

Application Number and Registration Date	MO/2018/1059 (Detailed) 24-Jul-2018
Applicant	Mr Farrington
Case Officer	Mr Aidan Gardner
Amendments /amplifications	Amplified by drawing schedule dated 17/09/18. Amended by plan Nos. PL_202_05 and _203_05 dated 17/09/18.
Committee Date	3 October 2018
Ward(s)	Dorking North
Proposal	Erection of a pair of semi-detached dwellings with associated parking following demolition of existing dwelling.
Site Description	Southernhay, Vaughan Way, Dorking, Surrey, RH4 3DR

RECOMMENDATION: Approve subject to conditions

Summary

The site lies in the built up area of Dorking and accommodates a detached house. Permission is sought for its redevelopment with a pair of semi-detached houses with off-street car parking. It is considered that the proposal would fulfil the requirements of the ‘tilted balance’, as set out within the National Planning Policy Framework, and the benefits accruing from the provision of an additional housing unit would outweigh any harm resulting from the development. The proposal would simultaneously achieve the social, economic and environmental dimensions necessary to be considered as sustainable development as defined and sought by the NPPF. Permission is therefore recommended.

1. Development Plan

1.1. Built up area

2. Relevant Planning History

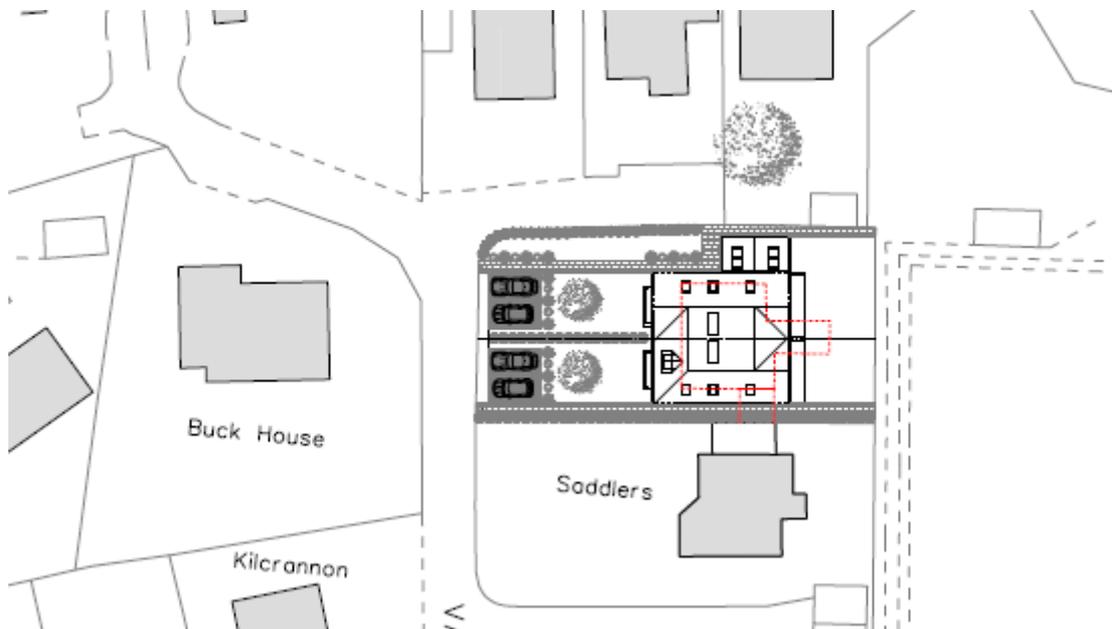
None applicable.

3. Description of Development

3.1. The site lies on the eastern side of Vaughan Way, a cul-de-sac of houses served from a private unmade road on the northern side of Westcott Road, a short distance from the junction with South Street/Junction Road.



3.2. The development in the road comprises a mix of dwelling types of varying age and appearance. The application property is an Edwardian detached house. Permission is sought for a redevelopment with a pair of five bedroom semi-detached houses, with off-street car parking for two cars per dwelling, positioned in front of the building.





3.3. The house would be of traditional appearance with hipped roof and gable elements to the front and rear elevations. A combination of brick and render would be used to the elevations, with plain tiles to the roof.

4. **Consultations**

- 4.1. SCC Highways: The application site is accessed via Vaughan Way, which is 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.
- 4.2. Surrey Wildlife Trust: Having reviewed the applicant's Ecological Assessment, the Trust advises that bats do not appear to present a constraint to the proposed development. However, bat roosts may be present in the building. Should bats be seen during construction, work should cease immediately and advice sought from Natural England or a qualified specialist.
- 4.3. Environmental Services: No objections as regards refuse and recycling servicing.

