



17/01759/FUL - Kenavon, Ferry Lane.

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Planning Committee

07 March 2018



Application Nos.	17/01759/RVC		
Site Address	Kenavon, Ferry Lane Shepperton		
Proposal	Variation of PA16/01210/FUL Condition No. 7 (approved plans) to substitute approved plans for submitted ones showing an increase in height of dwelling, and realignment on plot and other external alterations including decking with screening and installation of obscurely glazed and non-opening windows to existing blank dormers on the southern flank elevation.		
Applicant	Mr Eddie Rourke		
Ward	Shepperton Town		
Call in details	The application has been called in by Cllr Barnard following neighbour concerns about the impact on amenity		
Case Officer	Kelly Walker		
Application Dates	Valid: 15/11/2017	Expiry: 10/01/2018	Target: Extension of time agreed.09/03/2018
Executive Summary	<p>This planning application seeks the retention of the replacement dwelling as built with differences compared to the previously approved scheme under ref 16/01210/FUL. The current application is for a variation of Condition 7 (plan numbers) of that permission, to allow the substitution of plans showing an increase in height of the dwelling, increase in size of dormers realignment on the plot and other external alterations including decking with screening and installation of obscurely glazed and non-opening windows to existing blank dormers on the southern flank elevation.</p> <p>The scheme is considered to be an acceptable form of development. Compared with the approved scheme, the changes are acceptable in terms of the design and the impact on the character of the area and on the amenity of neighbouring residential properties. The scheme accords with policies on Green Belt and flooding.</p>		
Recommended Decision	This planning application is recommended for approval		

MAIN REPORT

1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- SP1 (Location of Development)
- LO1 (Flooding)
- CO2 (Provision of Infrastructure for New Development)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC3 (Parking Provision)

1.2 The following saved policy in the Borough Local Plan 2001 is considered relevant to this proposal:

- GB1 (Green Belt)

1.3 Also relevant are the following Supplementary Planning Documents/Guidance:

- SPD on Design of Residential Extensions and New Residential Development 2011
- SPD on Flooding July 2012

2. Relevant Planning History

16/01210/AMD	Non-Material Amendment agreed to include increase height of central ridge sloping from all sides by 0.37m. Non-Material Amendment agreed to include one obscure glazed roof lights to each side elevation. Approved 07.09.2017
16/01210/FUL	Erection of replacement chalet style bungalow following demolition of existing. Grant conditional 29.11.2016
15/01315/FUL	Erection of replacement chalet style bungalow following demolition of existing. Withdrawn 25.01.2016

04/00767/FUL Erection of a replacement dwelling with accommodation within the roof space and erection of an attached garage following demolition of existing bungalow and garage
Grant Conditional 26.10.2004

(Officer note: this planning permission was not implemented)

04/00267/FUL Erection of a replacement dwelling with accommodation within roof space and erection of an attached garage following demolition of existing bungalow.
Application Refused 28.05.2004

SPE/FUL/84/794 Erection of a single-storey front extension measuring 26 ft. 10 ins (8.2 m) by 11 ft. 8 ins (3.55 m) to form master bedroom and dining room/bedroom.
Grant Conditional 08.05.1985

3. Description of Current Proposal

- 3.1 This planning application seeks permission for a variation to the previous approval (ref 16/02010/FUL) for a replacement dwelling. Many of the changes on the submitted plans have already taken place although there are also some new alterations proposed. The changes that have taken place include an increase in height to the ridge, increase in height to the eaves, and an increase in size of dormers facing the access road and realignment of the dwelling. Changes proposed which have not yet been carried out include the provision of obscurely glazed non-opening (above 1.7m internal floor level) windows in the southern facing dormers, the installation of decking to the rear with screening to sides, installation of solar panels and the installation of 3 no flood voids which have not been provided but were shown on the approved plans.
- 3.2 The site is located on the western side of Ferry Lane in Shepperton and is a rectangular plot occupied by a detached dwelling. The immediate area consists of land within the Green Belt and there are 8 individual dwellings. This particular plot fronts Ferry Lane with another dwelling to the north at The Uppings and another 3 to the south, including Ambleside across an access road which separates the two. There are an additional 3 dwellings to the rear of the subject site accessed via the access road to the south. The dwellings are a mixture of bungalows and chalet style bungalows with some accommodation in the roof space and some have first floor dormers. The original dwelling at the site was a relatively low level bungalow. Recently a new dwelling has been built in its place with accommodation in the roof space served by side facing dormers, following the approval of planning permission 16/01210/FUL. However as noted it has not been built strictly in accordance with the approved plans; hence this current application.
- 3.3 The site is located within the Green Belt and within the functional flood zone 1 in 20 year flood event (Zone 3b).

Background

- 3.4 As set out in the planning history, planning permission was approved on 29 November 2016 for a replacement dwelling (ref 16/01202/FUL). This particular proposal was raised up from the ground level due to the flooding requirements and had accommodation in the roof space served by side facing dormers. Non-Material Amendments to the approved scheme were subsequently agreed on 7 September 2017 to provide 2 no. obscurely glazed roof lights, one on each side, and an increase in the height of the tallest ridge sloping in from all sides by 0.37m. Following complaints received from the adjoining neighbours, the planning enforcement officer inspected the site. It became evident that the scheme was not being built strictly in accordance with the approved plans, and following a number of site visits by the planning enforcement officer and planning officers, the applicant was requested to submit a new planning application to regularise what had in fact been built.
- 3.5 The original submission of 16/01210/FUL did not include dormer windows in the proposal. During the processing of the application, the design was amended to reduce the height of the main ridge and include the installation of 4 no. side facing dormers. Letters were sent out to neighbours to inform them of the additional information. However, unfortunately it appears that these letters did not arrive at the neighbouring properties. This application was assessed and approved on 29.11.2016. An error was made in the officer's delegated report when referring to the dormer windows in that the southern and northern elevation were transposed. Notwithstanding this, the approved plans are considered to be acceptable in planning terms.
- 3.6 It should be noted that it is not illegal when a development is not built strictly in accordance with approved plans but it is done at the applicant's risk (see 3.7 below). When changes are made which do not comply with the approved plans the Local Planning Authority (LPA) has to make an assessment of whether or not those changes are acceptable and they have to do so on the basis of whether they would be acceptable when assessed against planning policy. It is also important to note that officers should not take into account the fact that work has taken place without planning consent.
- 3.7 Government advice in the National Planning Practice Guidance (NPPG) states that enforcement notices should:

“only be issued where the local planning authority is satisfied that it appears to them that there has been a breach of planning control and it is expedient to issue a notice, taking into account the provisions of the development plan and any other material considerations.”

