

21/P/00153 - 20 Pit Farm Road, Guildford



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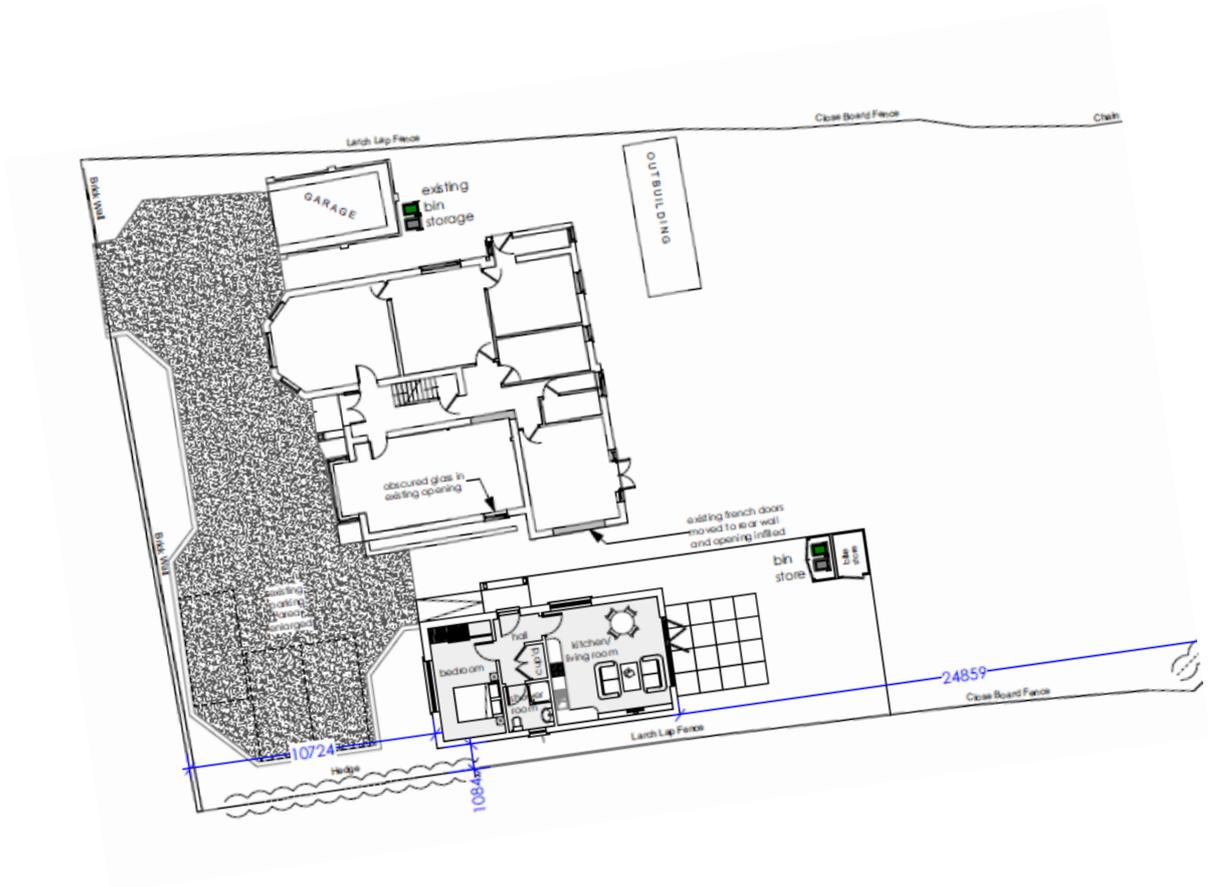


Not to Scale



GUILDFORD
BOROUGH

21/P00153 – 20 Pit Farm Road, Guildford



Not to scale



App No: 21/P/00153
Appn Type: Full Application
Case Officer: Emma Wachiuri

8 Wk Deadline: 25/03/2021

Parish: Christchurch
Agent : Mr. Richard Sloman
Nye Saunders Ltd
(Architects)
3 Church Street
Godalming
Surrey
GU7 1EQ

