a narrower dwelling footprint, increasing the separation to ensure it sits outside of the root protection zones for the two of trees (T2 and T3) and only slightly encroaching the root protection area for T6. The internal layout of the new dwelling and window positions have also been designed to maximise access to light on the front and southern side elevation of the dwelling.

It is considered that the proposal constitutes limited infilling within a village and therefore constitutes appropriate development within the Green Belt.

The scale, height and design of the proposed dwelling would be in keeping with the character of the surroundings and there would be no adverse impact on neighbouring amenity.

Sufficient car parking is proposed and there are no concerns regarding any adverse impacts on highway safety.

The application is therefore recommended for approval subject to conditions.

RECOMMENDATION:

Approve - subject to the following condition(s) and reason(s) :-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: PL-01 REV B received 6 October 2020 and amended plan SK-00 REV A received on 4 December 2020.

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

3. The external finishes of the development hereby permitted, including making good to the retained fabric, shall match in material, colour, size, style, bonding, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory.

4. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans, Drawing No.SK-00 REV A for vehicles to be parked. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

5. The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

6. The development hereby approved shall not be first occupied unless and until the facilities for bicycles have been provided in accordance with the plans to be submitted and approved by the highway authority. Thereafter the parking for bicycles shall be retained and maintained for their designated purposes.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

7. The development must accord with the Arboricultural Impact Assessment and Tree Protection Plan (from Tamla Trees dated November 2020). An updated arboricultural method statement detailing the hand dig techniques and appropriate permeable surface materials for the parking spaces within the root protection zones of the trees shall be submitted to and approved by the Local Planning Authority prior to construction of the parking spaces. The construction of the parking spaces shall then be carried out in accordance with the agreed details. No development shall start on site until the protective fencing and other protection measures shown on the Tree Protection Plan have been installed. At all times, until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

No development shall commence until a site meeting has taken place with the site manager, the retained consulting arboriculturalist and the LPA Tree Officer. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of monitoring and compliance by the pre-appointed consulting arboriculturalist, this will be agreed at the pre-commencement meeting.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality.

8. Prior to the commencement of development, an energy statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed, including benchmark data and identifying the Target carbon Emissions Rate TER for the site or the development as per Building Regulation requirements (for types of development where there is no TER in Building Regulations, predicted energy usage for that type of development should be used) and how a minimum of 20 per cent reduction in carbon emissions against the TER or predicted energy usage through the use of on site low and zero carbon technology and improvements to the energy performance of the building (building fabric) shall be achieved. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.

Reason: To reduce carbon emissions and incorporate sustainable energy in accordance with the Council's Climate Change, Sustainable Design, Construction and Energy SPD 2020.

9. The development hereby permitted must comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015). Before occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) shall be provided to the planning department to demonstrate that this condition has been met.

Reason: To improve water efficiency in accordance with the Council's Supplementary Planning Guidance 'Sustainable Design and Construction' 2011.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, dormer windows, rooflights or other form of openings other than those shown on the approved plans, shall be inserted in the roofslope of the dwelling at first floor level of the development hereby permitted.

Reason: In the interests of residential amenity and privacy.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B, D, E or, F shall be carried out on the dwellinghouse(s) hereby permitted or within their curtilage.

Reason: Having regard to the size of the dwelling approved, the local planning authority wishes to retain control over any future extensions / outbuildings, in order to safeguard the trees on the southern boundary and the amenity they provide.

Informatives:

1. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or buildingcontrol@guildford.gov.uk
2. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
 - Offering a pre application advice service
 - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
 - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

In this case pre-application advice was sought and provided which addressed potential issues, the application has been submitted in accordance with that advice and no further issues have arisen.

3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
4. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

Officer's Report

Site description.

28 Almsgate is a semi detached bungalow situated at the end of a cul-de-sac. There are residential properties to the north and east (rear) of the site. To the west is parking and open space. To the south, beyond the garden, the land drops down to Polsted Lane.

The site is within the settlement boundary of Compton which is within the Green Belt. It is also in the Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV).

There is a large oak tree in the eastern corner of the garden (T6). This tree, along with a field maple (T3) and oak (T2) along the highway verge to Polsted Lane are subject of a TPO (TPO 04/2014).

Proposal.

Proposed new two bedroom attached dwelling.

Width: 4.5m

Depth: 13.24m (ground floor); 9.74m (first floor)

Height: 6.5m

Amended plans (received 4th December 2020) show parking provision of the new dwelling (2 spaces).