The key phrases are ‘*expedient*’ and ‘*provisions of the development plans and any other material considerations*’.

Nevertheless, if a development is not built in accordance with the approved plans, this is done at the developer's own risk and if it is considered to be unacceptable, the unauthorised development could be the subject of enforcement action. Indeed, the Local Planning Authority has taken enforcement action where this has happened elsewhere in the borough.

- 3.8 During the course of this current application 17/01759/RVC, a number of site visits were undertaken by officers and measurements were taken of the height of the gable and eaves of the building and its dimensions and setting out. Following a plethora of communication with the applicants, amended plans have now been submitted to show what has been built on site. As such this report will identify the changes, comparing what has been built to the previously approved scheme under ref 16/01202/FUL (and the non-material amendment) and an assessment of these changes will be made.
- 3.9 Any previous decisions are a material planning consideration and must be given substantial weight in any future decisions at the same site. An assessment of the changes and any harm this causes, compared to the approved scheme must be made and the expediency of taking enforcement action. The fact that much of this application is retrospective should not take into account when assessing the planning merits that the work has taken place without consent.
- 3.10 Site layout and elevation plans are provided as an Appendix.

Proposal

- 3.11 The current application is for a variation of condition 7 (plan numbers) of ref 16/01210/FUL, to allow the substitution of plans for ones showing an increase in height of the dwelling, larger dormers, realignment on the plot and other external alterations including decking with screening and installation of obscurely glazed and non-opening windows to existing blank dormers on the southern flank elevation. This is discussed in more detail below.

4 Consultations

- 4.1 The following table shows those bodies consulted and their response.

Consultee	Comment
County Highway Authority	No objection
Environment Agency	Raised no objection to the replacement dwelling subject to conditions

5. Public Consultation

Letters of objection have been received from 3 neighbouring properties. Reasons for objecting include:-

- Letters referring to amended plans were not received by neighbours during the previous application
- Unhappy with the planning process and construction
- Pre -application advice suggested dormers were not acceptable
- Previous applications at the site refused
- Windows on southern side dormers are now to be installed – object to this
- Dormers should have been tile hung like the roof instead of lead

- Southern dormers are wider than approved by 600mm – no action was taken when neighbours pointed this out when they were being constructed. This is not as a result of insulation as stated
- Object to any windows of any kind in these dormers.
- Object to the height of the property
- Concerns about the raising of ground level as shown on the plans, purely done to make the building appear less tall, this amount of material was not removed from site and the garden level was not touched. Also there is a condition that requires no rising of ground levels. Raising ground level will increase flood risk.
- Property is now 1.2m taller than Ambleside. It should be reduced in height in line with all other properties in Ferry Lane
- Boundary line has changed due to the building being sited incorrectly, now only 0.8m from side boundary but should be 1m in policy
- Decking is too high and will cause overlooking to neighbours
- No action taken despite concerns raised, not taken seriously
- Plans have been persistently incorrect and construction works continued
- Increase in height means glazing would have a greater impact on privacy.
- Overbuilt, overbearing and ugly out of scale for the plot and out of character with neighbouring properties
- Dormers are not in keeping with the usual style of the area
- Overlooking from side facing dormers and decking
- Screening from decking will be large, ugly and imposing – was not included on last application so should not be allowed to add to this one.
- Should not have allowed clearly glazed windows on northern elevation - mistake in the officer's report
- Developer was asked to change the position of windows back in August but he decided not to
- Plans still incorrect and inaccuracies in submitted planning policy statement

6. Planning Issues

- Principle of the development
- Ground levels
- Design and appearance.
- Residential amenity
- Flooding
- Renewable energy

7. Planning Considerations

Principle of the development

- 7.1 In terms of the principle of development, a replacement dwelling has already been approved at the site and the current will be acceptable provided the differences between the built forms compared with the previously approved scheme do not result in significant harm.

Note on Ground level -

- 7.2 The applicants have noted that following the removal of hardstanding at the site and the removal of some material for the purposes of building, the current ground level on site is some 0.375m lower than the previous ground level at the site at the maximum point, and as such they will be providing more material on site in order to bring the ground level back to its original height at 10.380m above sea level (ordnance survey datum) as shown on the submitted plans. Consequently, it was considered necessary for the applicant to show on their plans the existing lower ground level at the site and also the proposed finished ground level. Neighbours dispute this amount of ground level raising, they consider it is excessive and should only be approx. 150mm. There is the presence of an area of concrete at a higher level, along with the position of the northern boundary fence which shows evidence that the ground level has been lowered. The ground levels along Ferry Lane vary and each site does not have the same ground level, as such it is difficult to tell for certain where the original ground level was at the application site. In addition is unlikely to have been flat across the site. The Council's Building Control Officer has been to the site and notes that he did see some lowering of ground level, which is common practice in order to prepare the ground for foundations and construction machinery. The applicants have also provided a street elevation plan which has been surveyed and shows the relationship of the subject house as built, to the neighbouring properties. It is important to note that this relationship will not change even if the ground level does.
- 7.3 The changes will be referred to and addressed to see how the amendments as built differ from the approved scheme and the impact this has from a planning consideration perspective. The approved plans showed the finished floor level (FFL) to be some 11.4m above ordnance survey datum, however the Environment Agency (EA) require this to be at 11.7m and as such this means that in order to accord with this condition, the FFL needed to be raised some 0.3m. This is the level the property has been built at and is shown on the submitted plans.

