

### Planning Committee

10 February 2016



Application No.	15/01556/RVC		
Site Address	34 Laleham Road, Staines upon Thames		
Proposal	Relaxation of Conditions 2 and 3 of Planning Permission 13/00880/HOU to allow the substitution of plans showing the removal of render and mock Tudor boarding on front and part side elevations.		
Applicant	Mr R Irani		
Ward	Riverside and Laleham		
Call in details	The planning application has been called-in to the Planning Committee by Councillor Edgington due to concerns raised by local residents.		
Case Officer	Paul Tomson		
Application Dates	Valid: 08.12.2015	Expiry: 02.02.2016	Target: Over 8 weeks
Executive Summary	<ul> <li>In February 2014, planning permission was granted on appeal for the erection of part one, part two storey, front, flank and rear extensions, and the erection of garages at the rear (ref. 13/00880/HOU). Some of the matters covered in the current application were refused in October 2014.</li> <li>The development, as newly completed, differs from the approved plans, especially with regard to its external appearance and facing materials. The approved plans showed the front and part side elevations to be mainly faced in mock Tudor boarding and render, whilst the completed building is faced in red brick. This application is therefore seeking the relaxation of Condition 2 (Approved Drawings) and 3 (Materials) of the original planning permission to allow the amendments to the original scheme.</li> </ul>		
	There is no uniform character to this part of Laleham Road and St Peter's Close. Indeed, there is a considerable mix in the style and age of properties in the area, including a high proportion of buildings with a brick finish as now proposed. Consequently, the proposed revisions to the design and appearance of the application property will not be out of character and are considered acceptable. The development complies with Policy EN1 of the Core Strategy and Policies DPD.		
Recommended Decision	This application is recommended for approval.		

#### 1. <u>Development Plan</u>

- 1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:
  - ➢ LO1 (Flooding)
  - EN1 (Design of New Development)

#### 2. <u>Relevant Planning History</u>

13/00878/HOU	Formation of a vehicular access [onto Laleham Road]	Approved 07/08/2013
13/00880/HOU	Erection of part single storey, part two-storey front, flank and rear extensions and erection of detached garages at rear.	Refused 27/11/2013 Appeal Allowed 13/02/2014
14/01034/RVC	Relaxation of Condition 2 of planning Permission 13/00880/HOU to allow the substitution of plans showing demolition of first floor southern flank wall and minor elevational alterations including removal of render and mock Tudor boarding on the front elevation, removal of rear gable, and changes to front porch, fenestration details, and garage details	Refused 07/10/2014
13/00880/AMD	Non-Material Amendment for changes to the design and appearance of the house and demolition of original first floor southern flank wall	Approved 09/12/2015
13/00880/AMD2	Non-Material Amendment for changes to the design of the detached garage	Approved 27/04/2015
13/00880/AMD3	Non-Material Amendment for changes to the design and appearance of the house (variation to Non-Material Amendment 13/00880/AMD)	Approved 04/08/2015
15/00024/HOU	Provison of additional vehicle crossover [ <i>onto Laleham Road</i> ]	Approved 04/03/2015
15/01409/HOU	Erection of two pairs of entrance gates at the rear of property together with associated brick piers.	Approved 23/12/2015

#### 3. <u>Site Description</u>

3.1 This application relates to 34 Laleham Road, Staines upon Thames, which is a two-storey newly built detached house located on the western side of the road. The rear of the site backs onto St Peter's Close, which is a private road. The site is located within the urban area. It is also within an area liable to flood: part Flood Zone 3a (between 1 in 20 and 1 in 100 year chance of flooding), and part Flood Zone 3b (more than 1 in 20 year chance of flooding). The original building on the site was a two-storey detached house with a pebbledash render finish. No. 36 to the south side of the property is a chalet-style bungalow built in the 1980's, and to the north side is a two storey red brick and tile-hung property also built in the 1980's.

#### 4. Explanation of Planning History

- 4.1 The property has a complex recent planning history which I explain below so it is clear what has been approved already and what the remaining issues are.
- 4.2 In February 2014, planning permission was granted on appeal for the erection of part single storey, part two-storey front, flank and rear extensions and erection of detached garages at the rear (13/00880/HOU). Whilst the planning permission refers to extensions to the existing house, the approved plans showed that very little of the original building was to be retained (only the northern flank wall and the first floor southern flank wall). The front and part of the side elevations were to be faced in mock Tudor boarding and render.
- 4.3 In July 2014, the applicant submitted a planning application seeking the "Relaxation of Condition 2 of planning permission 13/00880/HOU to allow the substitution of plans showing demolition of first floor southern flank wall and minor elevational alterations including removal of render and mock Tudor boarding on the front elevation, removal of rear gabel, and changes to front porch, fenestration details, and garage details" (14/01034/RVC). Some items were individually very limited and could have been treated as 'Non-Material Amendments'. The application for the 6 changes in total were reported to the Planning Committee on the 24 September 2014 with an officer recommendation for approval. However, the Committee decided to refuse the application for the following reason in which objection was only specifically related to three matters:
  - "Three of the proposed 'minor material amendments' are collectively significant and when compared to the approved scheme together create a detrimental and overbearing effect on the street scene, particularly in relation to adjoining properties. Specifically, harm is caused by:

a. The proposed brick finish not matching that used in adjoining properties and therefore not in keeping with the street scene and as a consequence having a more overbearing effect than currently approved mock Tudor detailing.

b. The proposed altered roof design is more bulky and overbearing; and

c. The proposed window detail on the front elevation does not match the approved mock Tudor fenestration detailing."