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
20/T/00248	Oak Tree T1 and T3 - Crown lift to 4m (Tree Preservation Order No 4 of 24/10/2020 2014).	Approve	N/A
16/P/00496	Erection of an attached two bedroom dwelling	Withdrawn	
14/P/00856	Proposed two bedroom dwelling to the side of 28 Almsgate	Refuse 30/10/2014	DISM 16/03/2015
13/P/02037	Proposed two bedroom dwelling to the side of 28 Almsgate	Refuse 27/02/2014	N/A

Application 14/P/00856 was refused on the following ground:

1. The TPO trees along the southern boundary, by reason of their position, height and canopy spread, result in a significant loss of light to the new house and overshadowing of its garden, to the detriment of the amenity of the future occupiers of this house, contrary to paragraph 17 of the NPPF. It is likely therefore that future occupiers would seek to fell these trees or undertake tree works which would damage their form and balance and identified amenity value. The trees contribute significantly to the character and appearance of the area and this development would put the trees under threat. No overriding need for the development had been identified that would outweigh the harm to the amenity value of the protected trees contrary to policy NE5 of the Guildford Local Plan 2003 (as saved by CLG Direction on 24/09/07).

This decision was appealed and the appeal dismissed. The main findings of the Inspector were:

- the TPO trees are prominent features in the street scene, with considerable amenity value, and I consider their retention is highly desirable
- I am particularly concerned with the effect of the proposal on the longer term survival of the TPO trees
- pruning would be required to accommodate the new house - although little information has been provided on the extent of such pruning or its consequences for the future of the trees
- the spread of the trees would be very close to the side and rear of the proposed building
- the extent of overshadowing of the garden would be considerable
- overall, there could be significant pressure from future occupiers to lop or fell some of the protected trees, which the Council would find it very difficult to resist.
- any consequent removal of trees protected by a TPO would have a serious impact on the character of the area

The only concerns raised were around the impact from and to the surrounding trees. There were no concerns raised regarding the principle of a new dwelling in this location or design issues.

Consultations.

Statutory consultees

County Highway Authority:

- No objection subject to recommended conditions and informatives.
- The Highway Authority considers that the proposal is unlikely to have a material impact on highway safety issues.

Third party comments:

1 letter of representation has been received raising the following objections and concerns:

- design not in keeping with adjacent dwellings and will have a negative impact on the visual amenity of the area

1 letter of support has been received outlining the following positive comments:

- the design approach incorporates the natural feel of the woodland whilst retaining maximum light without the need to effect the tree
- will add to the need for housing without causing any harm.

Planning policies.

National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development

Chapter 5. Delivering a sufficient supply of homes

Chapter 12: Achieving well-designed spaces

Chapter 13: Protecting Green Belt land

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Chapter 15: Conserving and enhancing the natural environment

Guilford Borough Local Plan: strategy and sites 2019:

The Guilford borough Local Plan: strategy and sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the development plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

The Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as 6.42 years based on most recent evidence as reflected in the GBC LAA (2020). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2020 measurement is 90%. For the purposes of NPPF footnote 7, this is therefore greater than the threshold set out in paragraph 215 (75%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

S1	Presumption in favour of sustainable development
H1	Homes for all
P2	Green Belt
P5	Thames Basin Heaths Special Protection Area
D1	Place shaping
D2	Climate change, sustainable design, construction and energy

ID3 Sustainable transport for new developments

South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007):

Following the adoption of the Guildford Borough Local Plan: strategy and sites, until the local plan Development Management Plan Policies DPD is produced and adopted some of the policies (parts of the policies) contained within the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24 September 2007) remain part of the development plan.

G1 General Standards of Development
G5 Design Code
NE4 Species Protection
NE5 Development affecting trees, hedges & woodland

Supplementary planning documents:

Sustainable Design and Construction SPD 2011

Vehicle Parking Standards SPD 2006

Surrey County Council Vehicular and Cycle Parking Guidance 2012

Planning considerations.

The main planning considerations in this case are:

- background / changes from previous applications
- the principle of development
- impact on trees and vegetation
- the impact on the character of the area
- the impact on neighbouring amenity
- highway/parking considerations

Background

There have been three previous applications (13/P/02037 and 14/P/00856) for a new dwelling on the site, which were refused or withdrawn on the grounds of concerns regarding the impact of the proposed development on the TPO trees on the southern (side) boundary of the site. Application 14/P/00856 was subsequently dismissed appeal with the Inspector upholding the Council's concerns regarding the impact of proposals on the TPO trees. Whilst there was some concern regarding the impact of the proposed development on the root protection zones of the trees, the main concern was regarding the amenity of future occupiers in terms of overshadowing / shading from the trees which could lead future pressure to remove the trees.