Changes from the approved scheme

7.4 1. Increase in main ridge height (running from front to back)

The tallest part of the roof form is 7.4m to the finished ground level, compared to the height of 6.77m agreed as a minor amendment, an increase of 0.63m. This tallest point slopes in from all sides and is positioned some 4m in from the side of the dwelling. The approved scheme had a ridge height on the main roof running from the front to the back of the property of some 6.428m. The actual height on site of this main ridge and as shown on the submitted plans is some 7.18m from the existing lower ground level on the site and some 6.98m from the re-instated ground level. This is a difference of some 0.552m. (This has been measured on site by officers). This in turn means that the eaves level is also higher with the approved scheme, being some 3.5m in height and the current proposal, as built at some 4.3m from the current ground level and some 3.99m from the re-instated ground level. This is a difference of 0.49m.

7.5 2. Increase size of dormers/addition of obscure glazing non opening windows

The southern facing dormers have been constructed larger than the approved scheme. The approved dormers were shown to be some 2.1m in width and they have been constructed at 2.66m in width as shown on the submitted plan. The height of each of the dormers has also increased from the approved 1.3m to 1.64m, a difference of 0.34m. The size of the actual windows on the northern elevation remain the same as approved. The southern dormers were previously approved blank (without windows) and although materials for the roof tiles and brick work were agreed, the dormers have been constructed using lead which is a different material to the main roof and appear at odds with it. As such it was requested that this issue be addressed by changing the materials of the dormers on the southern elevation so that they are finished in tiles to match the main roof. However, in order to improve the appearance, the applicant has provided plans to show that they intend to install non opening (above 1.7m internal floor level), obscurely glazed windows in these blank dormers, which would also ensure no overlooking is created

7.6 3. Realignment of the dwelling on the plot

The approved plans showed the dwelling to be located centrally within the site and set in approx.1.4m from the southern boundary with the access road and also approx.1.4m to the northern boundary with The Uppings. The dwelling as built has been constructed closer to the southern boundary and further away from The Uppings and now has a distance of some approx. 0.9m to the southern boundary and approx. 2m from the northern boundary with The Uppings. As a result, the property is in fact now closer to the dwelling to the south and further away from the property to the north compared with the approved scheme.

Design and appearance

7.7 Policy EN1a of the CS & P DPD states that “...the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.”

7.8 1. Increase in main ridge height

As noted above, compared with the approved house, the scheme as built has a ridge height on the main roof running from the front to the back of the property which is 0.552m taller in height and a higher eaves level of 0.49m. The main roof slopes in from the sides and the property is set in some distance from the side boundaries (approx. 2m from the northern boundary and 0.9m from the southern boundary at its closest). The tallest part of the roof form will be 7.4m to the finished ground level, compared to the height of 6.77m agreed as a non material amendment, an increase of 0.63m. This tallest point slopes in from all sides and is positioned some 4m in from the side of the dwelling. The dwelling continues to be of a design in keeping with neighbouring properties, and

although clearly taller than neighbouring properties, it will not be detrimental to the street scene, as such it is considered to be acceptable in terms of the visual impact and on design grounds conforming to policy EN1.

7.9 2. Increase size of dormers/addition of obscure glazing non opening windows
The southern facing dormers are 2.66m in width compared with the approved dimension of 2.1m, a difference of 0.56m. The height of each dormer has increased by 0.34m but the actual windows in the northern elevation remain the same size. Although larger, the southern facing dormers are still considered to be in proportion with the roof and are not a dominant feature and the increase in height is minimal. The introduction of the windows on the southern dormer will improve their appearance. As such it is considered that the changes to the dormers are not significant in terms of visual harm and the amended scheme is considered to accord with policy EN1 on design. The design scale and therefore the visual appearance is considered to be acceptable.

7.10 3. Realignment of the dwelling on the plot
The dwelling as built has been built closer to the southern boundary and further away from The Uppings and now has a distance of approximately 0.9m to the southern boundary and approximately 2m to the northern boundary with The Uppings at the closest point. As a result, the property is in fact now closer to the property to the south and further away from the property to the north in comparison with the approved scheme. Although the subject property is now closer to the property to the south at Ambleside, there is an access road between the dwellings. The 1m set in as set out in the SPD concerns full 2 storey development which this is not and aims to prevent a terracing within the street scene which would not occur in this particular case. In addition the roof slopes away from the sides and neighbouring properties and as such gaps between the dwellings are retained and in keeping with the character of the area.

Although taller than neighbouring properties, the property retains the design and built form of the approved scheme and no significant harm is caused to the character of the area. As such this proposal has no greater impact compared to the approved scheme and conforms to policy EN1.

7.11 Therefore it is considered that the current scheme although different and taller than the previously approved scheme, continues to pay due regard to the surroundings. Consequently, the proposal would continue to make a positive contribution to the street scene conforming to policy EN1.

Impact on neighbouring residential properties

7.12 Policy EN1b of the CS & P DPD states that:

“New development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.”

7.13 The Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) sets out requirements to safeguard residential amenity.

7.14 The SPD in para 3.6 acknowledges that '*most developments will have some impact on neighbours, the aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed.*' It sets out minimum separation distances for development to ensure that proposals do not create unacceptable levels of loss of light, be overbearing or cause loss of privacy or outlook.

7.15 1. Increase in main ridge height

The approved scheme had a ridge height on the main roof running from the front to the back of the property of some 6.428m. It has been built at a height of 6.98m and this is a difference of some 0.552m. (This has been measured on site by officers). This in turn means that the eaves level is also higher with the approved scheme being some 3.5m and as built approx. 0.49m higher. This part of the roof is located some 2m from the boundary with The Uppings and some 0.9m to the southern boundary with Ambleside, the latter having an access road between the 2 dwellings. The tallest part of the roof form will be 7.4m to the finished ground level, compared to the height of 6.77m agreed as a minor amendment, an increase of 0.63m. This tallest point slopes in from all sides and is positioned some 4m in from the side of the dwelling. The building is set in some 4m to the northern boundary and 2.2m at the shortest distance to the southern boundary. The main roof slopes in from the sides and given the fact that property is set in some distance from the side boundaries it is not considered that this increase in height will have a significant impact on the amenity of neighbouring properties compared with the approved scheme. As such, the increase in height is considered to have an acceptable relationship with neighbours conforming to policy EN1.

