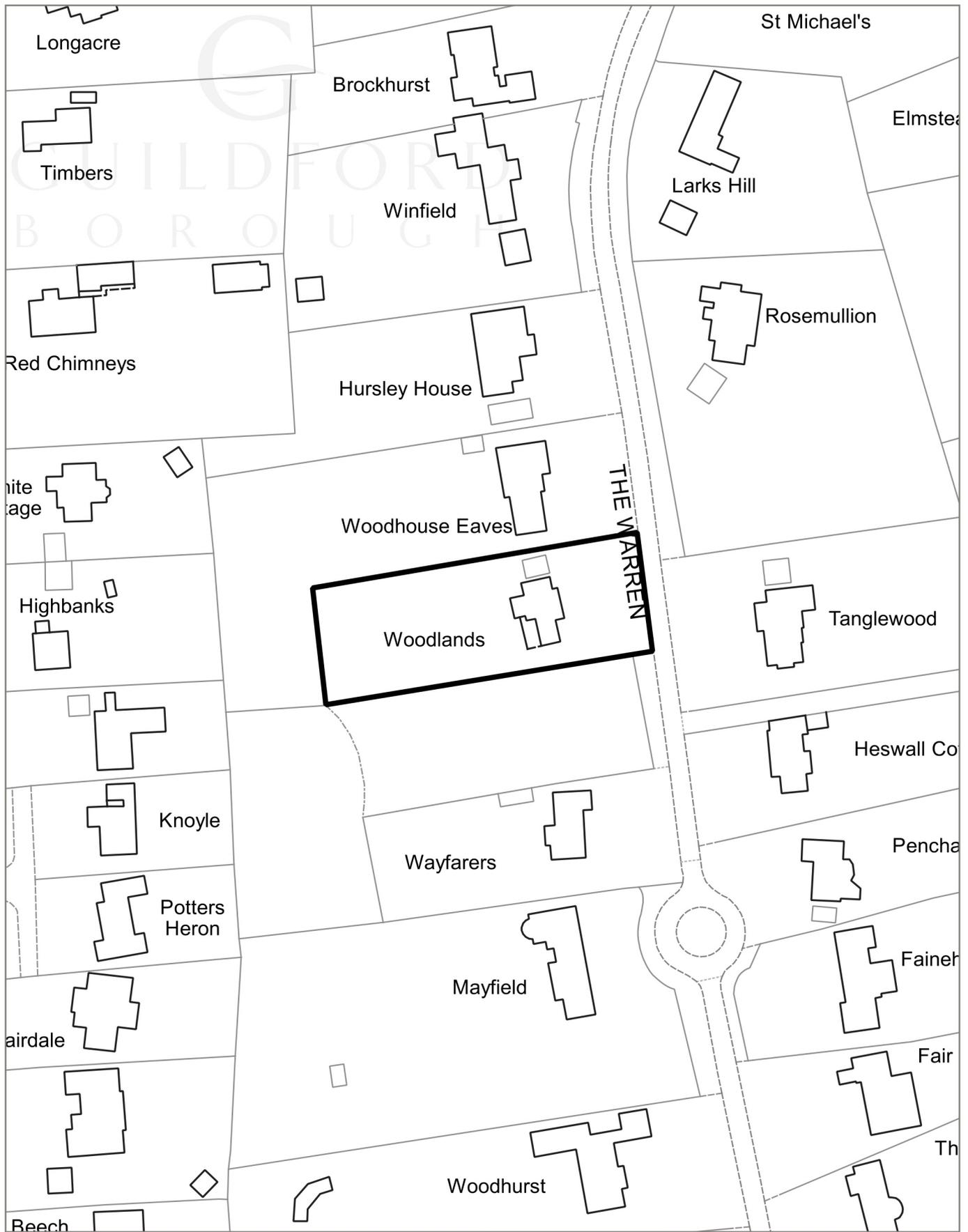


# 21/P/00646 - Woodlands, The Warren, East Horsley, Leatherhead



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BOROUGH

21/P/00646 – Woodlands, The Warren, East Horsley, Leatherhead



Not to scale

**App No:** 21/P/00646  
**Appn Type:** Full Application  
**Case Officer:** Carolyn Preskett  
**Parish:** East Horsley  
**Agent :** Mr Andrew Bandosz  
D&M Planning Ltd  
1A High Street  
Godalming  
GU7 1AZ

