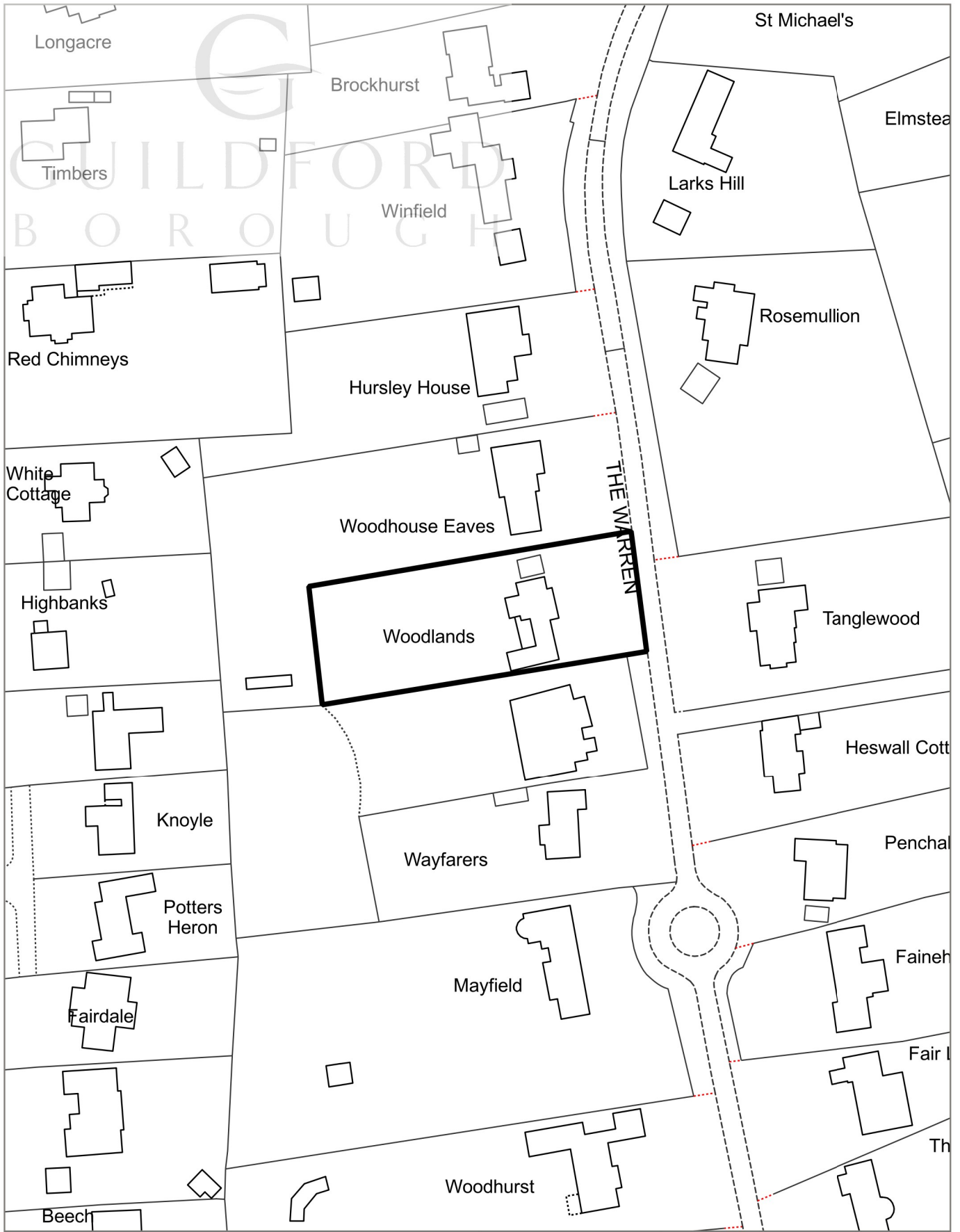


23/P/01774 - Woodlands, The Warren, East Horsley, Leatherhead



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Print Date: 24/11/2023

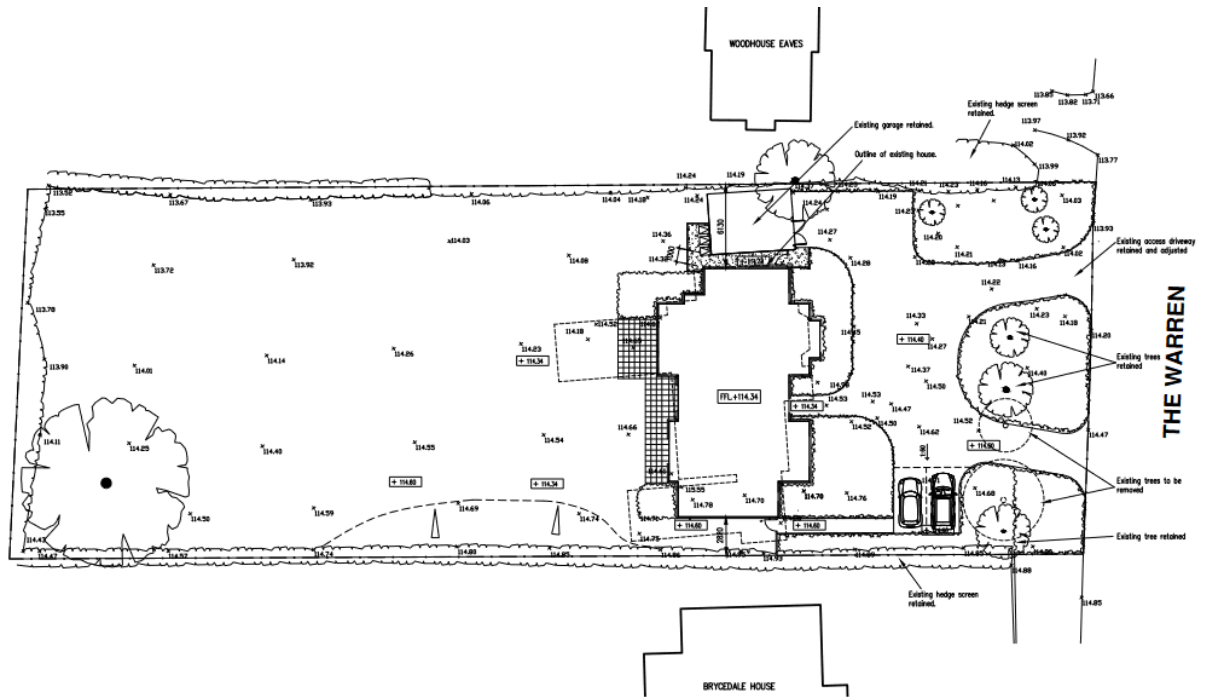


Not to Scale



GUILD FORD
BOROUGH

23/P/01774 – Woodlands, The Warren, East Horsley, Leatherhead



Not to scale



App No: 23/P/01774

8 Wk 20/12/2023

Deadline:

Appn Type: Full Application

Case Officer: Becky Souter

Parish: East Horsley

Ward: Clandon & Horsley

Agent : Mrs Janet Long
Planit Consulting
3 Innovation Place
Douglas Drive
Godalming
Surrey
GU7 1JX

Applicant: Mr Gary Lonie
Woodlands
The Warren
East Horsley
Leatherhead
KT24 5RH

Location: Woodlands, The Warren, East Horsley, Leatherhead, KT24 5RH

Proposal: Proposed erection of a two storey replacement dwelling with retention of existing garage together with alterations to parking and vehicular access arrangements to provide for an in/out access way

Executive Summary

Reason for referral

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

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 significant first floor accommodation and overall floor area and volumetric increases, 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, 2023.

Informatives:

1. This decision relates expressly to drawings: 1502-108C; 1502-110A; 1502-111A; 1502-112A and 1502-113A received on 23/10/2023.
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 in certain circumstances
 - 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.

Proposed erection of a two storey replacement dwelling with retention of existing garage together with alterations to parking and vehicular access arrangements to provide for an in/out access way.

Relevant planning history.

Reference	Description:	Decision Summary:	Appeal:
22/P/0161 4	Erection of a replacement dwelling together with alterations to parking and vehicular access arrangements	Refuse with 30/03/2023	N/A

(revision of 21/P/00646).