5. **Representations**

- 5.1. 10 representations have been received in which the following summarised points are raised:-
 - Existing boundary treatment should be retained and, if not, replaced;
 - The existing property is advised to be adversely affected by subsidence; any excavations close to the southern boundary could affect the stability of the adjoining property Saddlers. Monitoring of the property should be carried out before and during the development, and if movement is detected, it should be rectified at the developer's expense.

Officer comment: This is a private matter, for addressing under the Party Wall Act.

- There are other solutions for addressing subsidence, such as underpinning;
- Damage to underground water main and sewers in the road;
- If permission is granted, a condition should be added requiring the road to be properly designed and constructed, at the developer's expense;
- Vaughan Way is already badly damaged by potholes and construction traffic will only exacerbate the damage. The road is private and SCC has refused requests to adopt it.

Officer comment: These again, are private matters outside the control of planning.

- Access by emergency vehicles during the construction phase must be maintained.
- Overdevelopment of site with taller and larger building, out of keeping with character of the area;
- Loss of privacy to adjoining properties
- Precedent created, if approved;
- Lack of landscaping to the development;
- Loss of existing trees;
- Insufficient off-street car-parking. No provision for visitor spaces;

Officer comment: The proposal meets the Council's adopted car parking standards.

- Lack of visibility of cars leaving the site from drivers turning the corner to the north;

Officer comment: A condition is recommended requiring provision of adequate visibility at the access

- There are drainage problems within the road and proposal would exacerbate problems.

Officer comment: This is a matter for control under Building Regulations.

- Noise and disturbance from building activities;
- Permission refused for house in the road in 2005 and the reasons given apply equally to the current proposal;

Officer comment: The 2005 scheme related to an additional dwelling in the garden of an existing house and it is considered that the issues are not comparable.

6. **Main Planning Policies**

6.1. Government Guidance

National Planning Policy Framework (NPPF)

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 11: Making effective use of land
Section 12: Achieving well-designed places.

6.2. Mole Valley Core Strategy

CS1 – Where development will be directed
CS2 – Housing Provision and Location
CS14 – Townscape, Urban Design and the Historic Environment
CS15 – Biodiversity and Geological Conservation.

6.3. Mole Valley Local Plan

ENV22 – General Development Control Criteria
ENV23 – Respect for setting.

6.4. Built up Area Character Appraisal (BUACA) for Dorking (Westcott Road)

7. **Main Planning Issues**

7.1. The main planning issues for consideration are:

- principle of the development
- effect on the character and appearance of the area;
- impact on the amenities of adjoining properties;
- parking, ecology and trees.

7.2. Principle

7.3. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 states that, in terms of the decision-making process, this means approving development proposals that accord with the development plan without delay, and, where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

i. the application of policies in the Framework that protect areas or assets of particular importance; or such areas include land designed as Green Belts, an Area of Outstanding Natural Beauty, and Conservation Areas. (*Officer comment*: This does apply in this case).

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

7.4. The Council can currently only demonstrate 2.48 years of Housing Land Supply and as such, the 'tilted balance' in paragraph 11 is engaged. This means granting permission for residential development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so, when assessed against the NPPF as a whole, or there is a clear reason for refusing development because of a conflict

with policies in the NPPF that protects areas or assets of particular importance. The tilted balance is a material consideration.

- 7.5. In assessing the benefits, the proposals would contribute residential units to the housing market and the District's wider housing supply. The density, type and size of the housing is considered to be acceptable and appropriate for this location. The site lies within convenient and safe walking distance of the town and its attendant facilities. The development would also increase footfall in the local shops and other outlets. This element would be consistent with the social and economic role of sustainable development and attracts significant weight.
- 7.6. Paragraph 127 of the NPPF states that planning policies and decisions should ensure the developments, inter alia: (a) will function well and add to the overall quality of an area, not just for the short term but over the lifetime of the development; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

It is considered that the proposals do not conflict with these objectives.

- 7.7. The foregoing commentary confirms that policies contained within the NPPF carry considerable weight in this instance. This does not suggest that Core Strategy Policies such as those referred to below no longer carry weight (although they would be deemed "out of date" as far as the NPPF is concerned) however in terms of a balancing exercise the weight they can be afforded is very limited.
- 7.8. Policies CS1 and CS2 advise that new development will be directed towards previously developed land within the built up areas of Leatherhead, Dorking, Bookham, Fetcham and Ashted. The site lies within the built up area of Dorking: the principle of residential development is therefore acceptable.
- 7.9. Policy CS3 states that the Council will particularly seek the provision of two and three bedroom dwellings. The proposal provides two five bedroom dwelling (one of the bedrooms is annotated as a study but could be used as a bedroom so is counted as one). However, whilst there may be a particular requirement for smaller dwellings, there is a general requirement within the District for more housing across the board.
- 7.10. Mole Valley Core Strategy policy CS14 advises that all new development must respect and enhance the character of the area in which it is proposed whilst making the best possible use of the land available.
- 7.11. Mole Valley Local Plan policy ENV22, General Development Control Criteria sets out seven general criteria for sound development control practice. Criterion 1 requires that development should be appropriate to the site in terms of its scale, form and appearance. Criterion 2 requires that the proposal does not significantly harm the amenities of neighbouring occupiers by reason of overlooking or its overshadowing or overpowering effect. Criterion 3 requires that development should respect the character and appearance of the locality.
- 7.12. Mole Valley Local Plan policy ENV23, Respect for Setting requires that development should take account of the scale, character, bulk and proportions of the surrounding built environment, and that it should not comprise overdevelopment in relation to the size of the plot and/or surrounding developments. Criterion 3 requires that new development has regard to established townscape features, including the space around buildings.

