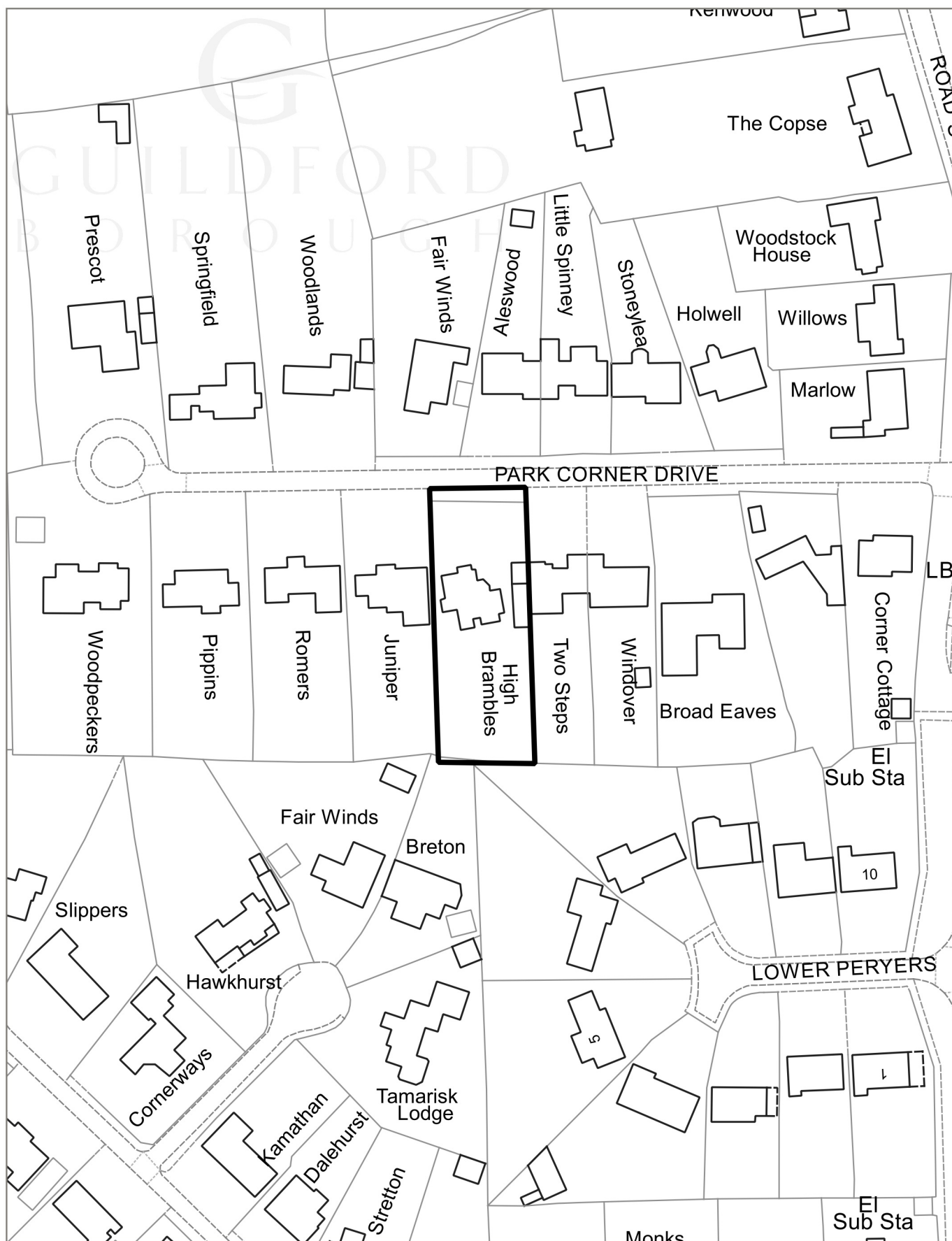


21/P/01683 - High Brambles, Park Corner Drive, East Horsley, Leatherhead



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Not to Scale



GUILD FORD
BOROUGH

21P01683 High Brambles Park Corner East Horsley KT24 6SE



Not to scale



App No: 21/P/01683
Appn Type: Full Application
Case Officer: James Overall
Parish: East Horsley
Agent : Mr Bandosz
D&M Planning Ltd
1A High Street
Godalming
GU7 1AZ

8 Wk Deadline: 27/09/2021

Ward: Clandon & Horsley
Applicant: Mrs Larter
c/o Agent

Location: High Brambles, Park Corner Drive, East Horsley, Leatherhead, KT24 6SE
Proposal: Variation of condition 2 of planning application 20/P/01954 approved 06/01/21 to replace approved drawings with those submitted to create a part two storey part single storey rear extension.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because more than 20 letters of objection have been received, contrary to the Officer's recommendation.