21/P/0064 6	Erection of a replacement Refuse dwelling together with alterations to parking and vehicular access arrangements (revision of 20/P/00952).	14/01/2022	DISM 23/12/2022
20/P/0095 2	Proposed erection of a two-storey replacement dwelling together with alterations to parking and vehicular access arrangements.	26/08/2020	Refuse N/A
20/W/000 23	Prior notification for a single storey side and rear 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.	12/03/2020	Prior Approval N/A
19/W/001 13	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.	24/01/2020	Refuse N/A
19/W/001 11	Prior notification for a single storey 8 metre rear extension, 2.4metre in height and with an eaves height of 2.4metre	24/01/2020	Refuse N/A
18/P/0171 8	Erection of a replacement four bedroom dwelling together with alterations to parking and vehicular access arrangements.	21/11/2018	DISM 09/08/2019

18/P/0103 Certificate of Lawfulness for a Approve N/A
3 proposed development to 31/07/2018
establish whether a garden shed
would be lawful.

05/P/0233 New enlarged rear conservatory Approve N/A
8 following demolition of existing 29/12/2005
conservatory.

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. However, in order to promote sustainable transport and to reduce carbon emissions the County Highway Authority recommends the following conditions and informatives be imposed regarding electric vehicle charging points and provision for cycle storage facilities and charging point.

Internal consultees

Environmental Health: Redevelopment of a large house on a substantial plot, no environmental health reason to comment.

Non-statutory consultees

Thames Water: No comments to make following a review of the application.

Parish Council

East Horsley Parish Council: No objection.

Third party comments:

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

[Officer note: A further 3 letters of support have been received, however, these were submitted from the children of the applicant, who live at this address, and therefore these have been discounted.]

- Proposal is in keeping with the size and style of the other houses in the road.
 - The dwelling would be smaller than some other houses in the road and is suitable for the size of the plot.
 - The dwelling would not be overbearing on neighbours nor affect the amenity of neighbouring properties.
 - No impact on access or highway safety.
 - Adequate parking and servicing.
 - No impact or loss of ecological habitats.
 - Unclear why previous applications have been refused.
 - The application would make adequate provision for a local family.
-
- Decision making at this address has been inconsistent with a new reason every time. [Officer note: The main reason for refusal in all previous applications has been the impact on the green belt, there has not been any inconsistency in this regard.]
 - Design would enhance the road.

Planning policies.

National Planning Policy Framework (NPPF), 2023:

- Chapter 2: Achieving sustainable development.
- Chapter 4: Decision-making.
- Chapter 8: Promoting healthy and safe communities.

- Chapter 9: Promoting sustainable transport.
- Chapter 12: Achieving well-designed places.
- Chapter 13: Protecting Green Belt land.
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15: Conserving and enhancing the historic environment.

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

- Policy P2: Green Belt
- Policy D1: Place shaping.
- Policy D2: Sustainable design, construction and energy.
- Policy ID4: Green and blue infrastructure.

Guildford Borough Local Plan: Development Management Policies (LPDMP), 2023:

- Policy P6: Protecting Important Habitats and Species
- Policy P7: Biodiversity in New Developments
- Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness
- Policy D5: Protection of Amenity and Provision of Amenity Space
- Policy D12: Light Impacts and Dark Skies
- Policy D20: Conservation Areas
- Policy ID10: Parking Standards

East Horsley Neighbourhood Plan (EHNP), 2017-2033:

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

Supplementary planning documents:

- Residential Design Guide, 2004.
- Climate change, sustainable design, construction and energy, 2020.
- Parking Standards for New Development Supplementary Planning Document March 2023

Planning considerations.

The main planning considerations in this case are:

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

Background

Previous applications

This application site has a recent history relevant to this specific proposal which stretches back to 2018. There have been 4 planning applications in that time which sought permission for a replacement dwelling which have all been refused.

18/P/01718

Reason for refusal:

- The proposed replacement dwelling would, due to its footprint, scale, and mass, 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 RE2 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/09/2007), policy P2 of the emerging local plan and the National Planning Policy Framework, 2018.