- 4.4 On the 09 December 2014, an application for a 'Non-Material Amendment' seeking changes to the approved design of the house by reducing the scale of the roof so that it was broadly in line with the original approved plans (albeit the ridge was 7.5cm higher) was considered so minor as not requiring planning permission and was approved by the Local Planning Authority (13/00880/AMD). The plans differed from the earlier refusal for a Minor Material Amendment in that the scale of the roof was reduced (addressing the concern over the previous bulky and overbearing appearance), Mock Tudor boarding and render was re-introduced to the front and part side elevations, and the original fenestration detailing reinstated. Furthermore, the width of the house was slightly reduced (for example, the ground floor width is 11.707m, compared to 12.1m in the approved scheme. This application was approved and the following amendments have now been carried out on-site:
  - Demolition of the original first floor southern flank wall
  - Revised main roof design that is 7.5cm higher.
  - Revised porch design with classical style columns.
  - Minor changes to the fenestration on the front elevation (window detail)
  - Small reduction in the width of the house
- 4.5 On the 04 August 2015 a further application for a 'Non-Material Amendment' (i.e again changes so minor that they do not need planning permission) was approved (13/00880/AMD3) to reduce the extent of mock Tudor boarding and render along part of the side elevations, the creation of monopitch roofs on the single storey rear projections and changes to the ground floor rear windows. This application approved the following changes that have since been carried out on the site:
  - Monopitch roof design to the single storey rear projections on the house.
  - Revised ground floor rear patio window design.
- 4.6 On the 27 April 2015, an application for a 'Non-Material Amendment' seeking changes to the design of the garage at the rear of the site was approved by the Local Planning Authority (i.e. the changes were considered so minor that planning permission was not required). This application has therefore approved the following change that has been carried out on the site:
  - Revised garage design, including change the layout from two single garages to one double garage.

(Officer note: the Council is aware that the ground level inside the garage has been raised and is yet to be resolved – see paragraph 9.12 below)

#### 5. <u>Current Application</u>

- 5.1 This current application is seeking the relaxation of Conditions 2 and 3 of Planning Permission 13/00880/HOU to deal with a single issue to allow the substitution of plans showing no render and mock Tudor boarding on the front and part side elevations, and the red brick finish to be retained. As all the other changes to the original planning permission have been approved by the Non-Material Amendment applications, the external treatment of the front and part side elevations is the only outstanding issue to be considered in this application. Some timber detail has, however, been applied to the gables above the ground floor windows in the front elevation (a design detail found in a number of properties in the wider area).
- 5.2 Amendments of this nature to an existing planning permission can be considered under Section 73 of the Town and Country Planning Act 1990 as 'Minor Material Amendments' this procedure in the Act exists especially for such circumstances. In dealing with such a proposal it is important that it is only the proposed amendments that are considered. The original permission cannot be amended and neither does it enable the principle of the original decision to be revisited.
- 5.3 Whilst the current planning application was advertised seeking a relaxation of Condition 2 (approved drawing numbers) of the original planning permission, the revised scheme is effectively seeking a change to the external facing materials (Condition 3). Consequently, the proposed description has been amended to seek relaxation of both Conditions 2 (Approved Drawings) and 3 (Materials) of the planning permission. The proposed description has also be amended so that it makes reference only to the proposed removal of the mock Tudor boarding on the front and part side elevations. The applicant has agreed to this revised description.
- 5.4 For information, copies of the following plans have been attached as an Appendix:
  - Approved plans and elevations of the original appeal scheme (13/00880/HOU)
  - Elevations of refused application (14/01034/RVC)
  - Elevations of Non-Material Amendment (13/00880/AMD3)
  - Proposed plans and elevations (15/01556/RVC)

#### 6. <u>Consultations</u>

6.1 The following table shows those bodies consulted and their response.

Consultee	Comment		
County Highway Authority	No objection		

#### 7. <u>Public Consultation</u>

- 7.1 13 neighbouring properties were notified of the planning application. 4 letters of objection has been received (3 of them are written by the occupier of 16 Thames Side). Issues raised include:
  - Similar planning application to the previous application 14/01034/RVC, which was refused by the Planning Committee on the 24<sup>th</sup> September 2014.
  - The dwellinghouse as built is totally at odds with the original proposal allowed on appeal (13/00880/HOU). The dwelling is a new build, not extensions to existing dwelling. The demolition of the original house should not have been allowed. There should be no changes from the appeal decision.
  - If the timber detailing is to be removed, the external surface should be as the original host building (pebble dash and low brick plinth.
  - The classical style porch in not in keeping with the original (appeal) proposal.
  - Little detail provided regarding the changes to the fenestration. Stick-on plastic strips have been applied to the installed windows, which is unsatisfactory.
  - Side windows are not obscure glazed, as required by condition [Officer note: this has been checked and there is no breach of the planning condition and no loss of privacy arises]
  - Concern about flooding. The development at 34 Laleham will make flood risk worse [Officer note: this is not relevant to this application as the principle of this dwelling is approved.]
  - Concern that the garage will be used for commercial purposes, and the associated vehicle movements through St Peter's Close. [Officer note: this is not relevant to the matters covered by this application and in any case enforcement action could be taken if such a use were to occur in the future.]

#### 8. <u>Planning Issues</u>

- Design and appearance

#### 9. <u>Planning Considerations</u>

#### **Design and Appearance**

9.1 It is noted that there has been considerable animosity between the applicant and neighbouring residents over the last couple of years. Local residents objected to the original proposal that was granted on appeal and are frustrated that the development has not been carried out in accordance with the approved plans granted, and that various alterations have been applied for. They also complain that the development as completed is effectively a rebuild rather an extension to the existing (former) house. Many changes have been carried out without first seeking planning permission from the Local Planning Authority and only regularised after they have been done. However, it is important to note that the proposed amendments to the development must be considered on its own merits and in accordance with planning policy. The fact that the applicant has failed to implement the development in accordance with the approved plans is not a material planning consideration in the assessment of this current application which seeks to 'regularise' this final matter.

- 9.2 As mentioned above, most of the deviations from the approved plans have since been approved in the Non-Material Amendment applications Consequently, the sole remaining issue for Members to consider in this current application is the red brick finish to the building (instead of the approved mock Tudor boarding and render), particularly its front elevation, and if this is acceptable in design terms in relation to the surrounding street scene.
- 9.3 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: (a) 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."

