

**App No:** 22/P/01845  
**Appn Type:** Full Application  
**Case Officer:** Chris Gent  
**Parish:** East Horsley  
**Agent :** Mr P. Harrison  
WLA Architecture LLP  
34 Bridge Street  
Leatherhead  
KT22 8BZ

**8 Wk Deadline:** 30/04/2023

**Ward:** Clandon & Horsley  
**Applicant:** Mr P. Vary  
Abbotswood  
High Park Avenue  
East Horsley  
KT24 5DF

**Location:** Abbotswood, High Park Avenue, East Horsley, Leatherhead, KT24 5DF  
**Proposal:** Enlarge roof to accommodate an ensuite shower room with rooflight and to reduce partially constructed rear dormer window

### **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**

The proposal is to reduce the size of a partially constructed rear dormer window and enlarge the dwellinghouse's hipped roof to form a part gable end with barn-hip on top. A rear facing rooflight is also proposed.

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

The proposed changes to the partially constructed dormer window, together with the roof enlargement and rooflight, would not detract from the character and appearance of the building or surrounding properties and are acceptable.

In terms of privacy, the proposed rear dormer window and rooflight would not result in any significant additional overlooking/loss of privacy to the neighbouring dwellings, over and above the dormer windows previously considered acceptable under application 21/P/01722.

The proposed roof enlargement would not cause a detrimental loss of light over the neighbouring buildings, nor would it appear an overbearing feature or result in significant additional overshadowing.

For these reasons it is concluded that planning permission should be granted subject to conditions.

## **RECOMMENDATION:**

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

1. The development 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: 2589/06, 2589/08, 2589/05, 2589/04, 2589/07 received on 31/10/2022.

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.

### **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](mailto: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 application site is located within the identified settlement boundary of East Horsley inset from the Green Belt. The property is situated within an area characterised by residential development set on either side of High Park Avenue, consisting detached dwellings of differing designs with a variety of roof forms. 'Abbotswood' comprises a two-storey house with a plain clay tile pitched roof and rendered elevations.

### **Proposal**

Enlarge roof to accommodate an ensuite shower room with rooflight and to reduce partially constructed rear dormer window

### **Relevant planning history**

22/P/01844 - Enlarged front left dormer window and extension to the front of the garage (retrospective application). Approved with conditions - 27/03/2023

22/N/00080 - Non-material amendment to planning application 21/P/01722 approved 17/12/2021 to allow for the removal of 4 pitched roof dormers windows to main roof, 2 on the front elevation, 2 on the rear elevation, the addition of one flat roof dormer to the main roof rear elevation, addition of 1 velux type window to the main roof front elevation, alteration of roof over entrance porch to include a flat roof small extension to front of existing garage and alteration to tiled roof above, confirmation of replacement window details to all existing windows, removal of a small number of existing windows on secondary elevations and omission of extension to the existing main roof. Part Approved, Part Refused – 23/09/2022

22/N/00081 - Non-material amendment to planning application 21/P/01722 approved 17/12/2021 to allow for alteration to the roof, installation of a gable end to the north east elevation. Part Approved, Part Refused – 23/09/2022

21/P/01722 - Single storey rear extension, loft conversion including 4 dormer windows and 2 roof lights, roof alteration to facilitate a first floor infill extension, alterations to front porch (amended plans received on 15/12/2021 showing the removal of a garage and reinstatement of the existing garage for use as a garage (description amended 15/12/2021). Approved with conditions - 17/12/2021.

### **Consultations**

East Horsley Parish Council - raise objection to the proposal for the following reasons:

- poor design
- out of keeping with the local character
- adverse impact on residential amenity in terms of overlooking/loss of privacy

### **Third party comments:**

24 letters have been received raising the following objections and concerns:

- loss of privacy/overlooking
- impact on scale and character
- noise disturbance/disruption during construction
- overshadowing
- impact on the value of neighbouring properties
- breach of planning control [officer comment: the applicant has made this application for the changes, and it is permissible to submit an application to regularise development]
- retrospective application
- poor design

### **Planning policies**

The following policies are relevant to the determination of this application.

#### **National Planning Policy Framework (NPPF) (as revised on 20 July 2021)**

Chapter 12. Achieving well-designed places

#### **Guildford Borough Local Plan: Strategy and Sites (adopted by Council on 25 April 2019)**

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.