Key information

Variation of condition 2 of planning application 20/P/01954 approved 06/01/21 to replace approved drawings with those submitted to create a part two storey part single storey rear extension.

The proposed plan amendments seek to extend the depth of the property to the rear by 2.99 metres.

Summary of considerations and constraints

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.

In this instance, the main concerns relating to the proposed amendments are considered to be:

- The impact upon the character of the area
- The impact upon neighbouring amenity

The application has been considered against Policy D1 (Place Shaping) of the LPSS and Saved Policy G1 (3) (Protection of Amenities Enjoyed by Occupants of Buildings) of the Local Plan 2003.

The resulting conclusion is that the proposed alterations will all occur at the rear of the property, and therefore the impact upon the character of the area will be insignificant.

As for the impact upon neighbouring amenity, the alterations will not cause detrimental harm with regard to overlooking, overshadowing or outlook.

Given the above, the application is considered to be compliant with Policy D1 (Place Shaping) of the LPSS and Saved Policy G1 (3) (Protection of Amenities Enjoyed by Occupants of Buildings) of the Local Plan 2003; and is therefore recommended for approval.

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 the original planning permission 20/P/01954 dated 06.01.2021.

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:
 - HB5 P1
 - HB5 P3
 - HB4 P1received on 17 November 2020.

- HB5 P3B

received 2 August 2021.

- HB5 P2B

received 24 August 2021.

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

3. No development above slab level shall take place until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

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

4. No development above slab level shall take place until 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 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 Policy D2 of the Guildford Borough Local Plan : Strategy and Sites (adopted 25 April 2019) and the Council's Climate Change, Sustainable Design, Construction and Energy SPD 2020.

5. 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.

6. The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast-charge Electric Vehicle charging point (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: The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and are in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019.

7. 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 and B shall be carried out on the dwellinghouse hereby permitted or within its curtilage.

Reason: Having regard to the size of the dwelling approved, the local planning authority wishes to retain control over any future extensions at the property, in order to safeguard the character of the area and the residential amenities of adjoining properties.

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 on the original scheme (20/P/01954) prior to submission and minor alterations were required to overcome concerns, these were sought and the applicant agreed to the changes.

For the Section 73 application (21/P/01683) pre-application advice was not sought prior to submission and the application was acceptable as submitted.

Officer's Report**Site description.**

The site is located within an area inset from the Green Belt, within the Identified Settlement of East Horsley. It is also within the 400m to 5km buffer zone of the Thames Basin Heath Special Protection Area.

High Brambles is a two storey dwellinghouse, with catslide roofs on the side elevations; situated on a large plot located within a residential cul-de-sac comprising of detached and semi-detached two storey dwellings and bungalows of varying styles. The road slopes up gently from east to west, so the dwelling at High Brambles is at a higher ground level to the neighbouring property at Two Steps.

Properties in the road are characterised by mature hedging and trees to the side and rear boundaries and soft landscaping to front gardens.

Proposal.

Variation of condition 2 of planning application 20/P/01954 approved 06/01/21 to replace approved drawings with those submitted to create a part two storey part single storey rear extension.

The proposed plan amendments seek to extend the depth of the property to the rear by 2.99 metres.

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
20/P/01954	Erection of cottage (amended plans received 14 December 2020).	Permitted 06/01/2021	N/A
19/P/00191	Erection of a detached house following demolition of existing bungalow.	Refuse 08/03/2019	DISM 02/10/2019

Consultations.

Statutory consultees

County Highway Authority:

There are no proposed changes to the access or parking under this application. Therefore the County Highway Authority has no highway concerns.

Parish Council

East Horsley Parish Council object to the application for the following reasons:

- Excessive scale, bulk and mass
- Not in keeping with the character of the locality
- Detrimental impact on neighbouring amenity

Third party comments:

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

- Overdevelopment
- Overlooking due to extending beyond the rear building line
- Breach of approved plans

[**Officer Note:** The proposed extension has been marked out on the ground, and a few RSJs protrude 2.99 metres at first floor level. Whilst this is not in accordance with the approved plans, this application seeks to gain approval for the altered scheme. Construction has halted until this application has been determined.]

- Permitted development should not be enacted before the house build is completed

[**Officer Note:** This application is not seeking a Lawful Development Certificate]

- Out of character - bulky appearance
- Overbearing due to extending beyond the rear building line
- Permitted development should be removed if this application is approved
- Would set a precedent

[**Officer Note:** All applications are assessed on their own merits.]