- 9.4 The key issue in this case is whether or not what is proposed (to retain finishes as now built) is in keeping with the character of the area.
- 9.5 Whilst this part of Laleham Road (and St Peter's Close to the rear) is mainly residential, the age of buildings span nearly 150 years and the style of buildings are accorodingly widely varied with no uniform pattern of development or building style in the area. For example, most of the properties are dwellinghouses, but there are some examples of small blocks of flats. There is also St Peter's Church, the church hall and some commercial premises in the street. In order to confirm the variation in the character and design of buildings in the area, I have carried out survey of the Laleham Road (from Gresham Road to Park Avenue) and St Peter's Close. The survey recorded individual plots so the blocks of flats are taken as one unit. A total of 48 plots were surveyed over a road frontage of some 330 metres. The facing material refer to those on the front elevation of the buildings (i.e. facing the road). The results are set out in the table below.
- 9.6 I first make comment on some of the terms used below:

'Mock Tudor' – This is a style using applied planks of timber to a solid wall – often with render on the remaining surfaces to give the impression of a timber framed property. Used

during the 1850's – 1910 Arts and Crafts era, as well as revived in the 1920's and 1990's.

Applied Timber - Again with Arts and Crafts origin but particularly Panel Detail prevalent in the 1920's – 1930's – often confined to detailing in projecting roof gables over upper floor windows on front elevations (sometimes executed in cement and painted black).

Facing Materials	Detached	Semi- Detached	Terraced	Blocks of Flats	Total
Wholly Red Brick	9 (*4)	4	-	1	14
Wholly Yellow Stock Brick	2 (*1)	-	7	1	10
Wholly Render	4 (*2)	1	1	-	6
Part Render, Part Brick	-	3	-	-	3
Part Render with applied timber detail in gable	2	-	-	-	2
Red Brick with applied timber detail in gable	2	4	-	-	6
Mock Tudor (brick ground floor)	1	2	-	-	3
Part applied Timber Boarding, Part Brick	1	-	-	1	2
Part Tile Hanging, Part Brick	1	-	-	-	1
Grey Cladding	1	-	-	-	1
TOTAL	23	14	8	3	48

\*Bungalows

Age of Building					
19 <sup>th</sup> Century	1	2	8	-	11
1900 – 1920's	5	6	-	-	11
1930's – 1950's	3	6	-	-	9
1960's onwards	14	-	-	3	17
TOTAL	23	14	8	3	48

9.7 The results of the survey demonstrates that the character of the immediate area has a wide variation in the design form and use of external facing materials and the age of the buildings in the street. Indeed, there are very few properties (only 3) which have a full 'mock Tudor' appearance. Some 50% of properties are faced wholly in brick (red or yellow stock). There is also a distinct mix in terraced, semi-detached and detached properties.

- 9.8 Within this mix in the character of existing properties in the area there is a predominance of wholly brick finishes, I consider that the proposed red brick external treatment to be consistent with the character of the area and therefore in accordance with the requirements of Policy EN1 and acceptable. Whilst the building is primarily faced in red brick brickwork, it is worth noting that there is some applied timber planking in the gables above the ground floor windows. I also consider the other proposed alterations to be acceptable and in keeping with the character of the area.
- 9.9 Whilst it is appreciated that local residents wish to see this development implemented exactly as approved on appeal (with 'mock Tudor' detail) and this was also the sentiment of the Committee in determing the July 2014 application (para 4.3 above), this proposal must be considered on its own merits and in line with sound design principles as set out in the Council's guidance. Central to that guidance, and the key issue here, is whether the proposed amendments are consistent with the character of the area. On the evidence of the survey the main characteristic is primarily brick finish. A 'mock Tudor' design whilst not perhaps arguably harmful to the character of the area such that it could be refused on design grounds is nevertheless not characteristic generally of the area and there would be no objective basis to insist on it and expect to successfully defend any enforcement action to force the issue.

#### Other Matters Raised by Objectors

- 9.10 The first floor windows in the side elevations of the house are obscure glazed and non-opening up to 1.7m above internal floor level, as required by Condition 4 of the original planning permission. Whilst the ground floor side windows are clear glazed, Condition 4 only requires the first floor windows to be obscured and non-opening and there is no loss of privacy. Consequently there is no breach of planning control in relation to this issue.
- 9.11 It is noted that the third party representations refer to "stick on plastic strips" being applied to the windows in the front elevation. Whilst this is a rather simple way of applying imitation horizontal glazing bars, their appearance is very similar to those windows shown in the original approved plans and very much a standard approach on UPVC windows. It is considered that their revised design is in accordance with those approved in the Non-Material Amendment dated 09 December 2014.
- 9.12 Although the garage as built complies with the revised design and size approved under the Non Material Amendment dated 27/04/2014 (13/00880/AMD2), officers are aware that the floor level has been raised up above adjacent ground level, which is contrary to Condition 6 of the original planning permission (no raising of existing ground levels). This issue has recently been raised with the applicant and is subject to an ongoing investigation by the Planning Enforcement Officer. However, this is a completely separate matter to the issues to be considered under this current planning application.
- 9.13 Accordingly, the application is recommended for approval.

#### 10. <u>Recommendation</u>

- 10.1 GRANT subject to the following conditions:-
  - 1. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

Site location plan and L2145/30 Rev. G received 18 November 2015 L2145/15 Rev. D and L2145/20 Rev. B received 08 December 2015 L2145/10 Rev. E received 27 January 2016 KJT/Laleham/200a; /400a; /600a received 17 June 2013 KJT/Laleham/800a received 17 June 2013

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

2. All first floor windows on the side elevations shall be fitted with obscured glass and be non-opening to a minimum height of 1.7m above internal floor level, and shall be permanently retained in that condition.

Reason: To safeguard the privacy of the adjoining properties.

3. No further openings of any kind shall be formed in the side elevations of the development hereby permitted, other than in accordance with the approved plans.

Reason: To safeguard the privacy of the adjoining properties.

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

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction in flood storage capacity.

5. All spoil and building materials stored on the site before and during construction shall be removed from the site upon completion of the development hereby permitted.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction in flood storage capacity.

6. The rear parking provision shown on the submitted plans shall be constructed within 3 months of the commencement of any other part of the development permitted and thereafter the approved facilities together with the means of access thereto shall be maintained and reserved for the benefit of the development hereby permitted.