7.16 2. Increase size of dormers/addition of obscure glazing non opening windows

The southern facing dormers have been constructed 0.56m wider and all dormers are 0.34m taller than the approved scheme however the windows in the northern dormers remain the same size. The taller and wider dormers themselves will not have a greater impact on the amenity of neighbouring properties (the combined effect is discussed further below). The introduction of non-opening obscurely glazed windows, that do not open (below 1.7m internal floor level) and cannot be viewed out of, which can be imposed by condition, will ensure that no overlooking or loss of privacy will be created. As such the proposal will have no greater impact on the amenity of neighbouring properties compared to the approved scheme. The proposal is therefore considered to accord with Policy EN1 and will have an acceptable impact on neighbouring dwellings.

7.17 3. Realignment of the dwelling on the plot

The realignment of the dwelling results in the property being closer to the property to the south and further away from the property to the north in

comparison with the approved scheme. Although the property is now closer to the property to the south at Ambleside, there is an access road between the dwellings and the proposal will continue to have an acceptable relationship with it, despite it being taller, with the roof sloping away from the boundary. As such the proposal will not have a significant impact on the amenity of the occupants of this dwelling.

- 7.18 The combination of the increase in ridge height, increase in eaves height, increase in size of dormers and the realignment of the building within the plot needs to be addressed. The increase in height results in the bottom of the dormer windows being located at a height of 5.2m compared to the previously approved 4.9m, some 0.3m higher than previously approved. However, the realignment of the subject dwelling results in the northern facing dormer windows being located further away from the boundary with The Uppings than the approved scheme. The dormers are set in 1m from the roof edge and this part of the roof is some 4.2m from the northern boundary at the closest point. As such, the dormers will be located at least 5.2 m from the boundary compared to the previous 4.6m. As a result of these changes comprising a 0.3m increase in the height of the position of the windows and a 0.6m increase in the distance from the northern side boundary compared with the approved scheme, it is considered that the impact will be acceptable compared with the approved scheme and as such no significant harm is caused as a result of the changes. The proposal therefore conforms to Policy EN1.
- 7.19 Therefore it is considered that the current scheme although different to the previously approved scheme, does not have a significantly greater impact on the amenity of neighbouring properties compared to the approved scheme and consequently, the proposal continues to have an acceptable relationship with neighbouring properties conforming to policy EN1.

Installation of decking and screening

- 7.20 The installation of decking to the rear of the dwelling forms part of this proposal but did not form part of the previous application. It is raised above ground level (as is the dwelling) but has a step down from the back of the property and will measure 6.5m wide and 4m in depth from the rear of the dwelling. It will be raised above the existing ground level by some 1.5m and from the re-instated ground level by some 1.3m in height with screening to both sides to ensure no overlooking or loss of privacy to the neighbouring properties. The screen will be located on the decking, with a height of some 1.8m and be a total height of 3.1m above the finished ground level on the site. This will ensure someone standing on the decking cannot see over the side into the rear gardens of the neighbouring properties. Given the fact that the dwelling and therefore the decking and screening will be set in some 4.3m from the northern elevation with The Uppings, and that there are a number of outbuildings to the side of The Uppings located along the common side boundary, the screening will have an acceptable impact on the amenity of the occupiers of The Uppings. The screening will be set in from the southern boundary by a lesser amount, some 2.2m, but the access way is located between properties. Although there is a tall hedge on the boundary with Ambleside this may not remain in perpetuity and as such the screening is required to ensure no overlooking is caused in the future. The rear boundary is located over 15m from the end of the decking and

as such the proposal is considered to have an acceptable impact on the amenity of the property to the rear of the site. Given the relationship, it is not considered that the screening will be significantly overbearing on the occupiers of the neighbouring properties. It is considered that although the decking and screening is raised and as such will be visible from the access road and partly visible from Ferry Lane, it will not be prominent in the street scene and has an acceptable impact on the visual amenity of the area, in particular as it is set in from the boundary and only 4m in depth. As such the decking and screening are considered to be acceptable in both design terms and have an acceptable impact on the amenity of neighbouring properties, conforming to Policy EN1.

Green belt

- 7.21 Saved Local Plan. Policy GB1 states that appropriate development within the Green Belt comprises limited extensions, alterations or replacement dwellings. This is also evident in the NPPF which states that replacement buildings are appropriate provided the new building is in the same use and are not materially larger than the one it replaces. Policy EN2 of the Core Strategy also covers replacement dwellings in the Green Belt. It states that replacement dwellings will only be acceptable if they do not significantly change the scale of the original building, regardless of the size of the plot. As such the principle of a replacement dwelling is acceptable provided it does not significantly change the scale of the original building.
- 7.22 The approved scheme provided a replacement dwelling that would result in a significant increase in scale from the original building, which is evident in the elevations with the increase in height and bulk in comparison to the original dwelling on site in particular to provide accommodation at first floor level. However some of this increase in height is due to the property being raised further from ground level as a consequence of the site's location within the flood plain. As such the approved proposal was considered to be inappropriate development within the Green Belt. However, given that permission had been given for a new dwelling ref 04/00767/FUL (albeit before the NPPF but when the GB1 policy existed), the approved dwelling was comparable to the scale of that 2004 approved scheme and ultimately of a better design. In addition, the dwelling was raised up to take account of the current flood plain levels. Therefore, very special circumstances were considered to exist and the approved plans were acceptable in Green Belt terms. The changes proposed in this current application including an increase in the height of the property and increase in size of dormers is not, in itself, considered to materially increase the scale of the dwelling compared with the approved scheme. Therefore the proposal including the decking, is considered to be acceptable in Green Belt terms and conform to policy EN2, saved Local Plan GB1 and the NPPF

Flooding

- 7.23 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne. The site is located within Flood Zone 3a, which has a high probability of flooding with a 1

in 20 year chance of flooding. However a replacement dwelling is acceptable on flooding grounds provided it results in an improved situation at a time of flood. The principle of the dwelling was agreed with the 2016 planning permission. The applicant has submitted a Flood Risk Assessment and the dwelling is raised above the ground level with voids beneath to allow flood water to flow beneath the building. It is noted that 3 of the voids shown on the approved plan have not in fact been installed. The applicant has provided amended plans to show these voids being installed.