**8 Wk Deadline:** 06/08/2021

**Ward:** Clandon & Horsley  
**Applicant:** Mr & Mrs Lonie  
c/o D&M Planning Ltd  
1A High Street  
Godalming  
GU7 1AZ

**Location:** Woodlands, The Warren, East Horsley, Leatherhead, KT24 5RH  
**Proposal:** Erection of a replacement dwelling together with alterations to parking and vehicular access arrangements (revision of 20/P/00952).

### **Executive Summary**

#### **Reason for referral**

This application has been referred to the Planning Committee by Councillor Young for the following reasons:.

- the building will not be materially larger as the size, height and scale have all been reduced and will remain in the same use
- the proposed design is in keeping with the established pattern of development in East Horsley and the style of properties surrounding the application

#### **Key information**

The proposed development is for a four bedroom detached property following the demolition of the existing dwelling in the Green Belt.

#### **Summary of considerations and constraints**

The proposal represents inappropriate development in the Green Belt, there are no very special circumstances and the proposed development is contrary to Policy P2 of the Guildford Borough Local Plan : Strategy and Sites (2015-2034) and the requirements of Chapter 13.

The proposed dwelling would be materially larger than the dwelling it would replace.

The recommendation is for refusal.

### **RECOMMENDATION:**

#### **Refuse - for the following reason(s) :-**

1. The proposed replacement dwelling would, due to its scale, mass and three dimensional form, notably the significantly volumetric increase, be materially larger than the existing building. It therefore represents inappropriate development which is by definition harmful to the Green Belt. No very special circumstances exist to outweigh this harm. The proposal is contrary to policy P2 of the LPSS, 2015-2034, and Chapter 13 of the National Planning Policy Framework, 2021.

**Informatives:**

1. This decision relates expressly to drawings: 1502/105B ; 1502/102H; 1502/103H; and 1502/104D received 23 March 2021 and 1502/108B received on 6 April 2021.
  
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 there are significant objections to the application that minor alterations would not overcome, it was not considered appropriate to seek amendments through the course of this application.

**Officer's Report****Site description.**

The site is a large detached two storey property located on The Warren, a private residential road. The site is located in the Green Belt and outside of an identified settlement boundary. The property is set in a large, elongated plot. The surrounding area is residential in character and comprises of two storey detached properties of individual styles and design.

**Proposal.**

Erection of a replacement dwelling together with alterations to parking and vehicular access arrangements (revision of 20/P/00952).

**Relevant planning history.**

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
20/P/00952	Proposed erection of a two-storey replacement dwelling together with alterations to parking and vehicular access arrangements.	Refuse 26/08/2020	N/A

20/W/00023	Prior notification for a single storey side and rear 8.00 metre extension, 2.4 metres in height with an eaves height of 2.5 metres and a single storey rear 8.0 metre extension, 2.4 metres in height with an eaves height of 2.5 metres.	Prior Approval Not Required 12/03/2020	N/A
19/W/00113	Prior notification for a single storey 8.0 metre side and rear extension, 2.40 metres in height and with an eaves height of 2.40 metres.	Refuse 24/01/2020	N/A
19/W/00111	Prior notification for a single storey 8 metre rear extension, 2.4metre in height and with an eaves height of 2.4metre	Refuse 24/01/2020	N/A
18/P/01718	Erection of a replacement four bedroom dwelling together with alterations to parking and vehicular access arrangements.	Refuse 21/11/2018	DISM 09/08/2019
18/P/01033	Certificate of Lawfulness for a proposed development to establish whether a garden shed would be lawful.	Approve 31/07/2018	N/A
05/P/02338	New enlarged rear conservatory following demolition of existing conservatory.	Approve 29/12/2005	N/A

### Consultations.

#### Statutory consultees

County Highway Authority: The application site is accessed via a private road and does not form part of the public highway, therefore it falls outside The County Highway Authority's jurisdiction. The County Highway Authority has considered the wider impact of the proposed development and considers that it would not have a material impact on the safety and operation of the adjoining public highway.