Policy D1: Place shaping

#### **Guildford Borough Council: Development Management Policies (LPDMP) June 2022**

Guildford's Local Plan Development Management Policies (LPDMP) was adopted by the Council on 22 March 2023. This now forms part of the statutory development plan and the policies are given full weight.

Policy H4: Housing Extensions and Alterations including Annexes

Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness

Policy D5: Protection of Amenity and Provision of Amenity Space

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

Policy EH-H7 East Horsley Design Code

### **Supplementary planning documents**

Residential Extensions and Alterations Guide 2018

### **Planning considerations**

The main planning considerations in this case are:

- impact on character
- impact on neighbour amenity
- retrospective application

### Impact on character

Planning permission was granted in 2001 (21/P/01722) for two dormer windows set within the rear roofslope. These were modest in size and incorporated pitched roofs with rear facing gable ends. However, the dormer window as partially constructed, differs to what was approved, both in terms of size and design, and is more akin to a 'box like' addition. This application seeks permission to reduce the size of the existing unauthorised dormer window. Other alterations involve the enlargement of the dwellinghouse's roof form from a hipped end to part gable end with barn-hipped top and the addition of a rear rooflight.

The property is situated within an area characterised by residential development set on either side of High Park Avenue, consisting detached dwellings of differing designs with a variety of roof forms. 'Abbotswood' comprises a two-storey house with a combination of pitched roofs/half-hipped roofs and flat roof.

As mentioned above, the proposal is to reduce the size of the partially constructed existing dormer window at the rear. As proposed, the dormer window would be of an acceptable size, set down from the ridge and sits comfortably within the roofslope. As such, it would not detract from the character and appearance of the building.

The proposal is also to enlarge the dwelling's existing hipped roof to form a part gable end with barn-hip on top.

With regards to design, the advice in the Council's Supplementary Planning Document (SPD) 2018 Residential Extensions and Alterations, advises that proposed extensions or alterations should normally be consistent with the form, scale and style of the existing building. This can be achieved by using an appropriate roof form. It also advises that extensions should be designed in a manner that complements the existing roof/original house and the surrounding area and roofs (for both single and double storey extensions) need to complement and relate sympathetically to the existing house.

Whilst the enlargement would increase the size and bulk of the roof, this would not be to such a degree that it would harm the scale and character of the host dwelling.

The proposed roof form would be an acceptable design approach and reflects the building's existing gable/barn-hipped roof on the opposite end. It is noted that a flat roof element is proposed at the more noticeable upper level, however, it's size is relatively small and it would be tied in with the existing crown roof arrangement. As such, the proposed roof addition would respect the character and form of the existing building and other properties within the surrounding area. The materials would match the existing to ensure the roof addition integrates well with the existing.

A rooflight is proposed on the rear roofslope; this would be of an acceptable size and raises no concerns.

Given the above, the proposals would be in keeping with the established character of East Horsley and with the style of properties surrounding the development, in accordance with Policy EH-H7 (a)i of the East Horsley Neighbourhood Plan 2017 - 2033.

The proposal would accord with Chapter 12 of the National Planning Policy Framework (NPPF) (as revised on 20 July 2021), Policy D1 of the Guildford Borough Local Plan 2015-2034, Policies H4, D4 of the Guildford Borough Local Plan: Development Management Policies (LPDMP) Adopted on 22 March 2023, and Policy EH-H7 of the East Horsley Neighbourhood Plan 2017 - 2033.

#### Impact on neighbour amenity

The neighbouring properties most affected are 'Nutwood', 'Lambardene' and 'Firswood'.

Firswood - is a detached house situated approximately 8.2m to the north of the application dwelling. To the side of the building and located upto the boundary with Abbotswood is Firswood's detached garage. Due to the separation distance and relationship between the application property and this neighbouring dwelling and the lack of any windows on this neighbour's side elevation facing towards the site, the proposal would not cause a detrimental loss of light over this neighbouring building, nor would it appear an overbearing feature or result in significant additional overshadowing than that already caused by the existing built form.

In terms of privacy, the proposed rear dormer window and rooflight would not result in any significant additional overlooking/loss of privacy to the neighbouring dwellings, over and above the dormer windows previously considered acceptable under application 21/P/01722.

The proposal therefore complies with Policy D5 of the Guildford Borough Local Plan: Development Management Policies (LPDMP) Adopted on 22 March 2023.

#### 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 unauthorised 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.

As noted above, this application is retrospective. In considering this current application, 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.