7.13. Mole Valley Local Plan policy ENV24 advises that development will not be permitted where it would result in a cramped appearance having regard to the general spacing around buildings in the locality.

7.14. Effect on the character and appearance of the area

7.15. The key characteristics of the Westcott Road BUACA are set out below as follows:

'Good supply of family housing, close to town centre.

Pleasant, well-built two storey housing, from 1930s onwards, with a high standard of detailing and materials typical of the period.

Strong landscape setting, with views out to rural surroundings of the town. Belt of mature trees along Westcott Road, along with grass verges and rear gardens bringing green space close to the heart of town.

Westcott Road suffers from traffic queuing, hampering access to properties and undermining 'green' character of this approach to town.'

7.16. The development in Vaughan Way takes the form of a loose-knit group of dwellings which do not respect regimented building lines. Whilst the proposal would represent a more intensive use of the site, it is considered that the development would not be harmful to character. The building style and appearance would be sympathetic to its surroundings. Whilst taller than neighbouring buildings, there already exists variation in building heights in the locality. It is not considered that this change would be harmful. The NPPF strives to ensure the Local Planning Authorities make effective use of land, particularly where there is an identified shortage of housing land, as is the case here.

7.17. Impact on the amenities of adjoining properties

7.18. The most immediately affected property is Saddlers, the adjacent property to the south of the site. At the side of this property is a lean-to structure; the only window within its flank wall serves a bathroom. The proposal would not project through a 45 degree line taken from the centre of the nearest window in the front elevation of Saddlers.

The outer flank elevations of the proposal contain only a bathroom window at first floor level. The plans have been amended so that the roof lights to the flank roof slopes would stand at a cill height of at least 1.7 metres above the second floor level.

7.19. Regarding the houses to the north, these would face the side elevation of the proposal. The separating distance would be in the region of 16-17 metres which is felt acceptable for a front-side relationship.

7.20. Lastly, the rear of the property would face onto the grounds of Dorking Bowls Club.

7.21. It is considered that the amenities of neighbouring residents would not be significantly affected.

7.22. Highways and parking

7.23. The road is private and therefore outside the jurisdiction of the Highways Authority. The County would have assessed the junction with Westcott Road and have not raised objections in this regard. The parking provision – two spaces per dwelling – meets the parking standards for housing of this type and location. There would be an aisle width of 6 metres ahead of the parking spaces which would allow for egress and ingress and a visibility splay would be provided at the northern side of the access to improve

visibility at the turn in the road. A condition is also recommended that would require the provision of adequate sightline visibility at the access prior to the first occupation of the development.

7.24. Concerns raised around the state of the road are private matters outside the control of planning. Environment Services are content that the site can be serviced by refuse and recycling vehicles.

7.25. Trees and ecology

7.26. There are no trees of public amenity note within the site and no preservation orders apply. The trees are mostly fruit or of the small ornamental variety. There is scope to provide landscaping between the parking spaces and the development.

7.27. The applicant advises that boundary hedging is to be retained.

7.28. The applicant has provided an ecological appraisal and Surrey Wildlife Trust is content with its findings in relation to bats. The Trust has made a number of recommendations which are incorporated into informatives.

7.29. Community Infrastructure Levy

7.30. The proposal would generate additional residential floorspace and is therefore CIL liable.

Conclusion

7.31. When assessed against the policies in the Framework taken as a whole, it is considered that the development would simultaneously achieve the social, economic and environmental dimensions necessary to be considered as sustainable development as defined and sought by the NPPF. The adverse impacts identified above would be limited and would not significantly and demonstrably outweigh the benefits of these proposals which benefit from the 'tilted balance' of paragraph 11 of the NPPF. Noting that the proposal also accords with Development Plan policies, notwithstanding their limited weight in this instance support is also offered to the proposal. Taking all of these factors into account it is concluded that planning permission should be granted

8. Recommendation

Permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) 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 and completed in all respects strictly in accordance with the submitted documents and drawing schedule dated 17/09/18 contained within the application and no variations shall take place.