- Overshadowing
- The structure at the rear of the garden should not be ignored from calculations

- Construction nuisance
- would not be permitted development
[**Officer Note:** this application is not seeking a Lawful Development Certificate]
- A Section 73A application is not appropriate, as not 'minor'
[**Officer Note:** S73 application is considered acceptable for the proposed plan alterations.]
- contrary to Policy EH-H8 of the NDP - infill development to have size and massing no greater than that of the surrounding properties
- The proposed extension will bring the property less than 1% smaller (GIA) than that dismissed at appeal under 19/P/00191

Planning policies.

National Planning Policy Framework (NPPF):

- Chapter 1: Introduction
- Chapter 2: Achieving sustainable development
- Chapter 4: Decision Making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 12: Achieving well designed places
- Chapter 15: Conserving and enhancing the natural environment

South East Plan 2009:

Policy NRM6: Thames Basin Heath Special Protection Area

Guildford Borough Local Plan: Strategy and Sites 2015 - 2034 (adopted 25 April 2019):

- Policy D1: Place Shaping
- Policy D2: Sustainable design, construction and energy
- Policy ID1: Infrastructure and Delivery
- Policy ID3: Sustainable transport for new development
- Policy ID4: Green and Blue Infrastructure

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

- G1(3) Neighbouring Amenity
- G5 Design Code

Neighbourhood Plans:

- EHH7 East Horsley Design Code
- EHH8 Residential infilling

Supplementary planning documents:

- Residential Design Guide 2004
- Planning Contributions SPD 2017
- Climate Change, Sustainable Design, Construction and Energy SPD 2020
- Vehicle Parking Standards SPD 2006
- Thames Basin Heath SPA Avoidance Strategy 2017

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:

- d) 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
- e) 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 suggests the variation of condition 2 of planning permission 20/P/01954 which states:

"The development hereby permitted shall be carried out in accordance with the following approved plans: HB5 P1, HB5 P3 and HB4 P1 received on 17 November 2020 and amended plans HB5 P2A and HB5 P3A received 14 December 2020.

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

The proposal seeks to amend the approved plans, and thus if permitted, condition 2 will be varied to the following wording:

"The development hereby permitted shall be carried out in accordance with the following approved plans:

- *HB5 P1*
- *HB5 P3*
- *HB4 P1*

received on 17 November 2020.

- *HB5 P3B*
received 2 August 2021.

- *HB5 P2B*
received 24 August 2021.

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

The primary considerations resulting from this change would be:

- The impact on the character of the area
- The impact upon neighbouring amenity

The impact on the character of the area

The application site fronts on to Park Corner Drive which consists of variety of sizes and styles of dwellings. The prevailing character is of spacious plots and generous spacing to boundaries, mature landscaping on the boundaries and soft landscaped frontages.

The National Planning Policy Framework (NPPF) attaches great importance to the design of the built environment. Paragraph 134 states that permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design.

This Section 73 application seeks to vary the approved plans for application 20/P/01954 to allow the permitted dwellinghouse to extend a further 2.99 metres out from the rear elevation.

Looking into the history of the application site, it is evident that a number of 'new dwelling' schemes have been proposed over the past few years, with a result of one approval in January 2021. A number of the previously submitted applications have been reviewed by the Planning Inspectorate, and the last application reviewed by the Planning Inspectorate, before a successful scheme was submitted was 19/P/00191. With regard to this application's impact upon the character of the area, the Planning Inspector stated:

"The proposed two storey dwelling would be set in from each side boundary. However, despite the side spacing proposed and the inclusion of a set back single storey element, the taller sections of the building would be perceived as relatively close to the boundaries with neighbouring dwellings. This visual effect would arise from the catslide roof design of the single storey element continuing from the crown roof and front gable with an intervening chimney closest to Two Steps, and the inclusion of a side hipped roof with chimney adjacent to Junipers. The associated increase in built form arising from the replacement of the existing bungalow, whilst stepped up in height relative to Two Steps due to the difference in land levels, would result in the dwelling having a substantial form and roof with a similar overall height to Junipers despite that latter property being at a slightly higher land level. As a consequence, the introduction of the dwelling as proposed would appear bulky and would undermine the existing characteristic transition between the building heights of the semi-detached properties and those at higher land levels, whilst also obscuring some existing views of the tree-lined backdrop to the site.