The proposal for a new dwelling has subsequently been revised to minimise the impact on the trees. This revised application shows a revised design, with a narrower dwelling footprint, increasing the separation to ensure it sits outside of the root protection zones for the two of trees (T2 and T3) and only slightly encroaching the root protection area for T6. The internal layout of the new dwelling and window positions have also been designed to maximise access to light on the front and southern side elevation of the dwelling.

Works have also recently been carried out to the trees in accordance with recently approved tree application 20/T/00248.

Principle of development

The site is located within the Green Belt within an Identified Settlement.

The NPPF attaches great importance to Green Belt, and the construction of new buildings is generally regarded as inappropriate development. If development is inappropriate by definition, it would not be sustainable as detailed in paragraph 14 of the NPPF. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions to this is limited infilling in villages (paragraph 145e).

There are two tests at play. The first being whether the site is within the village and the second being whether the proposal constitutes limited infilling (and is therefore appropriate in Green Belt terms).

within a village?

Case law (Wood v SoS CLG and another [2014] EWHC 683 (Admin)) has now established that limited infilling is applicable to all villages and not restricted to sites that fall within identified settlement boundaries in local plans. As there is no definition of a village contained in planning legislation, instead the decision-maker is required to consider whether the site is, as a matter of fact on the ground, within a village.

The location of the application site falls within the settlement boundary of Compton and is close to village amenities. As such, it is concluded the site is 'within a village'.

limited infilling?

The proposal would result in a modest scale of development comprising the addition of a single dwelling attached to the side of a pair of semi-detached dwellings. The footprint would not extend beyond the established garden area of the existing dwelling. The proposal would follow the established pattern of development in Almsgate and also the dwellings to the rear of the site. As such, it is accepted that the proposal would fall within the definition of limited infilling.

It is therefore concluded that the proposed development would accord with the exceptions set out in paragraph 145 of the NPPF and therefore constitutes appropriate development in the Green Belt. The proposal is therefore also accords with Policy P2 of the 2019 Local Plan.

Impact on trees

The TPO trees on the southern boundary make an important contribution to the streetscene, being prominent features in the street scene, with considerable amenity value (as noted in the Inspector's Decision for 14/P/00856, para 9).

This revised application shows a reduced footprint to the proposed dwelling, subsequently moving it away from the root protection areas (RPAs) of the TPO trees. The proposed single storey element to the rear of the new dwelling would encroach slightly within the RPA of T6 (Oak Tree), however this would be small proportion of the overall RPA of the tree.

This application has been supported by a detailed Arboricultural Impact Assessment including method statement and tree protection plan which demonstrates that the house could be built with only minimal damage to roots.

The concerns raised with the previous application regarding the threat to the trees resulting from amenity concerns have been addressed by way of the revised design of the proposed dwelling with the bedrooms provided with windows to the front of the dwelling in order to benefit from the greater natural light to the front of the house. Increased glazing is also proposed to the southern side elevation, to increase the amount of light to the dwelling.

The reduced width of footprint will also increase the separation distance between the dwellings and the tree canopy, reducing future pressure for tree pruning.

The Council's Tree Officer has no objection to this revised application. Overall, it is concluded that this revised proposed, due the increase separation to the TPO trees and the revised design and positioning and amount of glazing, has overcome the arboricultural concerns raised with the previous applications. Subject to conditions to ensure the development is carried out in accordance with the submitted Arboricultural Impact Assessment and Tree Protection Plan, the proposal is in accordance with Policy NE5 of the saved Local Plan.

A condition is removing PD rights for the further extensions / outbuildings is also considered necessary in order to protect the trees from future development and safeguard the amenity they provide.

Impact on amenity of future occupiers

The previous applications were refused as it was found that the TPO trees along the southern boundary, by reason of their position, height and canopy spread, would result in a significant loss of light to the new house and overshadowing of its garden, to the detriment of the amenity of the future occupiers of this house.

The revised proposals show the footprint of the dwelling reduced in width to bring it away from the canopy of the trees. This together with the revised dwelling layout and proposed windows, including a glazed roof to the stair tower, would significantly improve access to light to the dwelling itself. With regard to the garden, the proposed increased separation to the trees on the southern boundary will allow more light into the garden area compared to the previous proposals.

It is therefore considered that the proposal will result in an acceptable standard of amenity in terms of access to light for future occupiers of the proposed dwelling.

The floor areas of the bedrooms and overall dwelling accords with the Nationally Described Space Standards as required by policies H1 and D1 of the 2019 Local Plan.