Reason: To accord with the terms of the submitted application and to ensure minimal impact on local amenity and the environment in accordance with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policy ENV22.

3. No occupation of the development hereby permitted shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected/retained. The boundary treatment shall be completed prior to the first occupation of the development, shall be carried out in accordance with the approved details and thereafter permanently retained as such.

Reason: To preserve the visual amenity of the area and protect neighbouring residential amenities in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

4. Before any above ground works commence, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the development harmonises with its surroundings in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

5. Before any above ground works commence, details of the hard surfacing to be used within the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall indicate either porous materials or the provision of a direct run-off from the hard surface to a permeable or porous area. All hard surfacing shall be carried out in accordance with the approved details, completed prior to the first occupation of the development hereby permitted and thereafter, permanently retained as such.

Reason: To preserve the visual amenity of the area and prevent the increased risk of flooding, in accordance with Mole Valley Local Plan policy ENV25 and policies CS14 and CS20 of the Mole Valley Core Strategy.

6. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions within Schedule 2, Part 1, Classes A, B, or C to the dwellings hereby permitted shall be erected.

Reason: To control any subsequent enlargements in the interests of the visual and residential amenities of the locality, in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, glazed openings, or roof lights other than those expressly authorised by this permission shall be constructed.

Reason: To control any subsequent enlargements in the interests of the visual and residential amenities of the locality in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

8. Prior to any above ground works commencing, details to reduce the carbon emissions of the predicted energy use of the development hereby permitted by at least 10% through the on-site installation and implementation of decentralised and renewable or low-

carbon energy sources shall be submitted and approved by the Local Planning Authority and be implemented prior to the first occupation of the development.

Reason: To optimise renewable energy and its conservation, in accordance with policy CS19 of the Mole Valley Core Strategy.

9. Prior to the first occupation the first floor window in the northern and southern elevations of the development hereby permitted shall be glazed in obscured glass and permanently retained in that condition thereafter.

Reason: To protect the amenities and privacy of adjoining residential properties in accordance with Mole Valley Local Plan policy ENV22.

10. The cill height of the rooflights in the southern and northern elevations of the development hereby permitted shall not be less than 1.7 metres above internal floor level and thereafter permanently retained in that condition.

Reason: To protect the amenity and privacy of adjoining residential properties in accordance with Mole Valley Local Plan policy ENV22.

11. No part of the development shall be first occupied unless and until the proposed vehicular access to Vaughan Way has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with policy MOV2 of the Mole Valley Local Plan and the NPPF.

Informatives

1. The applicant is reminded that the demolition and construction stage of the proposed development may give rise to problems of smoke pollution and/or noise, which will depend on the measures taken to control such potential problems. It is, therefore, strongly recommended that you contact the Council's Environmental Health Department at an early opportunity in order to discuss appropriate measures to be adopted for control of burning, noise and other potential problems for neighbouring residents

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:

8.00am - 6.00pm Monday to Friday

8.00am - 1.00pm Saturday

with no working at any times on Sundays and Bank Holidays.

2. The clearance of vegetation by burning is likely to give rise to problems of smoke nuisance. The applicant is therefore encouraged to remove such green waste from the site in order that it may be recycled through composting, chipping, waste to energy transfer (alternatively, logging) or other similar processes.
3. In the interests of sustainability and the reduction of waste your attention is drawn to the desirability of recycling building materials wherever possible. The demolition or dismantling of structures on the site should be considered as part of the development process to maximise the reuse or recycling of materials rather than disposal as waste.

For further information about re-use and recycling of building materials, the applicant is advised to ring the Surrey County Council Contact Centre on 03456 009009.

4. The applicant's attention is drawn to the Party Wall Act 1996 and the obligations that this legislation places on persons carrying out building works. Further information on the Party Wall Act can be found from <http://www.legislation.gov.uk/ukpga/1996/40/contents> and https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523010/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf
5. The applicant is reminded of the need to obtain a European Protected Species (EPS) Licence from Natural England for any activity that may adversely impact on a potential bat roost or disturb bats, in order to avoid contravention of the above referenced legislation.
6. The applicant is reminded that Part One of the Wildlife and Countryside Act 1981 makes it an offence to intentionally kill, injure or take any wild birds or intentionally to damage, take, or destroy its nest whilst it is being built or used. The developer should take action to ensure that development activities such as building demolition and vegetation or site clearance are timed to avoid the bird nesting season of March to August inclusive.
7. The development is likely to offer some opportunities to restore or enhance biodiversity; such measures are in line with the NPPF, will assist the Local Authority in meeting their duty under the Natural Environment and Rural Communities (NERC) Act 2006 and also help offset any localised harm to biodiversity caused by the development process. Guidance on suitable measures is set out in Surrey Wildlife Trust's letter dated 13 August 2018 which can be viewed on the Council's website.