Dismissed on appeal.

20/P/00952

Reasons for refusal:

- 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, 2019.
- The Bat Survey report submitted with the application is out of date and as such the Local Planning Authority is unable to determine that the development would not cause harm to protected bats and therefore the proposal fails to comply with policy ID4 of the LPSS, 2015-2034, NE4 of the saved Local Plan, 2003, EH-EN4 of the East Horsley Neighbourhood Plan, 2017-2033, and the requirements of the NPPF, 2019.
- The proposal would not achieve any net gain in biodiversity contrary to the requirements of policies ID4 of the LPSS, 2015-2034, EH-ENV4 of the East Horsley Neighbourhood Plan, 2017-2033, and the NPPF, 2019.

21/P/00646

Reason for refusal:

- 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.

Dismissed on appeal.

22/P/01614

Reason for refusal:

- The proposed replacement dwelling would, due to its scale, mass and three dimensional form, notably the significant 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 have been identified that would clearly outweigh this harm. The proposal is therefore contrary to policy P2 of the LPSS, 2015-2034, and Chapter 13 of the National Planning Policy Framework, 2021.

During this time the applicant sought prior approval for extensions to the dwelling and in 2020 constructed two large open sided wooden frame structures. These are not comparable to brick built form and it has been established through the refused applications and on appeal that these structures should not be considered in the materially larger calculations and as such are not a relevant fallback position upon which the applicant has sought to rely.

Neighbouring plot

The situation on the neighbouring plot, to the south of the application has changed since the first application for a replacement dwelling. A large detached dwelling has been constructed, now known as Brycedale House, this has been referred to by the applicant, however, this was granted on appeal as a limited infill. As the Planning Inspector stated, at paragraph 15, in the dismissal of application 21/P/00646 "Although this neighbouring dwelling may be larger than the proposed dwelling, as an infill dwelling, it was not inappropriate development in the Green Belt. Therefore, this development is not comparable to the appeal proposal and is given limited weight." It is important to note that the assessment of this current planning application is to look at the proposal for a replacement building which is a different test to that for a limited infill. As such, for the purposes of the Green Belt assessment it is key to note the distinction.

The principle of development and the 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 floor space 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. The replacement building is to be located on land previously occupied by the former dwelling, albeit with a larger footprint.

The table below sets out the key factors which need to be considered in any materially larger assessment. It should be noted that these figures do not take into account the open sided wooden structures which were added to the property through prior approval applications in 2020. Following the history of the site and the two appeal decisions the applicant has now considered not to include these in their assessment. It has been established from the many refused applications and appeal decision that these cannot be taken to be comparable to brick built form and were constructed to artificially increase the scale of the building for the purposes of gaining permission for a larger replacement dwelling.

	Existing	Proposed	Difference
Height (Max)	7.55 metres	8.2 metres	+ 0.65 metres 8.6% increase
Width (Max)	16.0 metres	15.8 metres	- 0.2 metre 1.25% reduction
Depth (Max)	10.4 metres	10 metres	- 0.6 metres 5.8% reduction
Floor area (sq m)	227.2 sq m	299 sq m	+ 71.8 sq m 32% increase
Ground floor area	137 sq m	167 sq m	+ 30 sq m 22.2% increase
First floor area	89.4 sq m	131.5 sqm	+ 42.1 sq m 46.1% increase
Volume (cu m)	844.6 sq m	1112.8 cu m	+ 268.2 cu m 32% increase

The figures set out above are significant in terms of both floor area uplift and volume. Whilst it is noted that the maximum width and depth of the replacement dwelling would be less than the existing, these are minimal reductions, and the height would represent a greater increase than both the width and depth reductions together. Further, the footprint of the dwelling would still be larger than the existing, by 30 square metres, therefore, demonstrating that using only the maximum width and depth figures in the comparison table is not truly representative of the impact. One of the most notable factors in this case is that there is a substantial increase in floor area at first floor level, which when combined with the increased height of the dwelling, represents a significant increase in bulk. Whilst we do not have the specific figures for the volumetric increase at first and roof level this is anticipated to be of large scale. In previous applications it has been stated that a 19.9% increase in volume was significant and would likely represent a materially larger dwelling, a position the Planning Inspector supported in their appeal decision. The NPFF and Policy P2 do not specifically define the term 'materially larger', however, size is the primary test and the new building should be similar in scale to that which it replaces. In this case, the