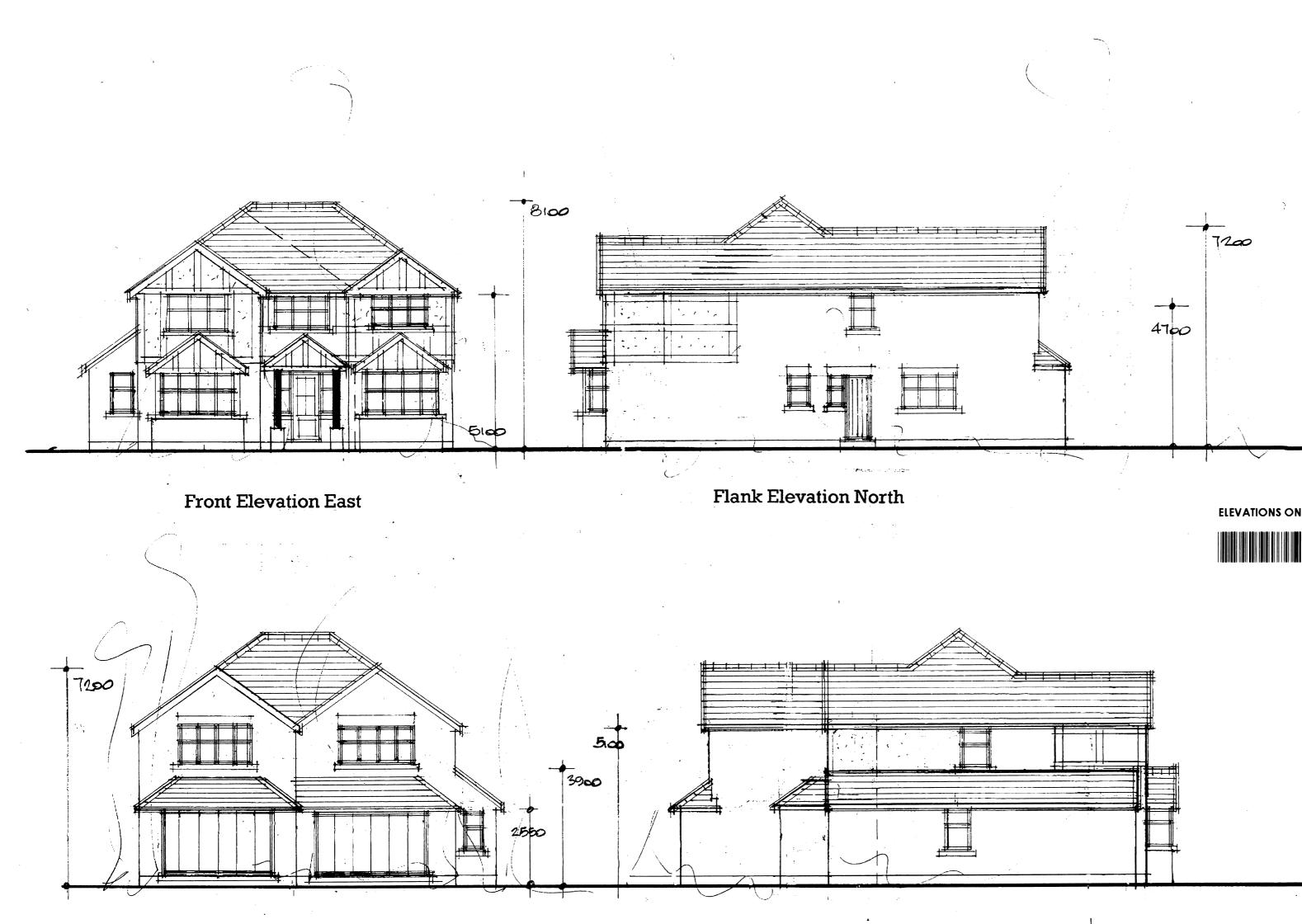
Reason:- To ensure the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway and to ensure that the facilities provided are

reserved for the benefit of the development for which they are specifically required.

#### Decision Making: Working in a Positive and 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:-

- a) 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;
- b) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