- 7.24 The Environment Agency have raised no objection to the scheme given the betterment compared to the original dwelling on this site which was at a lower level. The decking is also floodable and acceptable on flooding grounds. Conditions will continue to be attached to the consent to ensure no raising of ground level and no storage of spoils and also to ensure the voids that have not been installed currently are inserted within an acceptable time frame. Accordingly, the application complies with the requirements of Policy LO1 of the CS&P DPD. If ground levels are raised from the original ground level on site, then this would be contrary to the raising of ground level condition.

Renewable Energy

- 7.25 Policy CC1 of the CS & P DPD states that the Council will require residential development of one or more dwellings to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources unless it can be shown that it would seriously threaten the viability of the development.
- 7.26 As part of the discharge of condition application the applicant submitted an Energy Statement, which considers various renewable energy options for the site, concluding the use of solar panels reduction of at least 10% can be achieved. The Councils Sustainability Officer has been consulted and raises no objection. Accordingly, the renewable energy proposals are acceptable, subject to the imposition of a condition as these have not yet been installed on the dwelling but have been shown on the most recently submitted plans

Other Matters

- 7.27 Although many points have been raised with the previous application and some of these have been addressed above, it is important to note that the application has previously been approved and is a material planning consideration.
- 7.28 With regard to the position of a boundary this not a planning matter but a civil issue.

Conclusion

- 7.29 Although it is regrettable that the subject dwelling has not been built in accordance with the approved plans, as previously noted it is not illegal to do so and this should not be taken into account in the consideration of this proposal. Although there are some differences with the proposed scheme

compared to the previously approved scheme, these are not considered to significantly greater and the scheme continues to be acceptable in terms of design and visual impact and on the amenity of neighbouring properties. The scheme also continues to be acceptable on flooding and green belt grounds and as such the application is recommended for approval.

8. Recommendation

8.1 GRANT subject to the following conditions:

1. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that Order) no extensions or outbuildings shall be erected to the residential development hereby permitted without the prior planning permission of the Local Planning Authority.

Reason:- In the interest of the amenity of neighbouring properties, flooding and Green Belt

2. There shall be no raising of existing ground levels on the site other than in accordance with the approved plans.

Reason:-.To facilitate the free passage of flood water in times of flooding in accordance with policies SP1 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

3. No spoil or materials shall be deposited or stored on that part of the site lying within the area of land liable to flood.

Reason:-.To facilitate the free passage of flood water in times of flooding in accordance with policies SP1 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

4. Prior to the occupation of the building the solar panels shall be installed as shown on the submitted plans in accordance with the report that has been submitted and agreed by the Local Planning Authority which includes details demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The solar panels shall be implemented and thereafter retained and maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

Reason:-.To ensure that the development is sustainable and complies with Policies SP7 and CC1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

5. The development hereby permitted shall be carried out in accordance with the following approved plans

FL01 – 04 Rev J and FL01 – 03 Rev J rec 29.01.2018, FL01 – 01 Rev S and FL01 – 02 Rev K rec 20.02.2018

Reason:-.For the avoidance of doubt and in the interest of proper planning.

6. Prior to the occupation of the building a survey report detailing ground conditions of the site shall be submitted to and approved in writing by the Local Planning Authority. Where made ground or contamination is encountered a scheme to investigate, assess and remediate contamination risks shall be agreed in writing with the Local Planning Authority, and shall be carried out in accordance with the agreed details and timetable.

Reason: - To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

7. Prior to the occupation of the development hereby permitted the proposed first floor dormer windows on the southern elevation shall be obscure glazed and be non-opening to a minimum height of 1.7 metres above internal floor level in accordance with details/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. These windows shall thereafter be permanently retained as installed.

Reason:- To safeguard the amenity of neighbouring residential properties in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009

- 8 That no further openings of any kind be formed in the northern and southern flank elevation(s) of the proposed development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:- To safeguard the amenity of neighbouring residential properties in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

9. Prior to the occupation of the building the obscured screens on the raised terrace shall be installed with obscure glazing in accordance with detail/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. These screens shall be permanently retained as installed.

Reason:- To safeguard the amenity of neighbouring residential properties in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

10. Prior to the occupation of the building, the flood water open voids shall be fully implemented in accordance with the approved plans and permanently retained as installed.

Reason: - To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage in accordance with Policies EN2 and LO1

1.1 INFORMATIVES TO APPLICANT

- 1 Article 2 (3) Development Management Procedure (Amendment) Order 2012
Working in a positive/proactive manner
In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:-

Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

- 2 Practical advice on how to reduce flood damage to your property is available in a free document entitled "Preparing for Floods" (February 2002) - a comprehensive guide to help homeowners and small businesses to improve the flood resistance of their homes and premises. The guidance contains advice on both simple, low-cost measures to limit damage to valuables as well as suggestions on building alterations and designs that help keep water or reduce damage if flood water enters. The guide is aimed at homeowners, small businesses, planners and developers.

Copies of "Preparing for Floods" is available free of charge from the Environment Agency 24 hour "Flood line" on 0845 988 1188, or on our website: <http://www.environment-agency.gov.uk/floodline>.

The Environment Agency's Flood Maps provide a general overview of areas of land in natural floodplains and therefore potentially at risk of flooding from rivers. To find out more information about whether your property lies within the floodplain, investigate the Agency's website: <http://www.environment-agency.gov.uk> and browse under the "What's in your backyard?" pages. Additional information on the Flood Maps can also be found on the site. Alternatively, contact the Environment Agency's Flood line on 0845 988 1188.

The Environment Agency recommends that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance can be found in the Environment Agency Flood line Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188. Reference should also be made to the Office of the Deputy Prime Minister publication 'Preparing for Floods'.

- 3 Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). Full details of the charge, how it has been calculated and what happens next are set out in the CIL Liability Notice which will be sent separately.

If you have not already done so an Assumption of Liability notice should be sent to the Council as soon as possible and before the commencement of development.

Further information on CIL and the stages which need to be followed is available on the Council's website. www.spelthorne.go.uk/CIL.