floor area and volume of built form are almost one-third greater than that it replaces and this is a clear indicator of materiality. Therefore, it is found that the proposal would by reason of the increase in footprint, height, first floor accommodation and overall floor area and volumetric increases, represent a building which is materially larger than the one it replaces. Further, this would result in the creation of a significant amount of additional bulk on the site and an encroachment of the Green Belt which means that the land would no longer serve the five purposes of the Green Belt in paragraph 138 of the NPPF. As such, the proposal represents inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt.

Paragraph 147 to the Framework states, "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Paragraph 148 affirms that substantial weight is given to any harm to the Green Belt and comments, "Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations". No very special circumstances have been identified.

The proposal is contrary to policy P2 of the LPSS, 2015-2034, paragraph 147 and Chapter 13 of the NPPF, 2023.

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:

The supporting Design and Access Statement sets out that the external materials will be selected to match and reflect other houses within The Warren. As such, the design will utilise multi-stock brick walls with contrast brick plinths, string and features courses, Portland stone lintels and sill banding, plain clay tiles with bonnet hips, traditional barge boards on one gable to match neighbours, traditional brick chimneys with corbels, oak front door and windows in either powdercoated

aluminium or painted timber. The full details of materials would be secured by condition but the indication from those set out above is that the material palette would compliment the surroundings and as such is considered to be appropriate.

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, D4 of the LPDMP, 2023, EH-H7 of the East Horsley Neighbourhood Plan, 2017-2033 and the requirements of Chapter 12 of the NPPF, 2021.

Living environment

Policy D1 of the LPSS requires all new development to conform to the nationally described space standards as set out by the Ministry for Housing, Communities and Local Govt (MHCLG). The application proposes the creation of a four bedroom, eight person, two storey dwelling, the Technical Standards require 124 square metres of floor area for a dwelling of this size. The floor space to be provided within the proposed dwelling would exceed this requirement and as such the proposal would be acceptable in this regard. The standard also sets out dimensional requirements in respect of bedroom sizes, double bedrooms must be at least 11.5 square metres in area and one double must be at least 2.75 metres wide with every other double at least 2.55 metres wide. Single bedrooms must be at least 7.5 square metres in floor area and at least 2.15 metres wide. The proposed dwelling complies with these dimensional requirements. The floor plans show appropriate room sizes for their intended use and adequate outlook.

The proposed garden area would be adequate in terms of outdoor amenity space.

Therefore, the proposal would comply with policy D1 of the LPSS, 2015-2034, and the requirements of the NPPF, 2023.

The impact on neighbouring amenity

The closest neighbouring properties are Woodhouse Eaves, to the north of the

application site, and Brycedale House, to the south of the application site.

Woodhouse Eaves

The proposed dwelling would be set 6.15 metres from the boundary, with the existing garage retained immediately adjacent to the boundary, and 11.45 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. One small ground floor side window is proposed on this elevation, no first floor side windows are included on the proposed plans.

Brycedale House

The proposed dwelling would be set 3 metres from the boundary and 6.8 metres from the side elevation of this neighbouring property. Only rooflights are proposed on the single storey element of the southern elevation and as a result of their positioning and the boundary treatment, it is not considered that there would be any adverse impacts in terms of overlooking. Owing to the positioning of the proposed dwelling and the location and size of the neighbouring dwelling, the proposal would not cause any material harm to light levels received or present any overbearing impact.

Therefore, the proposal is found to be compliant with policy D5 of the LPDMP, 2023 and the requirements of the NPPF, 2023.

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. The County Highway Authority raised no objections to the proposals subject to the imposition of conditions relating to electric vehicle charging, bike storage and e bike charging points. The latter conditions could have been secured had the application been recommended for approval. Therefore, the proposal is found to be acceptable in this regard.