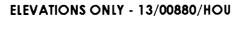


**Rear Elevation West** 

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Flank Elevation South

# Appendix 1 Approved Elevations and Plans (13/00880/HOU)





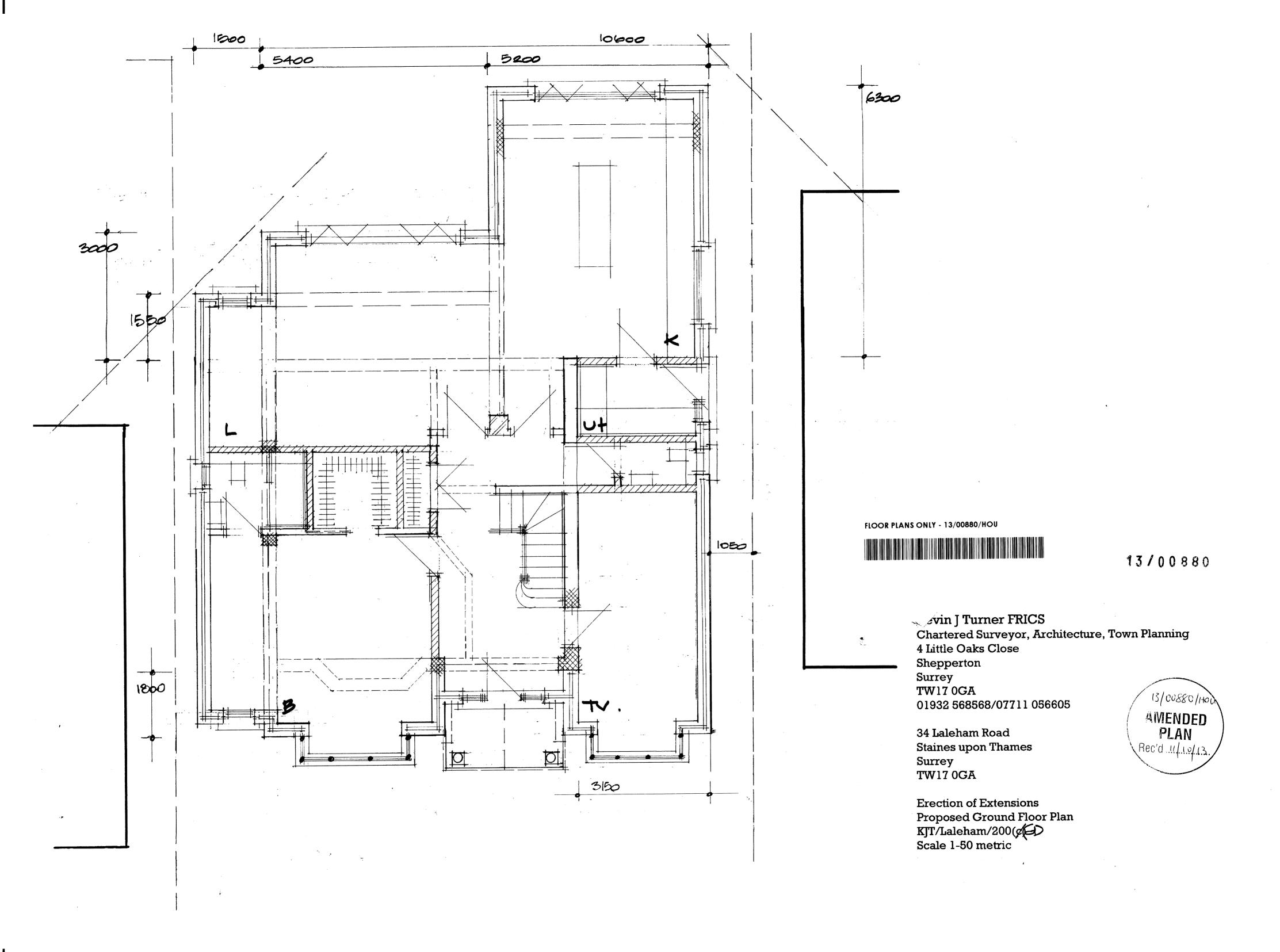
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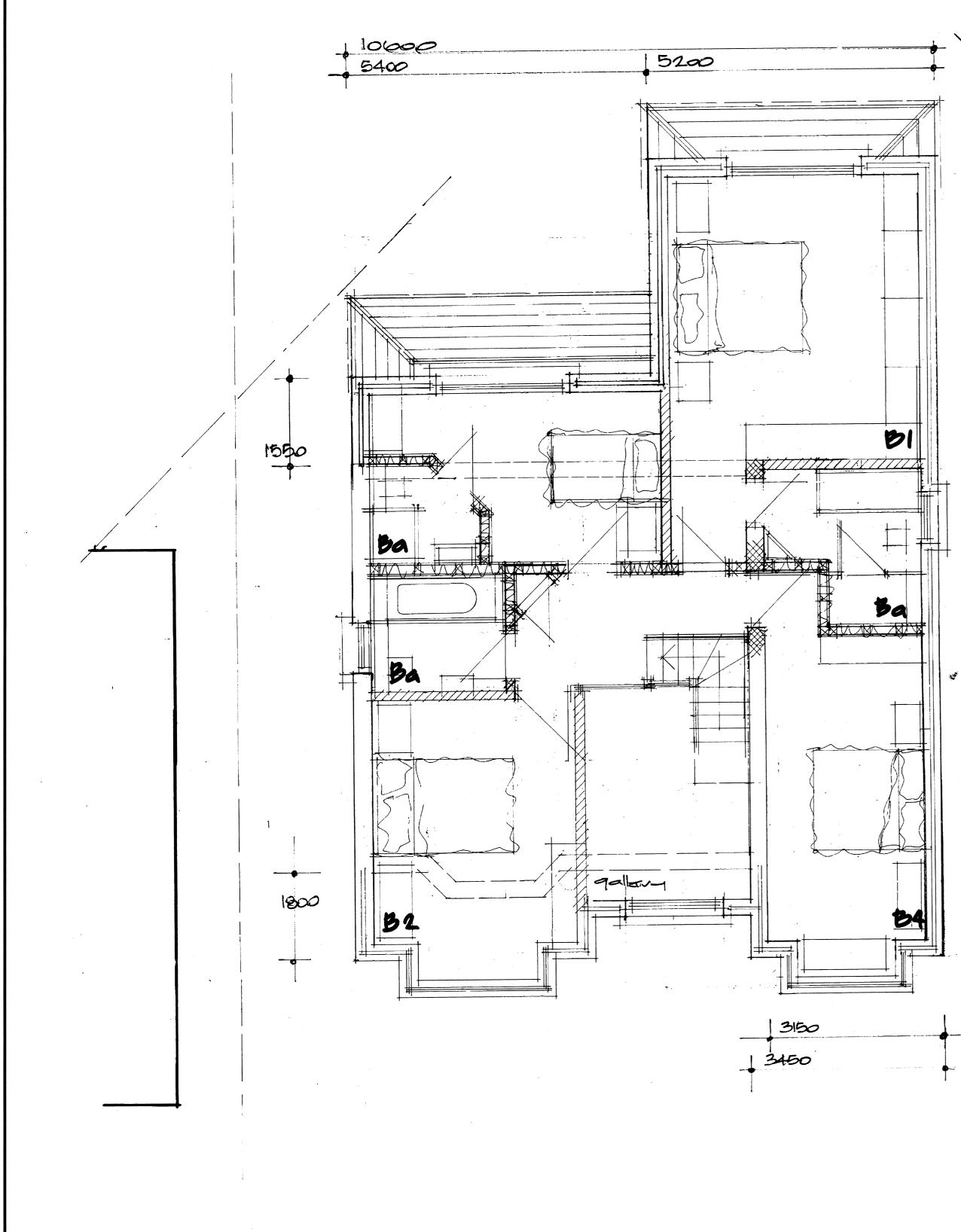
Kevin J Turner FRICS Chartered Surveyor, Architecture, Town Planning 4 Little Oaks Close Shepperton Surrey TW17 0GA 01932 568568/07711056605

34 Laleham Road Staines Surrey TW18 2DX

Proposed Extensions to dwelling house New Garages and stores Proposed Elevations KJT/Laleham/700a(E) Scale 1-50 metric







### 13/00880

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34 Laleham Road Staines Surrey TW18 2DX