Ward: Christchurch
Applicant: Mr F. Fernandez
20 Pit Farm Road
Guildford
GU1 2JL

Location: 20 Pit Farm Road, Guildford, GU1 2JL

Proposal: The construction of a 1 bedroom bungalow and the recombining of 20 Pit Farm Road from two flats into a single dwelling with minor fenestration changes.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee by Cllr Joss Bigmore who contrary to officer's recommendation considers that the proposal would not conflict with local plan policies relating to character of the area. They are also of the view that the size of the new dwelling is similar to many garages and there is no evidence of harm to the character of the area where there is not a single objection from the residents of the area.

The Councillor also considers that the conflict with amenities as this could be overcome with a condition on glazed windows.

Key information

The construction of a one bedroom bungalow on the site, by subdividing the land. This would have a pitched roof, (maximum height of 5.746 metres), in a gable to gable end design. The external materials would comprise brickwork, timber boarding on render on the walls and plain clay tiles on the roof.

20 Pit Farm Road would be converted back to a single dwelling from two flats into a single dwelling. There would be changes to the windows and doors with at ground floor level the existing French doors would be moved to the rear wall, and the resulting hole will be filled. Then the existing ground floor side window would be replaced by obscured glazing.

Summary of considerations and constraints

Policy H1 of the saved 2003 Local Plan states that development which results in the net loss of existing housing (C2 use class or C3 use class accommodation or traveller accommodation) will not be permitted. The proposal to revert the existing building which has two flats back to a single dwellinghouse would result in the net loss a dwelling from the one flat. To offset this, it is proposed to build a new detached bungalow.

Therefore, there would be no net loss of housing and would comply with policy H1.

The new dwelling would be in very close proximity to both the host dwelling and to the neighbouring property Knowle Cottage to the south-east, eroding the natural spacing that currently exists between properties and is characteristic of the road. Although the structure would be single storey, the tall pitched roof would be prominent in the street scene, compared to a garage or outbuilding. Also the scale and form of the bungalow, would be at odds with the existing pattern of development and appear incongruous in the streetscene.

The proposal would result in the sub-division of the existing plot and the resulting garden for new bungalow would be significantly smaller than other properties in the vicinity, due to the small plot size. This would not respect the existing pattern of development which comprises large spacious plots.

The donor property of no. 20 Pit Farm Road has a total of four upper floor side facing windows, which face in the direction of the proposed bungalow. These windows and the rear facing windows, would overlook the 'private' amenity space proposed to the rear of the new bungalow, this would result in perceived and actual overlooking which would result in an unacceptable relationship and poor quality private amenity space for the new bungalow.

RECOMMENDATION:

Refuse - for the following reason(s) :-

1. The proposal would be out of character in the surrounding area due to the small scale of the new dwelling and the small resultant garden area that would not reflect the existing scale, height and proportions of surrounding buildings and thus would harm the visual character of the area and at odds with the existing pattern of development. As such, it is concluded that the proposal will have a detrimental impact on the context and character of the surroundings, contrary to Policy D1 of Guildford borough Local Plan: Strategy and Sites 2015 – 2034; Policies G5 and H4 of Guildford Borough Local Plan 2003; the Residential Design SPG 2004 and the NPPF 2021.
2. The proposed dwelling would be overlooked by No.20 Pit Farm Road. The rear private amenity space would also be overlooked by side windows in the facing elevation of No.20 and also from the rear facing windows. Given the small area of external space it is important to retain a high degree of amenity within it and the overlooking would reduce the quality of the space provided to an unacceptable level. Therefore, by reasons of loss of privacy and overlooking, the proposal is considered to fail to comply with Policies G1 and G5 of Guildford Borough Local Plan 2003.
3. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use, damage to the habitat,

disturbance to the protected species within the protected areas and road traffic emissions. As such the development is contrary to the objectives of policy NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07), policy P5 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034 and conflicts with saved policy NRM6 of the South East Plan 2009. For the same reasons the development would fail to meet the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 as amended, and as the development does not meet the requirements of Regulation 64 the Local Planning Authority must refuse to grant planning permission.