The 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 policies D1 of the LPSS 2015- 2034, P6 of the LPDMP, 2023, and the requirements of Chapter 15 of the NPPF, 2023.

Biodiversity and the impact on protected species

Protected species

The application has been accompanied by a Bat Survey Report which is an update to the former survey reports carried out in 2016 and 2020.

In 2016, dusk emergence and dawn re-entry surveys were conducted which recorded bat passes but no bats emerging from the dwelling.

In 2020, dusk emergence and dawn re-entry surveys were conducted which recorded bat activity in the area and a single soprano pipistrelle emerged from a gap under tiles and it was concluded at the time that Woodlands hosted a common pipistrelle bat roost at that time.

In 2023, dusk emergence and dawn re-entry surveys identified numerous bat passes but no bat emergence was noted. No bats were seen entering the property to roost. Therefore, it is concluded from the most recent surveys that the house does not currently host a bat roost.

The proposal is found to be acceptable in respect of the impact on protected species and as such is compliant with policies ID4 of the LPSS, 2015-2034, policies P6 and P7 of the LPDMP, 2023, and the requirements of Chapter 15 of the NPPF, 2023.

Biodiversity

Policy ID4 of the LPSS, 2015-2034, requires a net gain in biodiversity to be achieved in connection with any new development.

The dwelling would replace an existing building on the site and be built over their footprint. As such, the erection of the dwelling would not result in a significant loss of biodiversity.

However, further measures would be required to allow for an overall net gain and as such a condition is recommended to be included, should the application be approved, for the addition of bird and bat boxes at the site. This amount of net gain is considered appropriate for a development of this scale and would ensure conformity with Policy ID4 of the LPSS 2015-2034 and Policy P7 of the LPDMP, 2023.

Sustainability

Policy D2 of the LPSS requires proposals to include information that sets out how sustainable design and construction practice would be incorporated. Policy D2 requires that minor developments should submit information proportionate to the size of the development in the planning application.

The application has been supported by the GBC Climate Change, Energy and Sustainable Development questionnaire, which outlines how the proposed development will meet sustainability requirements, as well as information contained within the Planning Statement.

The proposal relates to the demolition of an existing building and replacement with a new build dwelling, the proposal therefore has an impact in terms of embodied carbon. The Planning Statement has included a section to show consideration was given to the retention and refurbishment of the existing building and why this was discounted. The response given to this is quite limited but identifies that many elements of the existing dwelling would need to be addressed as they are not up to modern day building regulation standards, including ventilation, insulation and windows. There is no discussion about why a refurbishment could not achieve better energy efficiency particularly in the case of an extended building. In this instance, it is therefore considered that, the reuse of materials from the existing building is important in order to limit the amount of embodied carbon lost.

The Planning Statement includes a discussion of waste management and sets out

the site waste management plan for the demolition of the existing building, it is stated that the site will seek to achieve a 'zero to landfill' policy. There is a commitment to make the best use of recycling the main components from the demolition of Woodlands which applies to the bricks, any concrete and green waste. The table shows that green waste will be re-worked into soft landscaping, the bricks and concrete will be crushed and used as hardcore, timber, plasterboard, metals and other waste will be recycled with a local recycling firm. During the construction phase the site is to have segregated skips for all recyclable waste materials and a general waste skip. Further, materials would be UK sourced and any timber used would be FSC certified.

In terms of energy, the application has employed the fabric first approach in the design of the new dwelling. The replacement dwelling will need to meet part L building regulations with respect to carbon reduction which achieves a 31% reduction in carbon emissions. The proposal will include the use of solar panels to generate renewable energy.

In relation to water efficiency (Policy D2 1d), the applicant has committed to meet the water efficiency calculation of 110 litres of potable water per person with measures including water butts.

Limited information has been provided in relation to sustainable lifestyles apart from to highlight that the application site is within walking/cycling distance of bus stops, shops and railway station.

The level of information provided is considered to be appropriate to the scale of the proposal and the information shows that consideration has been given to sustainability during the design of the dwelling and as such the proposal would comply with policies D2 of the LPSS, 2015-2034, D14 and D15 of the LPDMP, 2023, and the requirements of the NPPF, 2023.

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.