#### Internal consultees

Council's Tree Officer - No objections

#### East Horsley Parish Council

No objection

### Third party comments:

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

- in keeping with other houses on the road in both appearance and size

- sympathetic design
- scale proportionate
- better for the environment

### **Planning policies.**

#### National Planning Policy Framework (NPPF) 2021:

Chapter 2: Achieving sustainable development.

Chapter 12: Achieving well-designed places.

Chapter 13: Protecting green belt land.

#### Guildford Borough Local Plan: Strategy and Sites (LPSS), 2015-2034:

P2: Green Belt.

D1: Place shaping.

D2: Sustainable design, construction and energy.

ID4: Green and blue infrastructure.

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

G1	General Standards of Development
G5	Design Code
NE4	Species Protection
NE5	Dev. Affecting Trees, Hedges & Woodlands

#### East Horsley Neighbourhood Plan - 2017-2033

- Policy EH-EN4 - Biodiversity
- Policy EH-H7 - East Horsley Design Code

#### Supplementary planning documents:

Residential Design Guide, 2004.

### **Planning considerations.**

The main planning considerations in this case are:

- the principle of development and impact on the green belt
- the impact on the character of the area
- the impact on neighbouring amenity
- highway/parking considerations
- the impact on trees and vegetation
- biodiversity and the impact on protected species
- sustainability

#### The principle of development and impact on the green belt

The site is located within the Green Belt. The NPPF identifies that new buildings will be deemed inappropriate unless for specific purposes as set out in paragraph 149. The replacement of an existing building for another building in the same use is identified as one such purpose, provided

that the building is not materially larger than that it replaces. The test of whether a replacement building is materially larger is not an openness test nor does it relate to the visual impact of the development. Neither is it a relative assessment to the size of other buildings in the surrounding area. Instead it requires a quantitative assessment, factors can include the floorspace uplift and three dimensional factors such as footprint, increases in height, width, depth and building shape. Where more than one building exists on site i.e. domestic outbuildings, the starting point should be to NOT include outbuildings in the materially larger assessment. Whether other buildings on the site would be removed as part of the application can be a material consideration but this should come after the materially larger assessment, essentially whether there is an overall reduction in built form or improvement to the character of the site that could contribute to very special circumstances in the balancing exercise.

Policy P2 of the adopted Local Plan confirms that Green Belt policy will be applied in line with the NPPF and for replacement buildings further confirms that replacement buildings should overlap with the existing structure, unless it can be clearly demonstrated that the replacement building would not harm the openness of the Green Belt.

A comparison of the existing dwelling (excluding the garage) and the proposed dwelling, is set out in the table below:

	Existing (pre PAs)	Existing (as current)	Previously proposed (18/P/01718)	Previously Proposed (20/P/00592)	Proposed (21/P/00646)	Difference (Existing as current to Proposed)	Difference (Existing pre PAs to Proposed)
Height (Max)	7.55 metres	7.6 metres	8.78 metres	8.8 metres	8.78 metres	+ 1.18 metres (15.5%)	+1.23 metres (16.3%)
Width (Max)	16.0 metres	20.1 metres	17.1 metres	17.8 metres	16.98m	- 3.12 metres (15.5%)	+1 metre (6.25%)
Depth (Max)	10.4 metres	18.4 metres	11.9 metres	12.8 metres	12.2m	- 6.2 metres (33.6%)	+1.8 metres (17.3%)
Floor area	227.2 sq m	303.8 sq m	356.3 sq m	371.2 sq m	340.1 sq m	+ 36.3 sq m (11.9%)	+ 112.9 sq m (49.7%)
Volume	844.6 cu m	1028.4 cu m	1288.9 cu m	1330.6 cu m	1233.7 sq m	+ 205.3 cu m (19.96%)	+ 389.1 cu m (46.1%)

The replacement dwelling would be located in the same position as the existing albeit with a larger footprint. The size of the proposed dwelling is smaller than that proposed under application 18/P/01718 which was refused and subsequently dismissed on appeal and smaller than the most recent refused scheme 20/P/00952.

