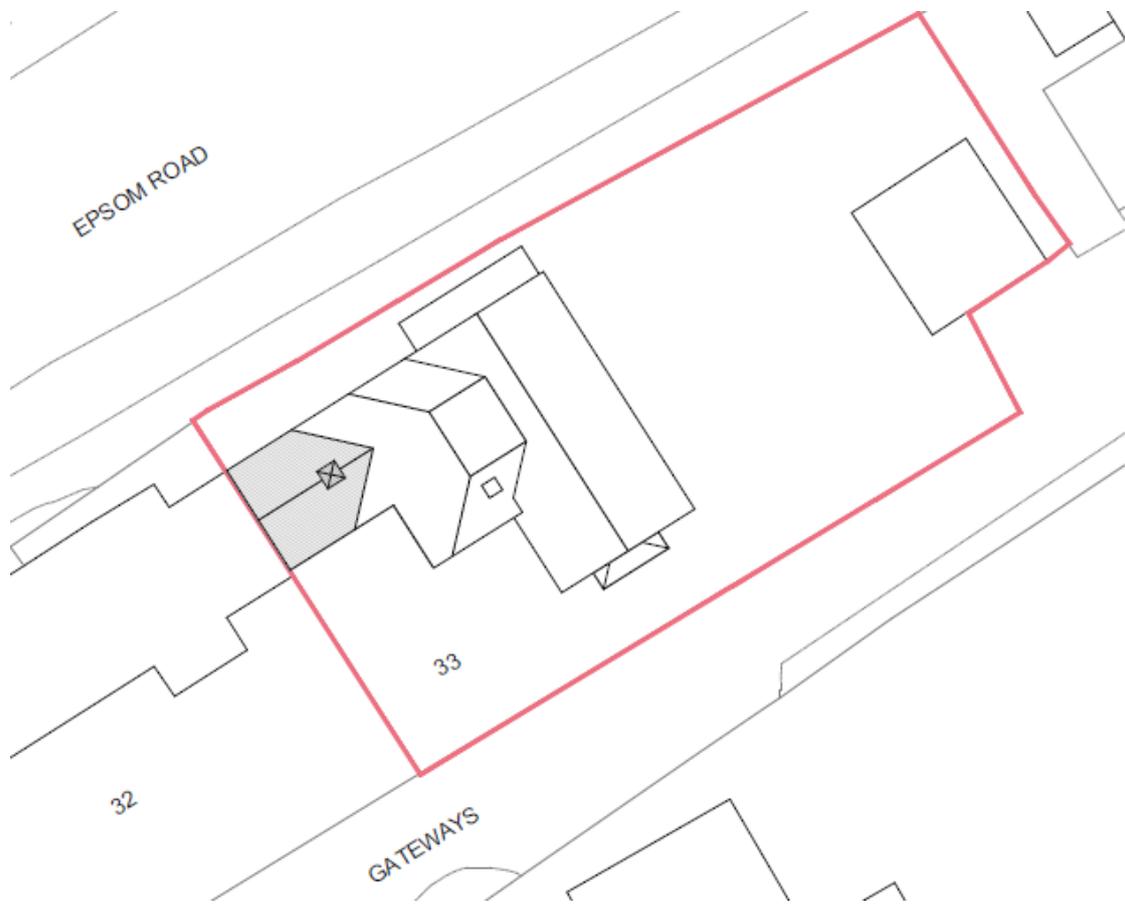


22/P/00179 – Twynings, 33 Gateways, Guildford



Not to scale

App No: 22/P/00179
Appn Type: Full Application
Case Officer: Kieran Cuthbert

8 Wk Deadline: 29/03/2022

Parish: Christchurch
Agent : Mr M Kubala
FKA Construction
33 Gateways
Guildford
GU1 2LF

Ward: Christchurch
Applicant: Mr A Tilney
33 Gateways
Guildford
GU1 2LF

Location: Twynings, 33 Gateways, Guildford, GU1 2LF
Proposal: Variation of condition 2 (drawing nos) re 20/P/01887 approved 25/02/2021 to regularise discrepancies between approved plans and as built stage.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because more than 10 letters of objection have been received, contrary to the Officer's recommendation.

