

## COMMITTEE AGENDA REFERENCE: 5A

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| <b>APPLICATION REF:</b>   | <b>RU.23/0663</b>   |
| <b>LOCATION</b>   | 26 Katherine Close, Addlestone, Surrey, KT15 1NX  |
| <b>PROPOSAL</b>   | Retrospective application to Vary Condition 2 (Approved Plans) of RU.21/0514 (Proposed rear dormer on roof extension with rooflights on front slope and internal alterations) to increase the dimensions of the rear dormer to create a first-floor rear extension. |
| <b>TYPE</b>   | Removal / Vary Condition(s) from Planning Permission  |
| <b>EXPIRY DATE</b>  | 19/07/2023  |
| <b>WARD</b>   | Woodham & Row Town  |
| <b>CASE OFFICER</b>   | Ailsa Pack  |
| <b>REASON FOR COMMITTEE DETERMINATION</b>   | Requested to be called in to Committee by Cllr Lewis due to concerns about the size and scale of the proposal.  |
| <b><i>If you have questions about this report please contact Ashley Smith, Victoria Gibson or the case officer.</i></b> |   |

### 1. SUMMARY OF RECOMMENDATION

**It is recommended the Planning Committee authorises the HoP:**

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| 1. | <b>To grant planning permission subject to conditions</b> |
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### 2. DETAILS OF THE SITE AND ITS SURROUNDINGS

2.1 No. 26 Katherine Close is a single storey detached bungalow, the street is characterised by detached bungalows of similar style and design. The dwelling is set back from the road with a driveway leading to the front of the dwelling. The application site is on top of a gentle rise and set further back than neighbouring dwelling, no.24 Katherine Close but in line with no.28 Katherine Close. The Holy Family Catholic Primary school abuts the rear boundary of application site.

#### 2.2 Site Constraints

- Urban Area

### 3. APPLICATION DETAILS

- 3.1 The application is made under S73 of the Town and Country Planning Act 1990 (As amended) which enables an applicant to apply to develop land either varying or without compliance with conditions attached to a previous planning permission. Under this section a Local Planning Authority may amend, add, or remove conditions but may not amend any other part of the permission which includes the original description of the development proposal.
- 3.2 This application seeks to retrospectively Vary Condition 2 (Approved Plans) of RU.21/0514 (Proposed rear dormer on roof extension with rooflights on front slope and internal alterations) to increase the dimensions of the rear dormer to create a first-floor rear extension.

Amended plans have been requested following discrepancies in the plans with regards to side windows.

### 4. RELEVANT PLANNING HISTORY

- 4.1 The application site has an extensive planning history; the following history is considered relevant to this application:

| Reference  | Details   | Decision and date  |
|------------|---|--------------------|
| RU.23/0327 | Variation of Condition 2 (Approved Plans) of RU.21/0060 (New ground floor front extension and porch to existing bungalow) to regularise the insertion of two obscurely glazed ground floor flank windows.   | Granted 05-04-2023 |
| RU.22/0648 | Non-Material Amendment Following Grant of Planning Permission RU.21/0514 (Proposed rear dormer on roof extension with rooflights on front slope and internal alterations) to insert two ground floor obscure glazed windows in the East facing elevation and widening of ground floor window in the West facing elevation | Refused 06-05-2022 |
| RU.21/0514 | Proposed rear dormer on roof extension with rooflights on front slope and internal alterations.   | Granted 04-06-2021 |
| RU.21/0003 | Hip to gable end extensions with new front rooflight and rear dormer  | Granted 24-02-2021 |

## **5 SUMMARY OF MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION**

- 5.1 National Planning Policy Framework and Guidance.
- 5.2 The Runnymede 2030 Local Plan was adopted on 16 July 2020 and the policies have to be read as a whole. Any specific key policies will be referred to in the planning considerations.
- Policy EE1: Townscape and Landscape Quality
- 5.3 SPD's which might be a material consideration in determination:
- Runnymede Design Supplementary Planning Document (2021)
- 5.4 This site falls within the designated Addlestone Neighbourhood Area. However, a Neighbourhood Plan has not been developed yet for this area.

## **6. CONSULTATIONS CARRIED OUT**

### **Representations and comments from interested parties**

- 6.2 4 Neighbouring properties were consulted in addition to being advertised on the Council's website. At the time of writing, 4 letters of representation have been received from individual addresses.
- Block sunlight
  - Overlook neighbour gardens.
  - HMO use will cause parking problems due to number of occupants
  - The rear garden of the site is unkept and untidy
  - Disruption caused by construction work at the site
  - Applicant is not being truthful about the final use of the site
  - Bad workmanship practices by builders on site (Offensive language and trespass onto neighbour's land)
  - Applicant constantly does works without permission then applies retrospectively.
  - Lack of health and safety procedures on site
  - First flank window is obscurely glazed however, it is not fixed shut

## **7. PLANNING CONSIDERATIONS**

- 7.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. The application site is located within the urban area where the principle of such development is considered to be acceptable subject to detailed consideration. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are:

- Principle of Development
- Design Considerations
- Impact on Neighbouring Amenity

## 7.2 Principle of Development

7.3 The supposed change of use to an HMO does not fall within this assessment as no application for a change of use has been formally submitted to the Council for determination. Furthermore, the General Permitted Development Order confirms that planning permission is not required for the change of use of a dwelling to an HMO for up to six people.