Since the 2018 application prior approval has been sought for two open sided wood framed extensions which have been constructed. These have resulted in the addition of 76.6 square metres of covered floor area. However, whilst these extensions have foundations they are open sided wooden structures with the one to the side of the dwelling appearing as a car port type structure and the one at the rear appears as a veranda type extension.

The Council does not dispute their existence, nor that they carry weight as part of the existing building. However, it must be considered whether these are a comparable form of development to a replacement dwelling when making the materially larger assessment. Floor area is only one indicator of a materially larger dwelling, it is arguably the bulk and three-dimensional form of a building that provides a clearer measure of whether a replacement building is materially larger or not. In the consideration of planning application 20/P/00592 the Officer Report stated *"This process is a blatant attempt to undermine Green Belt policy in a situation where a proposed development has already been refused and dismissed at appeal. The applicant has made no effort to address the previous reasons for refusal. "*

The applicant's agent in their planning statement submitted with this current application states:

*"...Officers suggest that the process of applying for the additional timber extensions was 'a blatant attempt to undermine Green Belt policy in a situation where a proposed development has already been refused and dismissed at appeal.' The timber extensions were legitimately granted permission under the GPDO 2015 regulations and are now lawful structures and there was no reason why these structures could not be accounted for in the assessment of a new proposal."*

The Council stand by their conclusions relating to the previous planning application 20/P/00952.

In this case and taking into account the prior approval extensions the volumetric increase would still equate to 19.96% which is significant and will result in the construction of a much larger building with a substantial increase in bulk. Considering that the prior approval extensions are not enclosed it is not found that these are directly comparable to enclosed brick built form which is the nature of the replacement dwelling, as such if the volumetric increase of the brick built form on site was considered solely, the increase would be 46.1% (Officer note: In the consideration of planning application 20/P/00952 the Officer Report stated the volumetric increase of the brick built form would be 36.5% based on the plans submitted. This figure should have read 57.5%, so whilst the current scheme is smaller it still illustrates how much larger the proposed new dwelling would be in comparison to the existing brick built form of the existing dwelling) as the dwelling would be significantly greater in all respects, with increases in height, width, depth, floor area and volume.

Further, the existing dwelling is predominantly two storey but the design features a significant cat-slide roof form with dormer to the northern side elevation, therefore, the extent of first floor accommodation (approximately 90 square metres) is much less than the level of habitable accommodation at ground floor. The proposed property would have a significantly greater level of first floor accommodation (approximately 169.6 square metres) when compared to the existing which represents an 88.5% increase in this level of accommodation. This increase is a clear indicator that the proposed property would be of much greater bulk particularly at first floor level. The recently constructed prior approval extensions are ground floor additions and this again reinforces the argument that the extensions are not comparable to the level of proposed development.

The concerns raised into the previous application in relation to the volume of the proposed dwelling have not been addressed by the applicant. Whilst the current proposal is smaller than that proposed under planning reference 20/P/00952,

The proposal, by virtue of its bulk and three dimensional form, would result in a dwelling which is materially larger than the one it replaces and as such represents inappropriate development. Therefore, the proposal results in harm by reason of inappropriateness and harm to the openness of the Green Belt. Paragraph 147 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances'.

No very special circumstances have been identified. The proposal due to its footprint, scale, bulk and mass represents inappropriate development which is by definition harmful to the Green Belt. The proposal fails to comply with policy P2 of the LPSS, 2015-2034, and Chapter 13 of the NPPF, 2021.

#### The impact on the character of the area

The existing property is a detached dwelling, of limited architectural merit, set within a spacious plot. The proposed replacement dwelling would be sited to overlap with the existing footprint of the dwelling. The surrounding area is characterised by significant detached dwellings of varying styles and designs. The proposed design approach of the replacement dwelling would respect the character of the area and as such no objection is raised in this regard. The material palette would include: red stock facing bricks, Portland stone lintels and sill banding, dark stained timber exposed rafters, black stained fascia and soffit, black cast aluminium rain water gutter and down pipes. Not all materials are fully detailed on plans and as such it is appropriate to include a condition to request details and samples of materials.