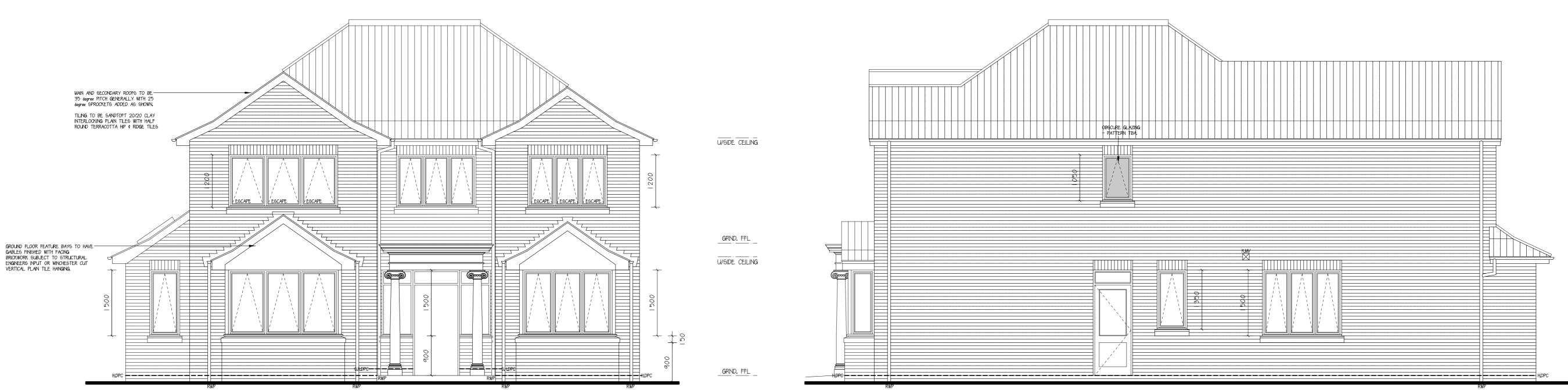
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Proposed Extensions to dwelling house New Garages and stores Proposed First Floor Plan KJT/Laleham/500 Scale 1-50 metric

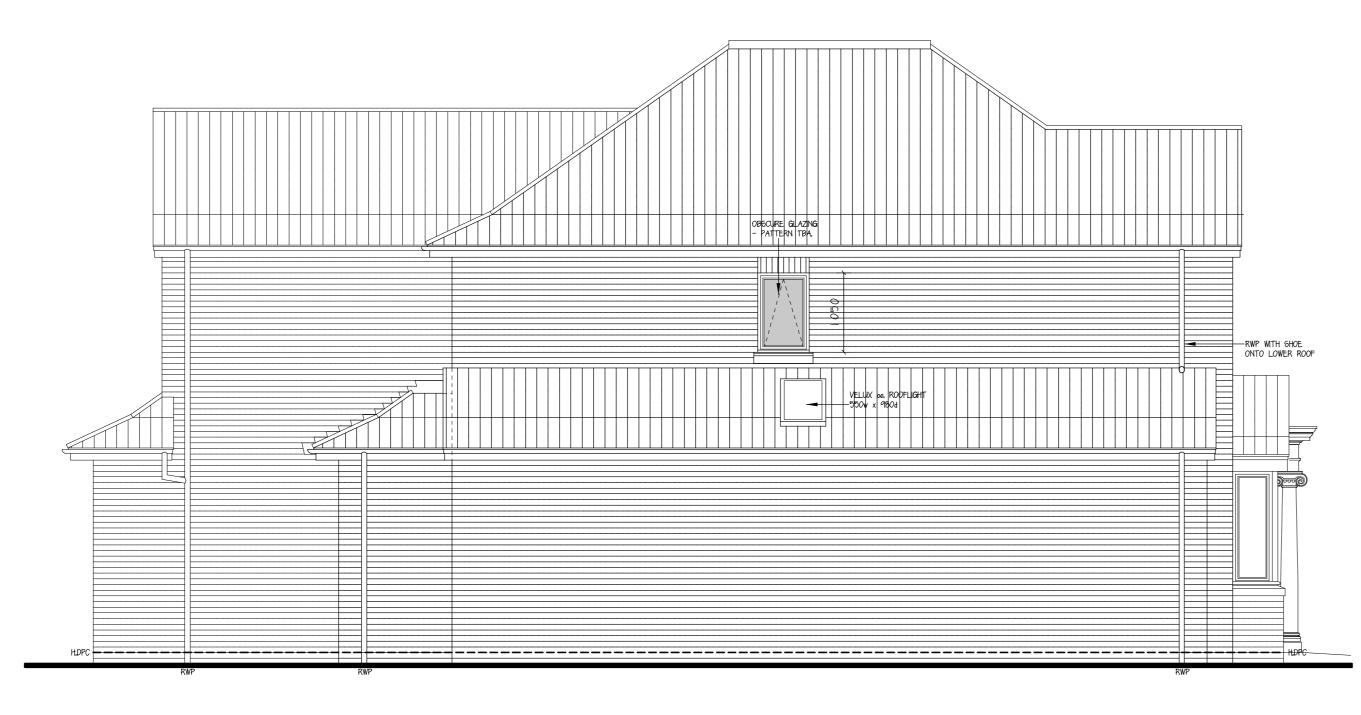
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Kevin J Turner FRICS Chartered Surveyor, Architecture, Town Planning 4 Little Oaks Close Shepperton Surrey TW17 0GA

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FRONT ELEVATION



SIDE ELEVATION

SIDE ELEVATION



REAR ELEVATION

- NOTES

# Appendix 2 **Elevations of Refused Application** (14/01034/RVC)

	3AY GABLE PREFERED FINISH BRICK RN 19/06/14 JPDATES \$ SPROCKETS ADDED ALL ROUND 06/06/14 CHECKED DATE
	$\bigotimes$
ROBER	T DAVIES JOHN WEST LIMITED RIBA Chartered Practice
	The Courtyard 59 Church Street Staines upon Thames Middx TW18 4XS Tel: 01784 459211 E-mail: info@rdjwltd.com
DATE 02/06/14 SCALE 1:50 @ A1 DRAWN	PROPOSED DEVELOPMENT, 34 LALEHAM ROAD STAINES UPON THAMES
CHECKED	
	PROPOSED ELEVATIONS
	DRWG NO L2145/16 B