Informatives:

1. 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 initial issues, the application has been submitted in accordance with that advice, however, further issues were identified during the consultation stage of the application. Officers have been unable to overcome these issues and therefore the application has been recommended for refusal.

Officer's Report

Site description.

This site is located in the urban area of Guildford. The area is characterised predominantly by large, detached properties within large garden/sizeable plots. The land slopes from south to north along Pit Farm Road.

The site itself comprises a large, detached building which has been subdivided into two flats. There are also a number of outbuildings within the site.

The site also lies within the 400m - 5km buffer zone of the Thames Basin Heath Special Protection Area.

Proposal.

The construction of a 1 bedroom bungalow and the recombining of 20 Pit Farm Road from two flats into a single dwelling with minor fenestration changes.

The external materials are brickwork, render, tile hanging and mock timber framing and plain clay tiles to match the existing building.

The existing property and the new bungalow would share the existing vehicle access and front gravel driveway. 4 no. parking spaces would be provided; 3 on the gravel driveway and one within the existing garage.

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
20/P/00604	Conversion of two dwellings (flats) to provide a single dwelling house. Erection of a single storey rear extension following demolition of outbuildings. Demolition of existing garage and erection of new double garage with one bedroom flat over.	Withdrawn 30/06/2020	N/A
19/P/02050	Conversion of two dwellings (flats) to provide a single dwelling house. Erection of a single storey extension following demolition of outbuildings.	Refuse 30/01/2020	N/A
19/P/01439	Certificate of Lawfulness to establish whether the proposed change of use from two residential flats to a single dwelling house would be lawful.	Refuse 16/10/2019	N/A
19/P/00702	Conversion of two dwellings to provide a single dwelling house.	Refuse 12/06/2019	N/A
13/P/00154	Retrospective application for change of use of single residential dwelling to ground floor flat and maisonette on first and second floor.	Approve 27/03/2013	N/A
12/P/01900	Retrospective application for change of use of single residential dwelling to ground floor flat and maisonette on first and second floors.	Withdrawn 13/12/2012	N/A

Consultations.

Statutory consultees

County Highway Authority:

Conditional- Recommends conditions on secure cycle parking and a fast charge socket provision.

Thames Water:

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Based on the information provided, we would not have any objection to the application with regard to waste water network and sewage treatment works infrastructure capacity.

Internal consultees

Head of Environmental Health and Licensing:

No comment received

Third party comments:

6 letters of support have been received outlining the following positive comments:

- No detrimental impacts on neighbour amenities
- Design fits in well within the streetscene
- Retention of no.20 as a single-family house is important

Planning policies.

National Planning Policy Framework (NPPF) 2021:

Chapter 2: Achieving sustainable development

Chapter 4: Decision Making

Chapter 5: Delivering a sufficient supply of homes

Chapter 8: Promoting healthy and safe communities

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Guildford Borough Local Plan: Strategy and Sites, 2015-2034:

The Guildford 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).

Policy S1: Presumption in favour of sustainable development

Policy H1: Homes for all.

Policy D1: Place shaping.

Policy D2 Climate Change, sustainable design, construction and energy

Policy ID3: Sustainable transport for new developments.

Policy P5: Thames Basin Heath Special Protection Area

South East Plan 2009:

NRM6 Thames Basin Heath Special Protection Area

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

G1: General Standards of Development

G5: Design Code

H4: Housing in urban areas

Supplementary planning documents:

Residential Design SPG 2004

Climate Change, Sustainable Design, Construction and Energy SPD 2020

Vehicle Parking Standards SPD 2006

Thames Basin Heaths Special Protection Area Avoidance Strategy 2017

Planning considerations.

Principle of development

The development site is located within an urban area of Guildford, part of it is previously developed land as it relates to garden space used in connection with the application site.