4. Historically land across Spelthorne has been subjected to extensive mineral extraction, with subsequent infilling of the resultant voids. Excavations during some development works have encountered fill materials where records have not previously identified a history of extraction / infilling.
- To confirm ground conditions at the application site minimum requirements of the survey are as follows:
- The excavation of 2 -3 trial holes to a depth of 1.00mbgl. This can be done by hand or with a small digger
 - At least one location beneath the footprint of the proposed dwelling and another one to two holes within the proposed rear garden and other associated landscaped areas.
 - An inspection to be made of the ground conditions and confirm the absence or otherwise of any made ground / fill materials at this property, their thickness and extent.
 - Photographs shall be taken of each exploratory position including all associated soil arisings (soils excavated and placed to the side of the hole as works progress).
 - Where different soil horizons are encountered (i.e. topsoil to 0.40mbgl overlying a layer of sandy gravel to 0.60mbgl with stiff clay to the base of the excavation (c.1.00mbgl)) appropriate written logs will be required to detail the depths, thickness and description of the materials encountered.
 - A scale plan (such as the site layout plan) indicating the location of the exploratory positions in relation to the proposed property and a photograph taken across the site detailing the soils and arisings.
 - The information, logs and photographs can be submitted to us in a simple letter report.
 - If made ground materials are encountered during the excavations soil sampling and assessment of contamination risks will be required to be undertaken by a suitably qualified person.

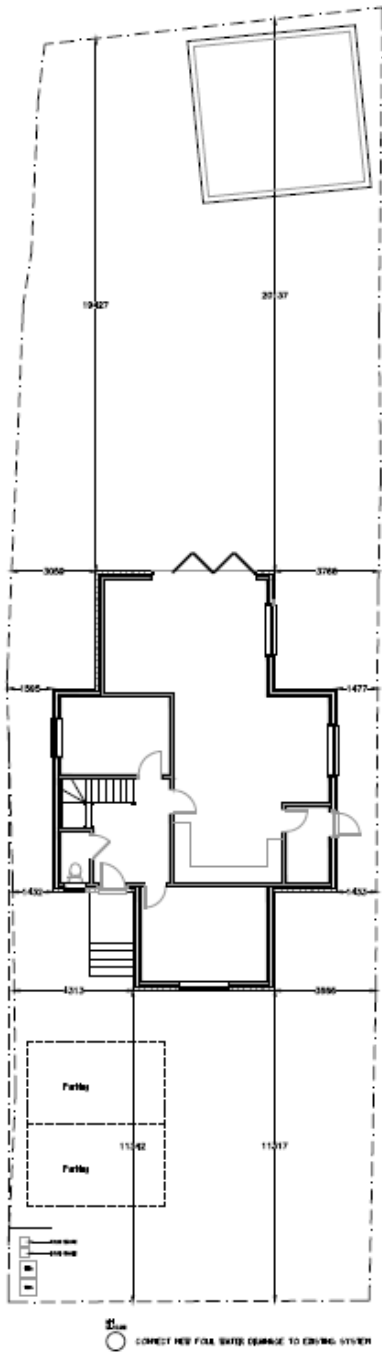
Made ground refers to non natural / notable fill materials – fragments of brick, concrete, metal, plastic, timber, glass, and ashy materials. Evidence of contamination is identified by either visual (staining of soil or sheens on groundwater (if encountered)) or olfactory means (organic, tarry, hydrocarbon / petrochemical odours). In the event that materials of this nature are discovered during the survey, you are advised to contact us for further guidance

5. This development is situated within 250 metres of a current or historic landfill site or gravel pit. A gas impermeable membrane should be incorporated within the structure along with a ventilated sub floor area. Any services entering/leaving the structure should be located above the gas impermeable membrane or alternatively, adequate seals will need to be provided if the membrane is to be breached. The details of the gas impermeable membrane and with particular attention to the joins with any existing structure and seals around any services, plus details of the sub-floor ventilation should be submitted to the Local Planning Authority for approval prior to the works being carried out.

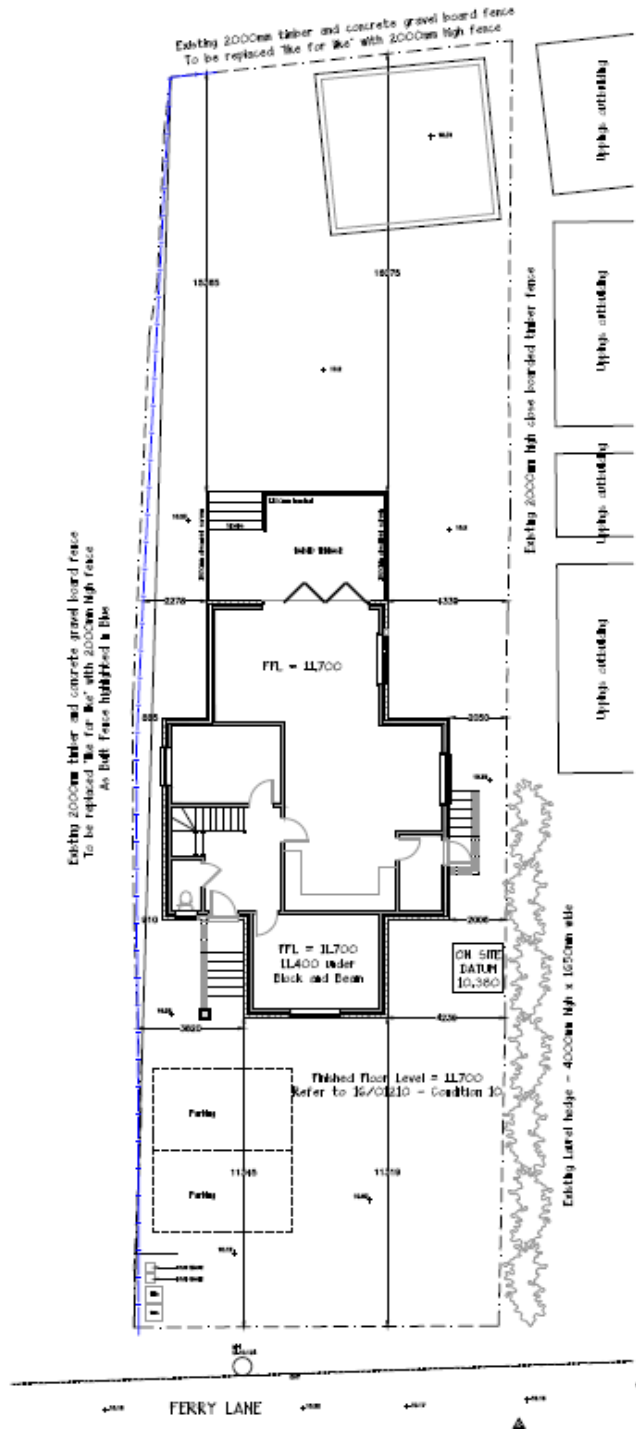
On completion, documentation (such as photographs, inspection reports, etc) shall be submitted to the Local Planning Authority to demonstrate that the gas impermeable membrane has been installed in accordance with the approved plans. Condition (94A) shall not be discharged until such documentation has been received and approved.