Key information

Variation of drawing conditions 2 for 20/P/01887 for the approved proposed ground floor front extension; raising the roof to form a first floor; and changes to the fenestration. The changes proposed are as follows;

- Larger roof height and scale
- Change in position of roof feature
- Removal of Chimney
- Decrease in building width
- Very slight change in position of the majority of windows
- Removal of three windows

Summary of considerations and constraints

The objections raised mostly relate to the previously approved application and cannot therefore be considered.

Overall the scale of the dwelling would be largely unaltered. The previous approval was granted and no major concerns were raised regarding scale. As such there is no cause of concern regarding a broadly similar application in terms of overall scale.

The design of the proposed is also acceptable as would be largely unchanged. The removal of the chimney is the main alteration which could be done under permitted development.

The officer considers the proposed works to be of a modest scale which would have no adverse impact on neighbour amenity or the overall scale or character of the property and area. As such the proposed alterations proposed and variation of condition 2 is in compliance with Policy D1 of the Guildford Borough Local Plan 2015 - 2034, and Policy G1 and G5 of the Guildford Borough Local Plan 2003.

RECOMMENDATION:

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

1. The development, hereby permitted, shall be carried out in accordance with the following approved plans: 0404 REV P01 received on 01/02/2022 and 0405 REV P01 received on 23/03/2022.

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

2. 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 to those found belonging to the existing building.

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

3. The windows on both the western and eastern elevations of the development, hereby approved, shall be glazed with obscure glass and permanently fixed shut, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall thereafter, be permanently retained as such.

Reason: In the interests of residential amenity and privacy.

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.

Pre-application advice was not sought prior to submission and the application was acceptable as submitted.

Officer's Report

Site description.

The site is a two storey detached dwelling on Grove Road off of Epsom Road on the Eastern side of Guildford. The road has many similar style dwellings to that existing. There are no planning constraints on site.

Proposal.

Variation of condition 2 (drawing nos) re 20/P/01887 approved 25/02/2021 to regularize discrepancies between approved plans and as built stage.

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
20/P/01887	Proposed ground floor front extension; raising the roof to form a first floor; and changes to the fenestration.	Approve 25/02/2021	N/A
86/P/01422	ERECTION OF A DETACHED MARLEY GARAGE	Created during migration 10/03/1987	N/A

The proposed variation is to regularize the changes made in the now built development as it differs from what was previously approved. These changes are as follows

- Larger roof height and scale
- Change in position of roof feature
- Removal of Chimney
- Decrease in building width
- Very slight change in position of the majority of windows
- Removal of three windows

Consultations.

Statutory consultees

County Highway Authority: The highway authority considers that the proposed will have no impact on highway safety:

Amenity groups/Residents associations

Downsedge Residents Association Guildford objection the following grounds:

- Inconsistencies in plans
- Loss of character
- Parking Concerns
- Concerns regarding scale

Third party comments:

15 letters of representation have been received raising the following objections and concerns:

- Concerning regarding office building (Officer Note: Many of the concerns raised relate to the office building. This application does not appear to be related to this building and as such these objections cannot be considered in this case.)

- No details of materials (Officer Note: The previous approval included condition 3 in relation to the materials used, as such further information is not required as there is no change stated.)
- Provides insufficient parking (Officer Note: The changes proposed do not encroach over parking spaces nor increase the bedrooms of the property and as such there are no parking concerns)
- Large garage converted into office space
- Front garden removed impacting character
- The garage should be kept for the use of parking vehicles
- Visibility concerns at junction
- Increased bulk and dominance of the dwelling
- Overbearing a dominating gable roof
- Incomplete Plans
- Inaccurate plans to what has been built on site (Officer Note: The application will be assessed based on the information presented. If the development built differs from that approved then this would be in breach of conditions and require enforcement action.)
- Changes are out of character
- Concerns regarding multiple front doors
- Concerns regarding corridor view being framed by buildings and not greenery
- Concerns regarding possible subdivision of the property (Officer Note: There is no evidence indicating a possible subdivision of the property. If the applicant wished to subdivide the property this would require further planning permission)

(Officer Note: Some of the objections are regarding changes which were already approved in the previous application. It is important to note that the only considerations the officer can make are for the changes proposed and cannot comment on the previous approval.)