The residential character of the area is largely defined by large properties with sizeable rear gardens behind.

Policy H4 of the Guildford Borough Local Plan 2003 states that planning permission will be granted for residential development in the urban areas of Guildford and Ash and Tongham provided that the development:

1. Is in scale and character with the area;
2. Has no unacceptable effect on the amenities enjoyed by the occupants of buildings in terms of privacy and access to sunlight and daylight;
3. Has no unacceptable effect on the existing context and character of the adjacent buildings and immediate surroundings.

Policy H1 states that development which results in the net loss of existing housing (C2 use class or C3 use class accommodation or traveller accommodation) will not be permitted. The proposal to revert the 2no. flats property to a single dwellinghouse would result in the net loss of one flat. However, a new separate unit is also being proposed.

To ensure that there is no loss of a residential unit if permission was granted, a condition or obligation would be necessary to ensure that the new unit was occupied before the works to the existing dwelling were undertaken. Therefore, in principle the proposal to combine the two flats into one larger house is only acceptable on the basis that the loss of the unit in the existing building is replaced.

Given the above, in order to determine the acceptability in principle of the proposed development the key considerations are:

- Impact on the character of the area
- Amenity and living standards of future occupiers
- Impact on neighbouring amenity

Impact on the character of the area

Paragraph 134 of the NPPF states that "*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings".

Policy D1 of the Local Plan: Strategy and Sites, 2015-2034 states that all new developments will be required to achieve high quality design that responds to distinctive local character (including landscape character) of the area in which it is set. All new development will be designed to reflect the distinct local character of the area and will respond and reinforce locally distinct patterns of development, including landscape setting. Proposals will take account of local design guidance contained within conservation area appraisals, DPD's, neighbourhood plans and SPDs.

Policy G5 of the Local Plan 2003 seeks to ensure that new buildings respect the scale, height and proportions and materials of the surrounding environment and that existing spaces of value are respected and new spaces created through development should have an attractive and identifiable character.

Policy H4 of the Local Plan 2003 states that planning permission will be granted for residential development in the urban areas of Guildford and Ash and Tongham provided that the development is in scale and character with the area.

The Residential Design SPG 2004 states that when developing a site it is important to reflect the existing scale, height and proportions of surrounding buildings.

The surrounding area comprises of large detached two-storey properties in large garden plots

The properties within the immediate vicinity are detached and benefit from sizeable gaps between the actual built forms and good sized gardens. The proposed new dwelling would subdivide the application site into two plots and the proposed new dwelling would be of a much smaller scale, single-storey in nature and smaller plot size which is out of character in the area.

The new dwelling would be in very close proximity to both the host dwelling and to the neighbouring property Knowle Cottage to the south-east, eroding the natural spacing that currently exists between properties. Although the structure would be single storey, the tall pitched roof (maximum height of 5.746 metres) causes it to be visible in the street scene. In addition, the single storey appearance between two storey houses would cause the proposed development to look odd and incongruous in the streetscene.

The proposed garden area for the new dwelling in particular would result in a useable amenity space/garden area that would be significantly smaller than other properties in the vicinity. This area would be fenced off resulting in an artificial subdivision of the plot that would detract with the character of large spacious plots in the surroundings.

The proximity of the new dwelling to the host dwelling, the short boundary gaps, the scale of the new dwelling and the small resultant garden area to the new dwelling would result in a cramped form of development which would fail to reflect the existing scale, height and proportions of surrounding buildings and thus would harm the visual character of the area and at odds with the existing pattern of development.

As such, it is concluded that the proposal will have a detrimental impact on the context and character of the surroundings, contrary to Policy D1 of the LPSS 2015-2034; Policies G5 and H4 of the Local Plan 2003; the Residential Design SPG 2004 and the NPPF 2021.

Amenity and living standards of future occupiers

The proposal results in the alteration of the existing building to form a 5-bed dwellinghouse and the construction of a detached one bedroom, two person, bungalow. Policies H1 and D1 of the LPSS require new development to meet the requirements of the Nationally Described Space Standards:

5 bedroom, 8 person, 3 storey dwelling: Requirement = 134 square metres/Proposed = 371 square metres.