The applicant is advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences.

Approved site layout

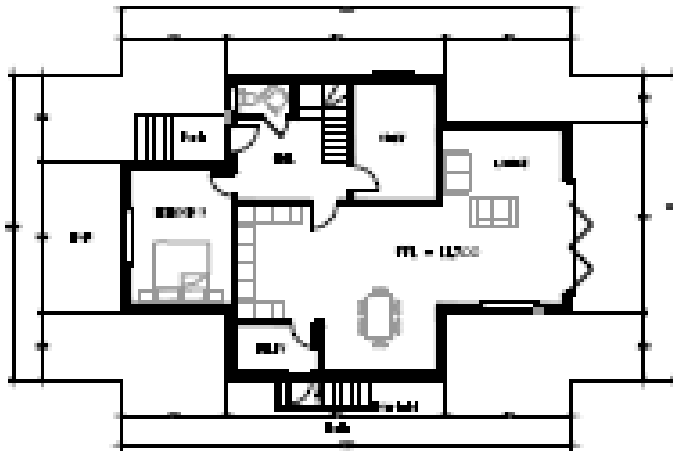


Proposed site layout

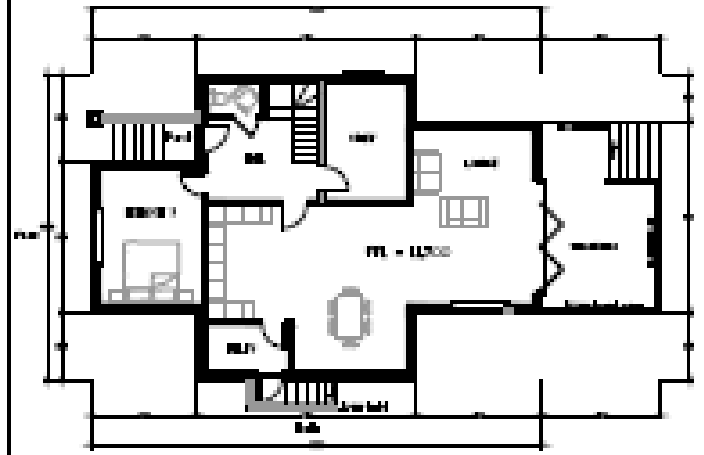


Approved floor/roof plans

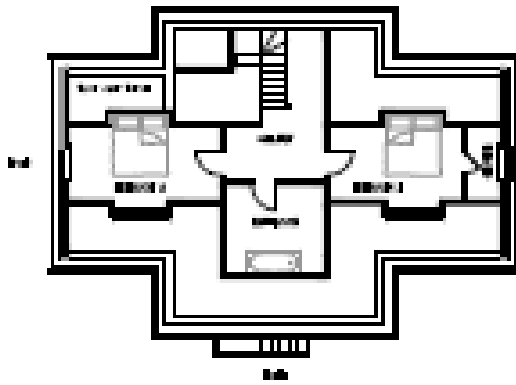
Proposed floor/roof plans



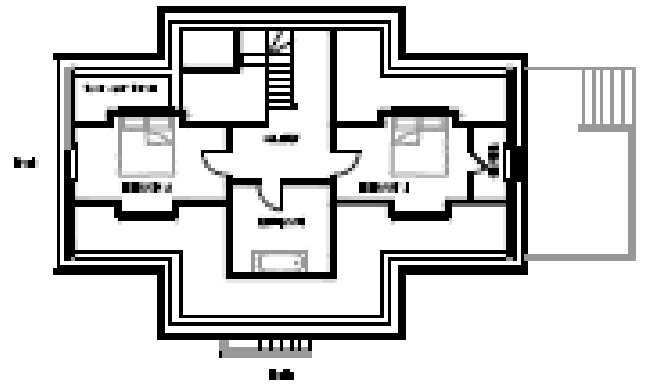
Approved Ground Floor Plan - 16/011610/AM/0 - 04th September 2017
 Square area = 12700 sq metres (134M sq feet)



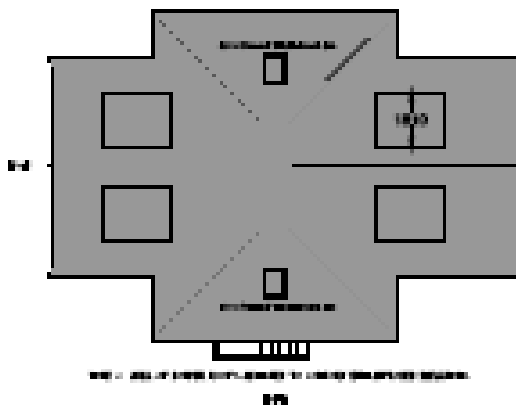
Proposed Ground Floor Plan
 Square area = 12700 sq metres (134M sq feet)