7.4 Furthermore, it is important to note that the principle of a hip to gable extension, dormer window, roof lights and side windows have all been established under the previously approved applications. The only matter for consideration under this application is the enlarged dormer.

## 7.5 Design Considerations

7.6 Policy EE1 sets out that all development proposals will be expected to achieve high quality and inclusive design which responds to the local context including the built, natural and historic character of the area while making efficient use of land.

7.7 The Council's Design Guide (July 2021) provides advice on how extensions to houses should respect the materials, scale, mass and architectural style of the original building. This can be achieved by the roof pitch and eaves of the extension matching that of the original house. The Design Guide further states that extensions should not dominate the original building. They should be smaller and lower than the original building, to respect its scale and form.

7.8 In respect to impact on the street scene, the application site is sited on top of a gentle rise and set back, the side elevation of the enlarged dormer is in part visible from the street scene but glimpsed over the neighbouring property and is not overly prominent. There are other properties in the surrounding area which have also undergone loft conversions of varying styles and forms such as Nos 5, 8 and 1 Katherine Close. It is also a material consideration that under current permitted development rights it has been established that the principle of roof alterations consisting of hip to gable roof alterations, dormers and rooflights can be considered acceptable.

7.9 It is acknowledged that the enlarged dormer design adds bulk and mass to the roof scape and has resulted in the dormer now appearing more akin to a two-storey flat roof extension which is at odds with the original dwelling and the character and appearance of the area. This is not considered to be good design and is a negative of the scheme.

7.10 However, the proposal would not extend beyond the existing ridgeline, nor would it extend beyond the flank elevations which ensures it sits within the roof slope, it is also set back considerably from the rear elevation of the single storey rear extension which limits its prominence. Furthermore, given that the views of the proposal are predominately contained to the rear of the site and are limited any harm caused by the poor design is very low. As such officers do not consider that a reason for refusal on poor design grounds could be substantiated at appeal given the overall lack of harm that results.

## Impact on Neighbouring Amenity

- 7.11 All proposals are expected to provide high standards of amenity for all existing and future users in accordance with paragraph 130 of the NPPF (2021). Policy EE1 sets out that “all development proposals will be expected to ensure no adverse impact ...to neighbouring property or uses”. The Runnymede Design Guide (July 2021) state that extensions should not significantly harm the privacy or outlook of neighbouring properties through over-looking or being over-dominant.
- 7.12 The adjacent properties potentially affected by the proposed development are Nos 28 and 24 Katherine Close, located East and West of the site respectively. No other neighbours are affected given the meaningful separation distance to the front and rear of the site.
- 7.13 The increase in the size of the dormer does not materially add significant bulk to either side elevation which would have a detrimental impact on either neighbouring property by virtue of overbearing impact or loss of light. The principle of the hip to gable extension has already been approved and was considered acceptable under planning application ru.21/0003.
- 7.14 With regards to privacy, the enlarged dormer does not result in any change to the first-floor rear windows over what has already been approved. There is an issue however ,with the side windows that have been inserted as they are obscure glazed but have openings below 1.7m which is contrary to condition 4 of planning permissions RU.23/0327 and RU.21/0514 .
- 7.15 Officers are currently in negotiations with the applicant over the installation of a side boundary fence which would negate the requirement of the ground floor windows being fixed shut. An update on this will be reported in the Planning Committee Addendum. Officers are also trying to arrange access inside the property to assess the situation regarding the first-floor side windows and this too will be reported in the Planning Committee Addendum.

## **8. PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 8.1 The Council has adopted CIL which came into effect on the 1st March 2021.The proposal does propose new residential development however, the internal floorspace would be less than 100 sqm GIA and therefore would not be liable for a Community Infrastructure Levy.

## **9. EQUALITY AND HUMAN RIGHTS CONSIDERATIONS**

- 9.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person’s rights under the Convention.

Consideration has been given to s149 of the Equality Act 2010 (as amended), which has imposes a public sector equality duty that requires a public authority in the exercise of its functions to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the decision would have regard to this duty.

## 10. CONCLUSIONS

- 10.1 The development has been assessed against the following Development Plan policies – EE1 of the Runnymede 2030 Local Plan, the policies of the NPPF, guidance in the PPG, and other material considerations including third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest subject to further information regarding the side windows. The decision has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner. Accordingly, the application is recommended for approval.

## 11. FORMAL OFFICER RECOMMENDATION

*The HoP be authorised to grant planning permission subject to the following planning conditions:*

### Conditions

1. Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans. 4949/ 101/101/103 Rev E received 05/05/23, 4949/102 Rev F received 04/07/23 and the approved plans submitted under RU.21/0514 (to be updated)

Reason: To ensure high quality design and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance in the NPPF

2. Possible - Windows obscure glazing and fixed shut

To be confirmed in the planning addendum once an officer and has been inside the property to ascertain whether it is necessary to make the development acceptable.