1 bedroom, 2 person, 1 storey dwelling: Requirement = 50 square metres/Proposed = 50 square metres.

The space standards have further room dimension requirements and the bedroom within the proposed bungalow would also meet with these requirements being approximately 11.8 square metres for a double compared to the standard of 11.5 square metres.

With regards to external amenity space, the proposed converted dwelling would have adequate amenity space for the proposed size of accommodation. The proposed bungalow would have a private amenity space measuring 67 square metres, which is considered adequate for the resultant 1-bed dwellinghouse.

Therefore, the proposal would comply with Policies H1 and D1 of the LPSS 2015-2034.

No. 20 Pit Farm Road has a total of 4 top floor side facing windows, which face in the direction of the proposed bungalow. At ground floor level the existing French doors are proposed to be moved to the rear wall, and the resulting hole will be infilled. The existing ground floor side window is proposed to be replaced by obscured glazing.

It is considered that the upper floor side facing windows as well as the rear facing windows, will overlook the 'private' amenity space proposed to the rear of the new bungalow. Given the small area of external space it is important to retain a high degree of private amenity within it and the overlooking, which would occur as a result of this proposal would reduce the quality of the amenity space provided to an unacceptable level.

The floor upper floor windows on no. 20 serve bedrooms, which are habitable rooms. The rooms on the first floor are dual aspect so, these could be obscurely glazed, however, bedroom 3 has its largest window on the flank elevation and the rear facing windows are north east facing so get less sunlight. The rooms in the roof are single aspect and it would not be reasonable to have these windows obscurely glazed. Even if the first floor windows were obscurely glazed to reduce direct overlooking, the rear facing windows on no.20 would still result in oblique views. Therefore, the use of conditions would not overcome the overlooking of the garden to the bungalow.

By reasons of loss of privacy and overlooking, the proposal is considered to fail to comply with Policies G1 and G5 of the Local Plan 2003.

Impact on neighbouring amenity

The amenity of Knowles Cottage will not be harmed as a result of the proposal, in relation to overlooking, overshadowing or outlook.

Likewise, the proposed development will not have a detrimental impact upon Moonrakers.

Conclusion of the Principle of Development

The above assessment has determined that the proposal will have a detrimental impact on the context and character of the surroundings; and the amenity of the occupiers of the proposed bungalow would be detrimentally impacted as a result of overlooking from No.20 Pit Farm Road.

As such the proposed development fails to comply with Policy H4 of the Guildford Borough Local Plan 2003; and therefore is not acceptable in principle.

Whilst the principle of development has been assessed and determined to be unacceptable, it is still important to assess the application against other the relevant planning policies. This report will therefore continue to assess the following:

- Housing mix/conversion from 2no. flats to single dwelling
- Highway/parking considerations
- Refuse storage
- Sustainability
- Thames Basin Heath Special Protection Area (SPA) mitigation
- Legal agreement requirements

Housing mix/ Conversion from 2no. flats to single dwelling

One element of the proposal seeks to recombine 20 Pit Farm Road from two flats into a single dwelling.

Policy H1 states that development which results in the net loss of existing housing (C2 use class or C3 use class accommodation or traveller accommodation) will not be permitted. The proposal to revert the 2no. flats property to a single dwelling would create a large 5no. dwellinghouse, which would result in the net loss of one flat.

Although, the proposal would result in the loss of one flat, a new separate unit is being proposed and as long as the new unit is built the proposal would be not considered contrary with Policy H1 of the LPSS 2015-2034. This can be addressed via a planning condition or obligation.

Highway/parking considerations

The County Highway Authority have not raised any objection to the proposal on highway capacity or safety grounds.

In terms of parking provision, the existing 3 parking spaces within the front driveway would be retained. In addition, the host property has a detached garage and therefore 4 parking spaces would adequately meet the parking requirements of the two resultant dwellinghouses as stipulated in the Vehicle Parking Standards SPD.