The site features modest vegetation to the front of the plot which softens the appearance of the dwelling. The appropriate design would not result in the replacement dwelling appearing unduly prominent within its surroundings and as such the character and appearance of the locality would not be harmed by the proposal.

The proposal is found to be compliant with policies D1 of the LPSS, 2015-2034, G5 of the saved Local Plan, 2003 (as saved by CLG Direction on 24/09/2007), EH-H7 of the East Horsley Neighbourhood Plan, 2017-2033 and the requirements of the NPPF, 2021.

#### The impact on neighbouring amenity

The closest neighbouring property is Woodhouse Eaves, to the north of the application site. The proposed dwelling would be set 6.75 metres from the boundary with the existing garage retained immediately adjacent to the boundary and 10.35 metres from the side elevation of this neighbouring property. Owing to the positioning of the proposed dwelling and the location of the neighbouring dwelling, the proposal would not cause any material harm to light levels received or present any overbearing impact. Three ground floor side windows are proposed and two first floor side windows, the first floor windows would be obscure glazed and as such would offer limited potential for any overlooking. A balcony is proposed at the first floor to serve the master bedroom, the balcony would not extend further than the first floor rear building line and would not offer any greater opportunity for overlooking than the proposed first floor rear windows.

Therefore, the proposal would comply with policy and G1(3) of the saved Local Plan, 2003 (as saved by CLG Direction on 24/09/2007).

#### Highway/parking considerations

The existing access will be retained with an additional access created, the proposed site plan demonstrates parking space for two vehicles on the driveway, although it is acknowledged that the driveway could accommodate further additional vehicles and the existing garage would also be retained. Therefore, the proposal is found to be acceptable in this regard.

### Impact on trees and vegetation

The proposal includes the removal of two existing trees to the front of the site, these are not of significant quality to warrant retention. The proposed replacement dwelling would not be situated within the root protection area of the existing trees.

Therefore, the proposal would comply with saved policies G1 and NE5 of the Guildford Borough Local Plan 2003 and the NPPF, 2019.

### Impact on protected species

A Bat Survey including dawn and dusk emergence surveys has been submitted with the application. The surveys were carried out in 2017 and again in 2020. The survey in 2020 found that the host property hosts a single soprano pipistrelle day roost which is of low conservation significance and therefore demolition of the dwelling, which would destroy the roost, could not legally commence until a licence for development works affecting bats has been obtained from Natural England or the site had been registered under the Bat Mitigation Class Licence (Bat Low Impact). The report includes a mitigation plan that would ensure that there would not be a detrimental effect on the favourable conservation status of bats and subject to a condition preventing the development without the prior acquisition of a licence from Natural England, the proposal would be in accordance with planning policy in relation to bats. This information could be secured by way of a condition were the proposal found to be acceptable.

The lack of any measures for biodiversity net gain was a reason for refusal on the last application 20/P/00952. The Government announced it would mandate net gains for biodiversity in the Environment Bill in the 2019 Spring Statement. The Environment Bill received Royal Assent on 9 November 2021. Mandatory biodiversity net gain as set out in the Environment Act applies in England only by amending the Town & Country Planning Act (TCPA) and is likely to become law in 2023, the absence of this change to TCPA and no Development Plan policy regarding biodiversity net gain. It would be unreasonable to maintain this reason for refusal, in this instance. However, as para 175 of the NPPF sets out the principles that should be applied to habitats and biodiversity and policy ID4 of the LPSS seeks to contribute to biodiversity along with Send 4 of the SNP which seeks to enhancement of green and blue infrastructure, it would be appropriate to require biodiversity enhancements by condition, if the application was recommended for approval.

### Sustainability

In order for the development to comply with the Council's Sustainable Design and Construction SPD 2011 and Policy D2 of the LPSS, 2015-2034, the new dwellings would need to achieve a 20% reduction in carbon emissions through the use of renewable energy. Some information has been provided by the applicant in respect of the design, construction and operational phases of the development. Further more detailed information could be secured by way of a condition were the proposal found to be acceptable.

### **Conclusion.**

The application has been found to represent inappropriate development in the Green Belt. No very special circumstances have been identified. Therefore, the proposal has been found contrary to both local and national planning policy and is recommended for refusal.