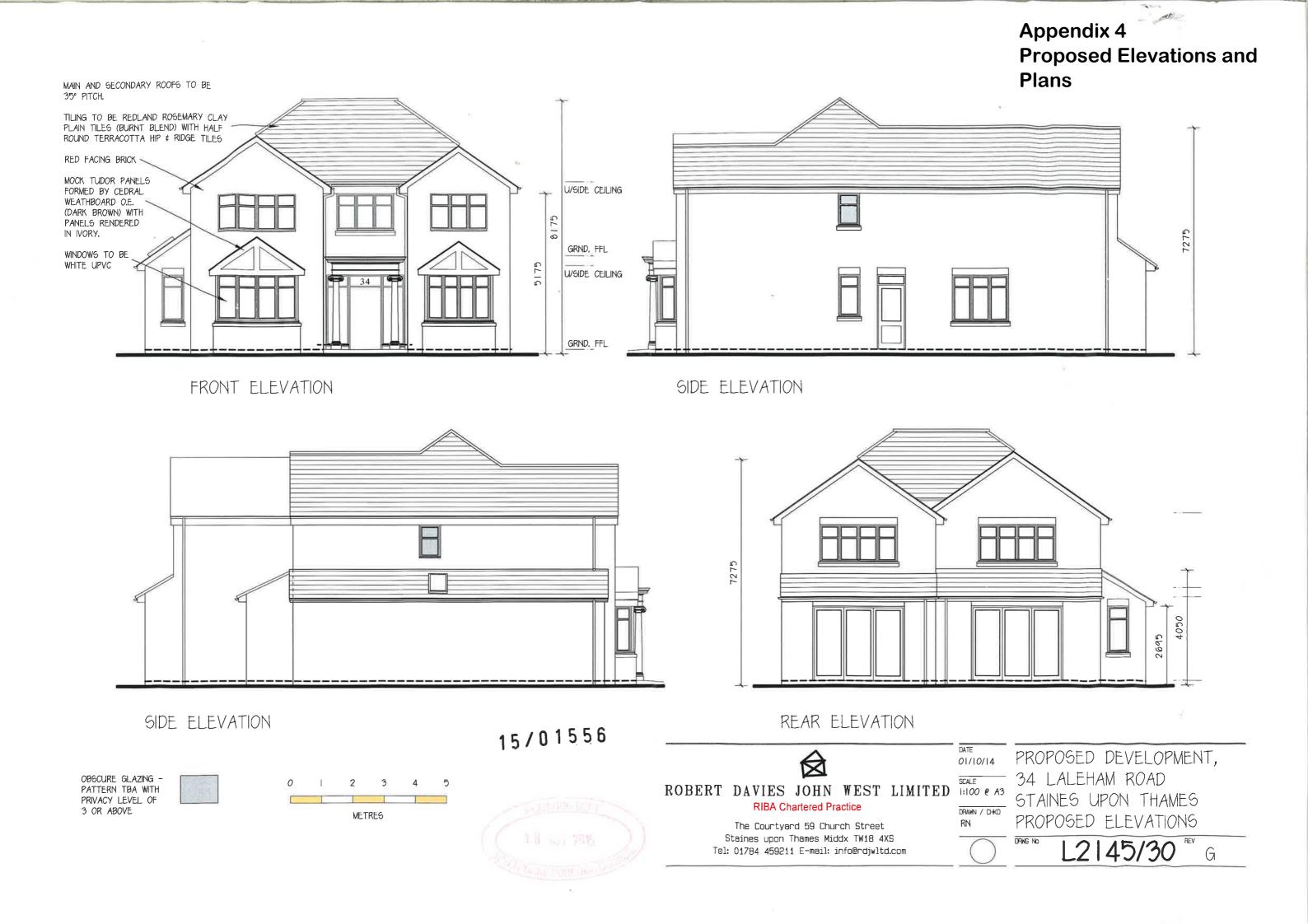
1 THE CONTRACTOR IS RESPONSIBLE FOR ALL SETTING OUT AND MUST CHECK DIMENSIONS ON SITE BEFORE WORK IS PUT IN HAND