Impact on the character and appearance of the area

The site is part of the private garden to 28 Almsgate which is a semi-detached dwelling at the end of the cul-de-sac. The proposal would create a terrace of three dwellings. Although, the surroundings are predominantly made up of semi-detached dwellings, the overall scale, height and form of the proposed dwelling would be in keeping with the character of the area and would not detract from it.

The proposed dwelling design incorporates a modest height two storey element, with the first floor accommodation provided within the roof space, minimising the overall bulk. The overall ridge height of the dwelling would be in keeping with the height of the adjoining dwellings. The proposal incorporates a contemporary curved stair tower feature to the end elevation, which incorporates a glazed roof to enhance natural light levels within the dwelling. Whilst this curved feature is at odds with the character of the surrounding dwellings, it would be set back from the front and rear elevations and would not appear overly prominent in the street scene. The proposed flat roof single storey element to the rear of the dwelling would be of a contemporary design and would not be readily visible from the surroundings due to its modest scale and height and the tree screening along the boundary.

Given the elevated nature of the site relative to Polsted Road, the new dwelling would be more prominent in views from this road. It would however be set back more than four metres from the road and the modest height and tree screening would limit the impact, ensuring no unacceptable overbearing impact on the adjacent road.

It is therefore concluded that the proposal accords with Policy D1 of the 2019 Local Plan and G5 of the saved Local Plan.

Impact on neighbour amenity

In terms of surrounding neighbours, the depth of the first floor of the development is in line with the host property and therefore would not result in any loss of light or overbearing impact to 28 Almsgate. The proposed single storey element would project beyond the rear elevation of the host property by 3.5m and would encroach within an angle of 45 degrees of the existing nearest rear window of this dwelling. However, it would be modest in height with a flat roof. Direct sunlight to the rear of the host property is already obstructed by the TPO trees. As such, it is not considered it would have an unacceptable overbearing impact or result in an unacceptable loss of light, compared to the existing amenities of the host property. The retained garden for the host property would also still be of a reasonable size and similar to that of surrounding dwellings.

The distance between 72 Spiceall and Rose Cottage to the rear at first floor level is greater than the existing back to back relationship with existing houses (22m plus) and is acceptable.

No first floor windows are proposed on the rear or side elevation of the proposed dwelling. As such, there will be no overlooking towards the neighbouring properties. A condition is recommended to restrict any additional windows being inserted at first floor level. Subject to this condition, there will be no loss of privacy to neighbouring properties.

There are three high level rooflights in the rear roofslope which are positioned 1.7m above floor level to avoid overlooking.

Approximately 17m would separate the new house from Compton Cottage. Given the distance and intervening features (a road and vegetation), with no first floor windows proposed at first floor level facing towards this property, there will no adverse impact in terms of loss of privacy, loss of light or any overbearing impact.

It is therefore concluded that the proposal accords with Policy G1(3) of the saved Local Plan.

Highway and parking considerations

The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has recommend conditions with regard to cycle parking provision and the provision of electric vehicle charging points.

Two new parking spaces are proposed. It would be possible to construct these spaces without harm to trees by using no-dig techniques and suitable surface materials. Two off street spaces would also remain for the host dwelling.

Subject to the recommended conditions, the proposal accords with Policy ID3 of the 2019 Local Plan and the Vehicle Parking Standards SPD.

Sustainability

Policy D2 of the Adopted Local Plan sets out the measures that must be met by new developments. This is also supported by the recently adopted SPD which states:

- Achieve a 20% reduction in carbon emissions over and above Building Regulation Standards
- Water Efficiency measures
- Applications for development, including refurbishment, conversion and extensions to existing buildings should include information setting out how sustainable design and construction practice will be incorporated

The Climate Change SPD clarifies when this information should be provided, whilst it states some information should be forthcoming at the time of submission. However, this application was submitted prior to the adoption of the SPD.

It is considered necessary to include a condition to ensure an Energy Statement to detail the sustainability measures, including a 20% reduction in carbon emissions, to be incorporated as part of the development, is submitted to the LPA for approval prior to the commencement of development beyond slab level.

Subject to this condition, the proposal is in compliance with Policy D2 of the 2019 Local Plan and the Council's Climate Change, Sustainable Design, Construction & Energy SPD 2020.

Conclusion.

This proposal for a new dwelling has been revised from previous schemes to minimise the impact on the trees and has addressed the arboricultural concerns raised under the previous application.

It is considered that the proposal constitutes limited infilling within a village and therefore constitutes appropriate development within the Green Belt. The scale, height and design of the proposed dwelling would be in keeping with the character of the surroundings and there would be no adverse impact on neighbouring amenity. Sufficient car parking is proposed and there are no concerns regarding any adverse impacts on highway safety.

The application is therefore recommended for approval subject to conditions.