Planning Policies

National Planning Policy Framework (NPPF):

- 2. Achieving sustainable development
- 4. Decision-making
- 12. Achieving well-designed places

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

- G1 General Standards of Development
- G5 Design Code

Guildford Borough Local Plan: Strategy and Sites 2019 (LPSS)

- D1 Place Shaping

Supplementary Planning Documents

Residential Extensions and Alterations SPD 2018

Planning considerations.

This application is submitted under Section 73 of the Town and Country Planning Act (as amended). The provisions of Section 73 relate to the variation or removal of planning conditions attached to a grant of planning permission. The intention is that such matters would represent a minor material change to the original grant of planning permission.

The application must be determined on the basis of the effect of varying/removing the specified conditions. No other matters can be taken into account for example the principle of the original permission cannot be re-visited. Additionally, it is not appropriate to dismiss a proposal simply on the grounds that conditions were originally proposed and therefore by default should be retained. The local planning authority must consider whether any planning harm would result from the variation.

Section 73, gives two options when considering such applications:

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Under Section 73(a) officers should not limit themselves to assessing just the specific variation or removal suggested by the applicant. If an alternative change to the conditions would be acceptable then permission should be granted to that effect.

Part of the assessment under Section 73(b) should also be whether this would cause more than a minor material change to the original permission. In such cases permission should also be refused.

In this instance, the application is for the variation of condition 2 (approved drawings) of planning permission 20/P/01887 which was for a roof extension and single storey front extension and fenestration changes. The variation will be an increase the scale of the property with a few alterations to fenestration.

- the impact on scale and character of the existing dwelling and surrounding area
- the impact on neighbouring amenity

Impact on Scale and Character of the Existing Dwelling and Surrounding Area

The officer has reviewed both the original approved and the existing and noted that there are only very modest changes. These include the loss of the chimney, the moving of the roof feature away from the boundary and some modest changes in scale. The increase in roof height is roughly 250mm with a slight width increase of the first floor element by 580mm and an actual decrease in the ground floor element width by 520mm.

The proposed will also remove a window on the rear elevation second storey and increase the width but reduce the height of a rear window on the first storey.

The west side elevation will have two upper floor windows removed and a slight reduction in scale and a slight increase in scale for two of the lower floor windows.

Finally the east elevation will include a slight increase in scale for one of the first storey windows.

Overall the scale of the dwelling would be largely unaltered. The previous approval was granted and no major concerns were raised regarding scale. As such there is no cause of concern regarding a broadly similar application in terms of overall scale.

The most impactful design change outlined in this application (this does not include changes to parking or the garden space as they were previously approved) is the removal of the chimney. Whilst the officer noted that there are chimneys on many of the dwellings in the area this change could be done through permitted development without permission and as such is considered acceptable.

As with the previous application the existing has materials matching the previous dwelling's. As such the previous condition regarding this is still relevant and will be applied to this application.

Impact on Neighbouring Amenity

The previous approval included a condition to obscure glaze the side windows which will be carried over to this application.

Due to the extremely modest change in scale of the built form as opposed to originally approved and as the fenestration has remained largely the same with no new overlooking concerns the existing dwelling has no impact on neighbouring amenity.

Retrospective application

A ministerial planning policy statement on 31 August 2015 notes that the government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action. The ministerial statement therefore includes a planning policy to make intentional unauthorized development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received from 31 August 2015.

In considering this current application, which seeks to regularize unauthorized development, the local planning authority has given some weight to the fact that the application is retrospective. However, in the absence of any evidence to demonstrate that the applicant intentionally sought to breach planning legislation, or any detailed guidance from central government on the level of weight that should be applied in such circumstances, the fact that this application is retrospective is only considered to weigh against granting planning permission to a limited degree.

Conclusion

Based on the assessment above, the officer considers the proposed works to be of a modest scale which would have no adverse impact on neighbour amenity or the overall scale or character of the property and area. As such the proposed alterations proposed and variation of condition 2 is in compliance with Policy D1 of the Guildford Borough Local Plan 2015 - 2034, and Policy G1 and G5 of the Guildford Borough Local Plan 2003.