The resultant dominance of the dwelling within the site and its contrast with those immediately surrounding, would be emphasised by the prominent gable features within the front elevation. Although front gables are a common feature of the street scene, they are generally a more subservient component of the varied architectural styles and massing of neighbouring buildings. In contrast, whilst the gable features proposed would provide a balanced appearance to the frontage, their overriding proportions would accentuate the height, scale and bulk of the property. Consequently, when taken with the associated chimneys, the front gables would introduce an overly vertical emphasis to the property that would harmfully contrast with the horizontal emphasis which characterises those nearby. The incompatible scale and proportions of the dwelling would be exacerbated by the raised land levels relative to Park Corner Drive, whilst the extensive surfaced areas on the frontage to provide driveways and parking would also accentuate the contrast of the proposal with the verdant and spacious character of its surroundings. The proposal would, therefore, be viewed as a discordant, dominant and harmful addition to the street scene and would appear out of place".

Since this appeal decision, the applicant submitted application 20/P/01954, which successfully overcame 'character of the area' concerns noted by both the LPA and the Planning Inspectorate.

This Section 73 application proposes an alteration, which does not change the front elevation, nor does it alter the design of the dwellinghouse with regard to its elevations. The proposed alterations ensure that the dwelling will continue to follow the line of existing development either side of the host property; and whilst the proposed alteration will see the host dwelling extend past the rear building line; the protrusion is relatively minor, and will not harm the character of the area.

The proposal does not see any additional height, or increase in dominance against the boundaries of the neighbouring properties, as the dwelling will continue to sit 3.5 metres from the boundary with the neighbouring property 'Two Steps' and 3 metres off the boundary with the other neighbouring property 'Junipers'.

The catslide roof on the eastern elevation sloping down to single storey level will be retained; and this design feature combined with the separation distances to the boundary results in a dwelling that is in keeping with the character of the area and has an acceptable relationship with its immediate surroundings.

The retention of design of the dwelling, and sole alteration revolving around an additional 2.99 metre protrusion to the rear of the dwelling does not see any detrimental harm with regard to character of the area.

As the design of the property is not being amended, but simply a slight increase in its depth, the application is supported by Neighbourhood Plan Policy EH-H7(a)i which requires designs to be in keeping with the established character of East Horsley and with the style of properties surrounding the development.

Whilst it is acknowledged that the GIA increase brings the dwelling to a similar size of the previously refused applications, the design of the dwelling is retained and therefore ensures that it continues an acceptable relationship with its immediate surroundings. Therefore the increase in GIA does not have a detrimental impact upon the character of the area, as it has been incorporated into the dwelling in a sympathetic and acceptable manner.

Accordingly, the proposal meets with the requirements of national planning policy as contained in the NPPF, Guildford Borough Local Plan: Strategy and Sites (adopted 25 April 2019) Policies D1 and P2, East Horsley Neighbourhood Plan policy EHH7 together with the Council's SPG on Residential Design 2003. These policies seek to ensure that residential development is designed to a high standard, in that they complement and respect the character of their surroundings.

However, with the acceptability of the depth increase of the dwellinghouse, it is deemed appropriate to remove permitted development rights for extensions and roof extensions, to ensure that the dwellinghouse cannot add additional bulk, without first applying for planning permission.

The impact upon neighbouring amenity

The proposed alterations ensure that the host dwelling will still follow similar building lines to existing properties either side of the application site.

The proposed alterations maintain sufficient spacing to the side boundaries to ensure that there would be no detrimental impact to the neighbouring properties either side, in terms of any detrimental loss of light or overbearing impact.

The proposed alterations see no increase in number of windows, and the only change with regard to overlooking is the relocation of the rear windows to protrude a further 2.99 metres rearward. This is considered to reduce any immediate overlooking to neighbouring properties to the side boundaries, and the long separation distance to properties at the rear will be retained as the 2.99 metre extension will not reduce this distance to a detrimental degree. In addition to this, the curtilage boundaries of the site are well screened by tall trees. There are therefore no concerns regarding loss of privacy to the neighbouring residents, or any other detrimental adverse impact on neighbouring properties.

The proposal therefore accords with policy G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Directive 24.09.2007).

Conclusion.

The resulting conclusion is that the proposed alterations will all occur at the rear of the property, and therefore the impact upon the character of the area will be insignificant.

As for the impact upon neighbouring amenity, the alterations will not cause detrimental harm with regard to overlooking, overshadowing or outlook.

Given the above, the application is considered to be compliant with Policy D1 (Place Shaping) of the LPSS and Saved Policy G1 (3) (Protection of Amenities Enjoyed by Occupants of Buildings) of the Local Plan 2003; and is therefore recommended for approval.