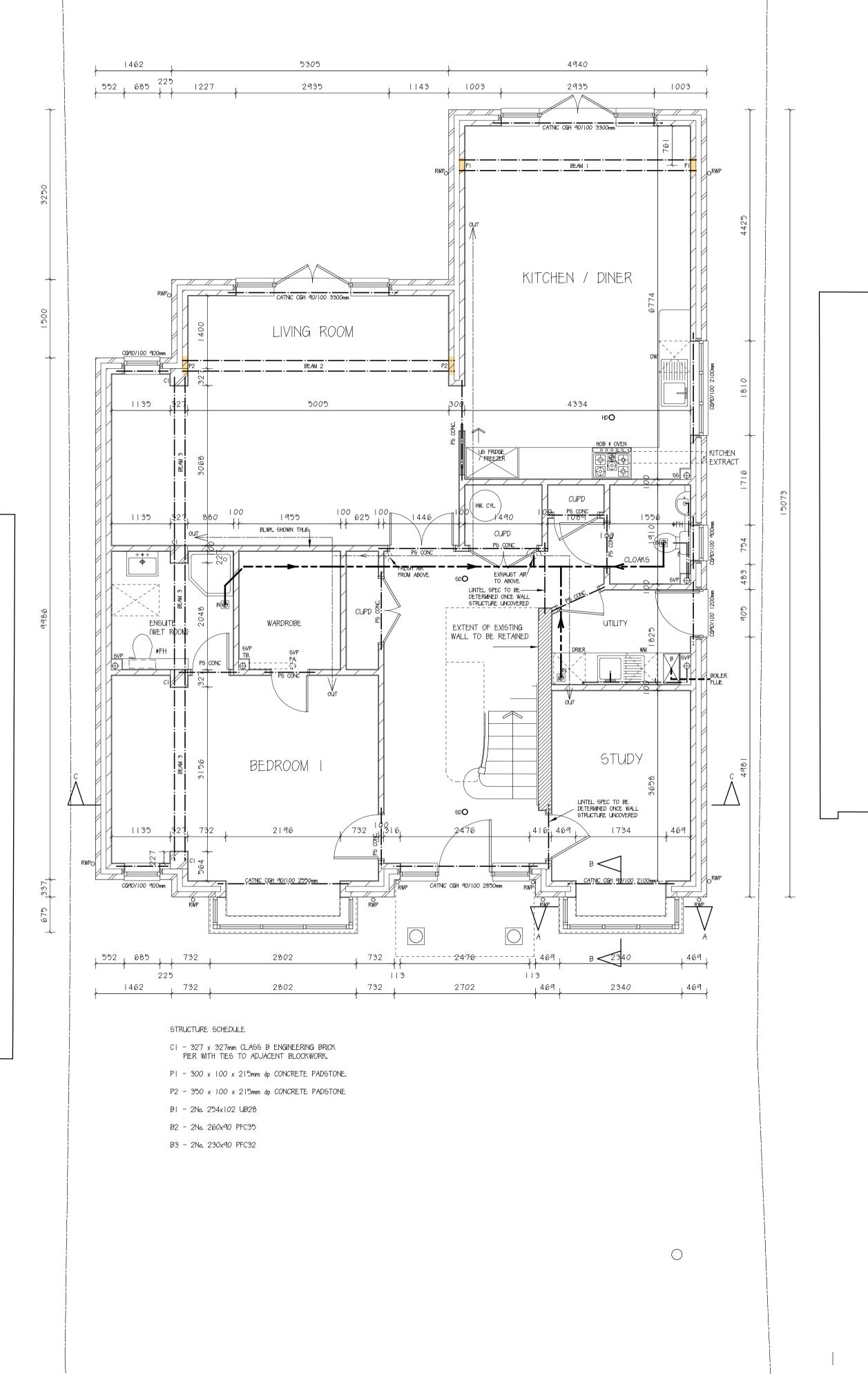
2 WRITTEN DIMENSIONS ONLY TO BE TAKEN THIS DRAWING MUST NOT BE SCALED

3 THE ARCHITECT IS TO BE IMMEDIATELY NOTIFIED OF SUSPECTED OMISSIONS OR DISCREPANCIES

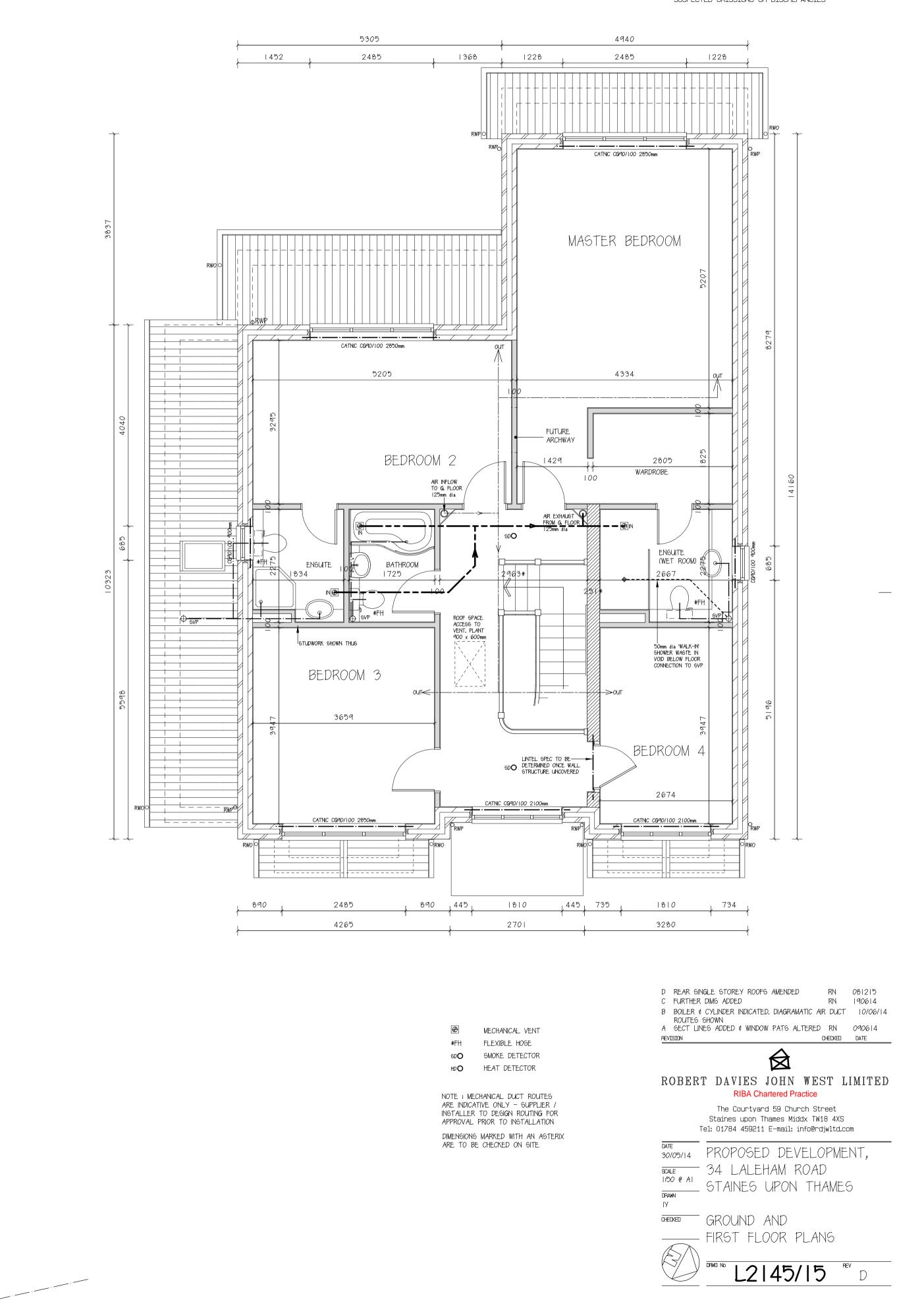












- 1 THE CONTRACTOR IS RESPONSIBLE FOR ALL SETTING OUT AND MUST CHECK DIMENSIONS ON SITE BEFORE WORK IS PUT IN HAND
- 2 WRITTEN DIMENSIONS ONLY TO BE TAKEN THIS DRAWING MUST NOT BE SCALED
- 3 THE ARCHITECT IS TO BE IMMEDIATELY NOTIFIED OF SUSPECTED OMISSIONS OR DISCREPANCIES