The Highways Authority has recommended conditions to secure cycle parking and fast charge socket to satisfy the Guildford Local Plan (2019) policy ID3 and the National Planning Policy Framework 2019.

Refuse/bin storage

A bin store is proposed to the rear of the new dwelling. No details of the bin store have been submitted with the application, but this information could have been secured by way of a condition were the application recommended for approval.

Renewable energy

In order for the development to comply with Policy D2 of the New Local Plan and the Climate Change, Sustainable Construction and Energy SPD 2020, the new dwelling would need to achieve a 20% reduction in carbon emissions through the use of renewable energy.

The proposed bungalow would incorporate solar photovoltaic panels (4no) on the north-east roof slope. However, no detailed information has been provided by the applicant in this respect. This information could have been secured by way of a condition had the application been considered acceptable.

Thames Basin Heath Special Protection Area (SPA)

The proposed development for an additional residential unit may adversely impact on the Thames Basin Heath SPA (TBHSPA). The Council's adopted TBHSPA Avoidance Strategy 2017 requires a SANG contribution and an Access Management contribution to avoid any adverse impact.

The SANG avoidance site will be determined at the time of, or following payment of contribution. A planning obligation is required in accordance with the terms of the Strategy, however the applicant has not been invited to enter into a legal agreement as the scheme is unacceptable.

Legal agreement requirements

The three tests as set out in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) require Section 106 Legal agreements to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Thames Basin Heaths Special Protection Area

As the application proposes the provision of 1 additional residential unit in order for the development to be acceptable in planning terms, a Section 106 Legal agreement is required as part of any subsequent planning approval to secure a financial contribution towards a SANG, in line with the Guildford Borough Council TBHSPA Avoidance Strategy 2017. This strategy has been formally adopted by the Council. In line with this strategy and the requirements of the Conservation of Habitats and Species Regulations 2017, a Section 106 Legal agreement is required to ensure that the additional residential unit proposed by this development will not have any likely significant effect on the TBHSPA.

While Regulation 123 of the CIL Regulations seeks to prevent the pooling of financial contribution from planning obligations this relates only to an obligation which "provides for the funding or provision of relevant infrastructure". In this instance the contributions are required to improve existing SANGs and ensure they are maintained in perpetuity; the SANGS are existing infrastructure which is to be improved to ensure that they have suitable capacity to mitigate the impact of the residential development. Accordingly, the contributions are not for the provision of infrastructure and therefore Regulation 123 does not prevent collecting these contributions or having regard to the obligation in decision making. The SAMM contribution does not relate to infrastructure and this also falls outside the scope of Regulation 123.

As noted above, the applicant has not been invited to enter into a legal agreement as the scheme is unacceptable.

Conclusion.

It is found that the proposal would be out of character in the surrounding area due to the scale of the new dwelling and the small resultant garden area that would not reflect the existing scale, height and proportions of surrounding buildings and thus would harm the visual character of the area and at odds with the existing pattern of development. As such, it is concluded that the proposal will have a detrimental impact on the context and character of the surroundings, contrary to policy D1 of Guildford borough Local Plan: strategy and sites 2015 – 2034, saved policies G5 and H4 of Guildford Borough Local Plan 2003, the Residential Design SPG 2004 and the NPPF.

In addition, the proposed dwelling would be overlooked by No.20 Pit Farm Road. The rear private amenity space would be overlooked by the side windows in the facing elevation of No.20 and also from the rear facing windows. Given the small area of external space it is important to retain a high degree of amenity within it and the overlooking would reduce the quality of the space provided to an unacceptable level. Therefore, by reasons of loss of privacy and overlooking, the proposal is considered to fail to comply with saved policies G1 and G5 of Guildford Borough Local Plan 2003.

Due to the fact that the Council has an up to date Local Plan and the development is considered to be contrary to the development plan, it is not considered that paragraph 11 of the NPPF is engaged in this case.

The application is therefore recommended for refusal.