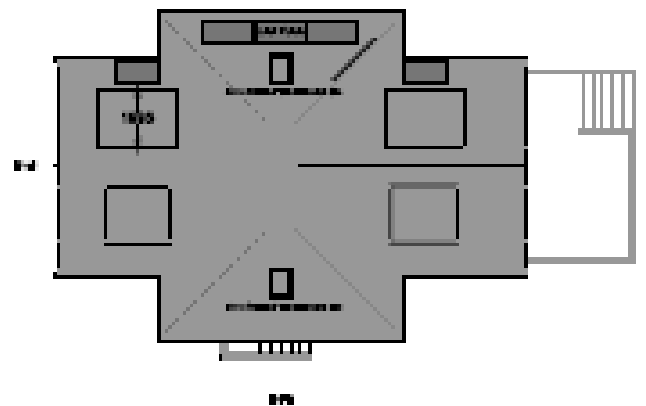
Approved First Floor Plan - 16/011610/AM/0 - 04th September 2017
 Square area = 6480 sq metres (69M sq feet) - At 1500mm high ceiling



Proposed First Floor Plan
 Square area = 6480 sq metres (69M sq feet) - At 1500mm high ceiling



Approved Roof Plan - 16/011610/AM/0 - 04th September 2017

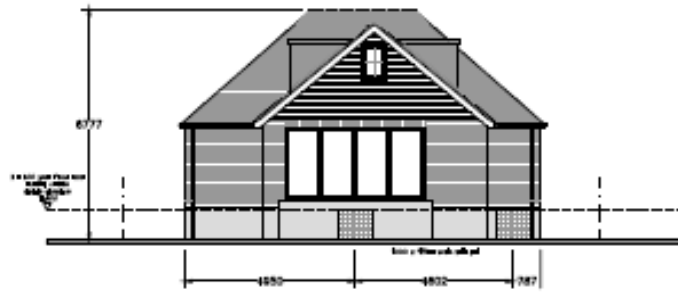


Proposed Roof Plan

Approved Elevations (with material minor amendment)



Front Elevation



Rear Elevation

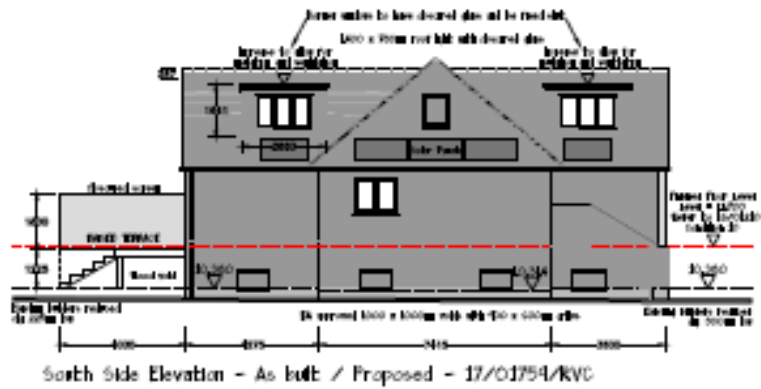
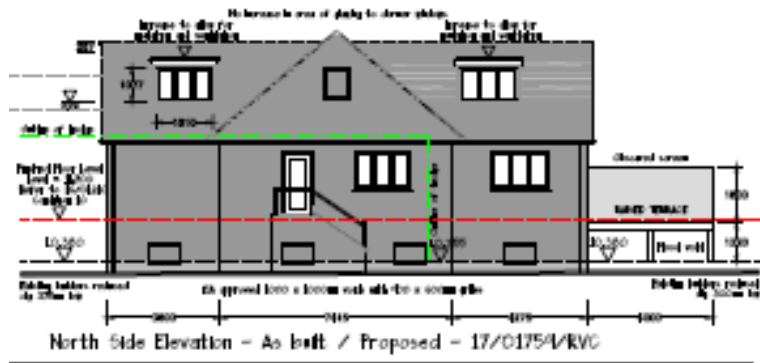
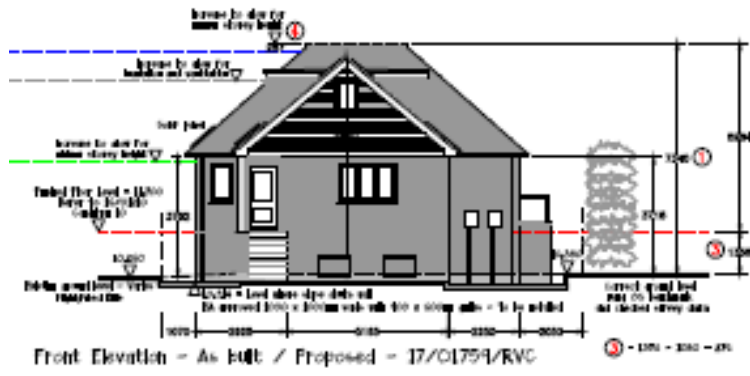


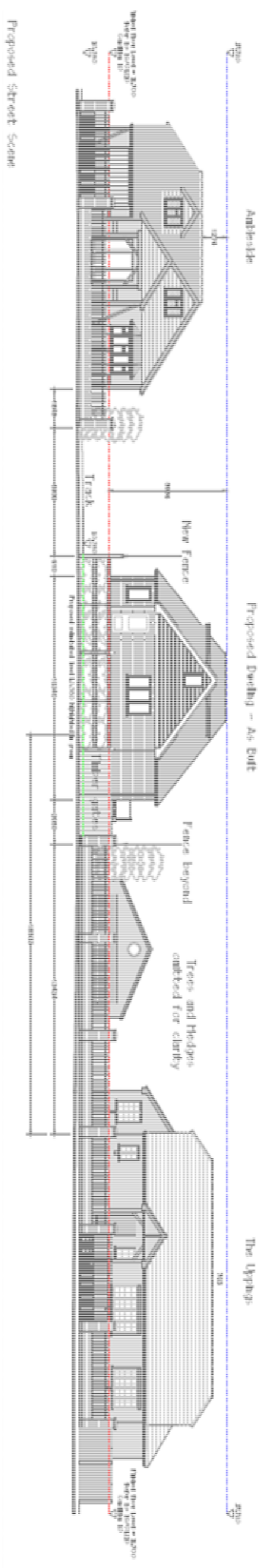
North Side Elevation



South Side Elevation

Proposed elevations





Proposed Street Scene